

**WORK SESSION**

**ATTENDANCE:**

Pamela Bossart, Albert Leno, II, Claude W. Shriver, II, Eric Williams, Lisa Sabina-Campbell, Joe Iacino, Steve Peroz, John Sabo, Todd A. Alexander, Chuck Kegley.  
Media present: Cal Peters, WHBC

Mr. Matt Sutter was introduced by Chief Sabo from Harris Day Architects to go over the architectural plans for the fire station to be located on the property and attached to the present Township Hall. Chief Sabo said that he and Mr. Sutter took a tour of a fire department complex in Delaware County near Columbus, Ohio. Chief Deputy Donald Snyder, Mr. Leno, and Mr. Kegley also attended this tour. Mr. Sutter took pictures of the station in Delaware and pointed out how much space was being used for training. The space was uniquely developed for training; a staircase was available to practice rappelling on ropes; various styles of windows were placed in the hose tower so that the firefighters could be trained to open the different styles of windows in an emergency. Along with the pictures, sketches of the new fire department offices were handed out with the plan to include a 100-person meeting room. Chief Sabo understood that this was a lot of information for the Board to receive at one time. The estimate for the project is approximately \$2.3 million to \$2.5 million or approximately \$130.53 per square foot.

**REGULAR MEETING**

**OPENING:** The regular meeting was called to order at 7:00 p.m. by President Giavasis, who led the staff and audience in the pledge of allegiance.

**ATTENDANCE:**

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Eric Williams, Lisa Sabina-Campbell, Joe Iacino, Steve Peroz, John Sabo, Todd A. Alexander, Chuck Kegley.  
Media present: Cal Peters, WHBC; **Betty O'Neill**-Roderick, Akron Beacon Journal; Tony McCune, Observer Reporter.

**AGENDA:** Agenda was presented. The following items were added:  
**Sheriff's Report # 2** – Diamond Road

**SHERIFF'S REPORT:**

Sheriff Timothy Swanson was present in place of Chief Deputy Perez to inform the audience about the expiration of the police levy on December 31, 2007. He mentioned the options available to the residents. One option was to renew the 2.25 mill levy, which will be figured based on 2002 property values and would have a deficit of approximately \$300,000. A two-year replacement of the 2.25 mill based on 2007 property values would have a deficit of approximately \$12,000. A three-year replacement of the 2.50 mill, which shows a possible \$113,000 deficit, is another option. The final option is a renewal of the 3.0 mill, having a positive value of \$260,000. Sheriff Swanson

**SHERIFF'S REPORT:** (continued)

went over the fact that Plain Township retains eighteen deputies, as well as nineteen cruisers that are lasting up to eight years while being maintained **by the Stark County Sheriff's Department**. Sheriff Swanson stated that it is very important to him and to the Board of Trustees that the residents inform the Board of what they want as far as the levy is concerned. Several residents present pointed out how wonderful the police service in Plain Township is and stated that they would not like to see this decline. It was also mentioned that Perry Township spends approximately \$5 million on their police efforts, and Jackson Township spends about \$8 million. **The Stark County Sheriff's Department has been handling Plain Township's police needs** for a bargain of \$1.7 million.

1. Vandalism in Parks - Mr. Alexander informed those present of damage to a door from a bb gun on August 6, 2007. Further vandalism was discovered at Alpine Community Park on August 7, 2007. Spray painting of abusive language and symbols, along with missing restroom signs are examples of the destruction done at Alpine Park. It is believed that the culprits may have entered the park after hours using a bridge over Nimishillen Creek. With permission from the gas company, the bridge has been moved. **The Township's Parks and Maintenance Departments** were credited for such a quick cleanup of this mess **and restoring Alpine's original attractiveness** for park patrons to enjoy.
2. Diamond Road – Mr. Leno spoke of a phone call received from a **woman who resides on Diamond Street. The woman's dog was** hit by a car and killed this week on Diamond Street. The car was moving so quickly that by the time she was able to get outside to see what had happened, the car was gone. Mr. Leno stated that the current speed limit on the road is 45 miles per hour, and asked that a speed study be done there. Mr. Iacino pointed out that this study could be performed immediately by a private company, or it could be performed later when Stark County provides us with our yearly free traffic study. The Board will decide in the near future how this situation will be handled. Sheriff Swanson suggested parking the speed trailer in this area for a while, which may help reduce the speeding for the time being.

**UNFINISHED BUSINESS:**

1. Ohio Division of Liquor Control - no hearings were requested.
  - a. Off the Beaten Path
  - b. Giant 444
  - c. Ventresca Ristorante
2. Community Reinvestment Area - A letter from the Ohio Department of Development regarding the Community Reinvestment Area, including the following areas in Plain Township: Everhard, Broadmoore, and 38<sup>th</sup> Street. This confirmation was effective July 24, 2007.

**UNFINISHED BUSINESS CONTINUED:**

- 3. Everhard Sidewalks – A letter from the Stark County Engineer stating that they will not be installing any sidewalks or ramps in that area.

**NEW BUSINESS:**

- #07-438 1. False Alarms – June 2007 -

Motion by Mr. Giavasis

WHEREAS, the Plain Township Board of Trustees has authorized charges for each false alarm from an automatic security alarm system in excess of three (3) false alarms within a calendar year pursuant to its authority under Ohio Revised Code Section 505.511 (Resolution #06-568) **in the following amounts: for the fourth false alarm... \$50.00; for the fifth false alarm...\$100.00; for all false alarms in any calendar year occurring after the fifth false alarm....\$150.00; and** WHEREAS, the Plain Township Board of Trustees has been duly notified by the Stark County Sheriff, under contract to Plain Township, that an excess of three (3) responses to such alarms have been made at the following businesses and/or residences:

NAME	ADDRESS	#	AMOUNT
<b>Aaron’s Sales &amp; Lease</b>	5156 Whipple Avenue	5	\$100.00
American Coins	3210 American Coins	4, 5	\$150.00
Family Care Center	4319 Hills & Dales Road	4, 5, 6	\$450.00
Time Warner Cable	5520 Whipple Avenue	7	\$150.00
Whiskers, Wings & Wild Things	2696 Easton Street	4	\$50.00

NOW THEREFORE BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to direct the Plain Township Fiscal Officer to send a Notice of Bill for Excess False Alarms to the locations identified above; and

In the event that any bill noted above is not paid within thirty (30) days of the date of such notice;

BE IT FURTHER RESOLVED to direct the Plain Township Fiscal Officer to send a notice by certified mail to the manager and the owner, if different, of the real estate of which the commercial establishment is a part, or to the occupant, lessee, agent or tenant and to the owner, if different, of the real estate of which the residence is a part, stating that failure to pay the bill within 30 days, or to show just cause why the bill should not be paid, will result in the assessment of a lien upon the real estate in the above-stated amount.

BE IT FURTHER RESOLVED that if payment is not made within 30 days, or just cause shown, then the Fiscal Officer shall cause the above-stated amounts for each false alarm in excess of three (3) per year to be entered upon the tax duplicates of each location as a lien upon said real estate from the date of entry, which shall be collected as other taxes and returned to the Township general fund.

Seconded by Mr. Leno

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**NEW BUSINESS CONTINUED:**

#07-439

Motion by Mrs. Bossart

WHEREAS, the Plain Township Board of Trustees has authorized charges for each false alarm from an automatic security alarm system in excess of three (3) false alarms within a calendar year pursuant to its authority under Ohio Revised Code Section 505.511 (Resolution #06-568) **in the following amounts: for the fourth false alarm... \$50.00; for the fifth false alarm...\$100.00;** for all false alarms in any calendar year **occurring after the fifth false alarm....\$150.00;** and WHEREAS, the Plain Township Board of Trustees has been duly notified by the Stark County Sheriff, under contract to Plain Township, that an excess of three (3) responses to such alarms have been made at the following businesses and/or residences:

NAME	ADDRESS	#	AMOUNT
Family Care Center	4319 Hills & Dales Road	8 <sup>th</sup> , 9 <sup>th</sup> , 10 <sup>th</sup> ,	\$450.00
Fisher Foods	4403 Cleveland Avenue	5th	\$100.00

NOW THEREFORE BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to direct the Plain Township Fiscal Officer to send a Notice of Bill for Excess False Alarms to the locations identified above; and

In the event that any bill noted above is not paid within thirty (30) days of the date of such notice;

BE IT FURTHER RESOLVED to direct the Plain Township Fiscal Officer to send a notice by certified mail to the manager and the owner, if different, of the real estate of which the commercial establishment is a part, or to the occupant, lessee, agent or tenant and to the owner, if different, of the real estate of which the residence is a part, stating that failure to pay the bill within 30 days, or to show just cause why the bill should not be paid, will result in the assessment of a lien upon the real estate in the above-stated amount.

BE IT FURTHER RESOLVED that if payment is not made within 30 days, or just cause shown, then the Fiscal Officer shall cause the above-stated amounts for each false alarm in excess of three (3) per year to be entered upon the tax duplicates of each location as a lien upon said real estate from the date of entry, which shall be collected as other taxes and returned to the Township general fund.

Seconded by Mr. Giavasis

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**FISCAL OFFICER'S REPORT:**

#07-440

1. Pending Warrants –

Motion by Mr. Giavasis

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the payment of pending warrants in an amount of \$370,142.37 as attached hereto and made a part of these minutes.

Seconded by Mr. Leno

Vote: Mr. Leno, yes; Mrs. Bossart, yes Mr. Giavasis, yes.

**FISCAL OFFICER’S REPORT CONTINUED:**

#07-441 2. Regular Payroll –

Motion by Mr. Giavasis  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to authorize payment of the regular payroll in an  
amount not to exceed \$150,000.00.  
Seconded by Mr. Leno  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-442 3. Payment of Medical Claims –

Motion by Mrs. Bossart  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to authorize payment for the following medical  
claims as provided by AultCare:

<u>DATE</u>	<u>WARRANT</u>	<u>AMOUNT</u>
07/31/07	11307	\$19,565.46
08/07/07	11315	\$10,200.46
08/14/07	11317	\$11,278.75

Seconded by Mr. Leno.  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

4. The Financial report was given and accepted by the Board.

#07-443 5. Set Budget Hearing -

Motion by Mr. Giavasis  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to set a public hearing for the 2008 Plain  
Township Budget on August 28, 2007 at 7:30 p.m. and to further  
authorize the Plain Township Fiscal Officer to publish a notice of the  
Public Hearing in the Repository at least ten days prior to the hearing.  
Seconded by Mr. Leno  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

6. Transfers of Funds -

#07-444 a. Transfer to Zoning Fund -

Motion by Mrs. Bossart  
BE IT HEREBY RESOLVED by the Plain Township Board of  
Trustees, Stark County, Ohio to authorize the following the transfer  
of funds and to authorize the Plain Township Fiscal Officer to certify  
this transfer to the Stark County Auditor:  
From: 1000-4910-910-0000 - Operating Transfers-Out  
- General Fund  
To: 2181- Zoning Fund  
\$10,000.00  
Seconded by Mr. Giavasis  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**FISCAL OFFICER’S REPORT CONTINUED:**

#07-445                    b. Transfers within Funds -

Motion by Mr. Leno  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the following transfer of funds:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
1000-4110-599-0000 – Other Expense	1000-4120-341-0000 – Telephone Exp.	\$ 9,000.00
2111-4220-599-0000 – Other Expense	2111-4220-213-0000 – Medicare	10,000.00
2181-4130-190-9010 – Salaries	2181-4130-211-0000 – Employer OPERS	2,500.00
2181-4130-599-0000 – Other Expense	2181-4130-213-0000 – Medicare	500.00
2281-4230-599-0000 – Other Expense	2281-4230-215-0000 – Employer P&F	2,000.00
2181-4130-420-0000 – Operating Supplies	2181-4130-211-0000 – Employer OPERS	1,500.00

Seconded by Mr. Giavasis  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**FIRE DEPARTMENT:**

1.        The Monthly Report was given; there were no questions.

#07-446                    2.        Purchase of Radios with Fire Act Grant -

Motion by Mrs. Bossart  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of (17) seventeen mobile and (17) seventeen portable 800mhz radios on State of Ohio Purchasing Contract #STS073 schedule #573-7770-0 from Motorola c/o Kathi Russ in the amount of \$116,502.00 per the attached quote. This purchase will be reimbursed on a 90% Fire Act Grant #EMW-2006-FG-17453 to be taken from Account 2111-4760-740-0000.

Seconded by Mr. Leno  
Discussion: Chief Sabo went over the details of the grant that will be used to purchase these.  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-447                    3.        Installation of Graphics -

Motion by Mr. Giavasis  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase and installation of lettering and graphics from Sign Pro for (2) two 2007 Chevrolet Trail Blazer’s and (1) one 2007 Ford Expedition in an amount not to exceed \$5,500.00 to be taken from Account #2111-4220-420-3060.

Seconded by Mrs. Bossart  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-448                    4.        Special Duty Pay -

Motion by Mrs. Bossart  
WHEREAS, Resolution #99-434 authorizes the Plain Township Fire Chief to institute a \$6.00 per hour volunteer firefighter special duty pay for any special duties he deems necessary; and  
WHEREAS, the Pro Football Hall of Fame Festival events attract large crowds during specific hours on specific dates;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment for Hall of Fame special duty standby to the following people:

**FIRE DEPARTMENT:** (continued)

	Total Hours	Amount
Dan Rhodes	16	96.00
Tim Rice	9.5	57.00
Sean Venosdale	34	204.00
John Forberg	16	96.00

Seconded by Mr. Giavasis

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

5. Obsolete Engine 6 – Chief Sabo stated that this obsolete engine is a nuisance and informed the Board that a decision would be made as to what to do with this engine. One possibility mentioned is to donate the engine to the Fire Science Project at Stark State College. Specific information regarding how they would be using the engine and how many students would be using the engine would need to be acquired.

**ROAD DEPARTMENT:**

1. The Monthly Report was given; there were no questions.

#07-449

2. No Parking – 41<sup>st</sup> St. NE -

Motion by Mr. Giavasis

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the posting of permanent “No Parking” signs on 41<sup>st</sup> Street NE on both sides of roadway between Royal, Onahom and Regentview.

Seconded by Mr. Leno

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

3. 2007 Microsurfacing Project

a. List Bids – one bid was received from Strawser, Inc.

b. Best Bid Criteria for the bid was reviewed.

#07-450

- c. Award Bid -

Motion by Mr. Giavasis

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to award the bid for the 2007 Micro-Surfacing Project to Strawser, Inc. as the lowest responsible bidder with the following prices:

MATERIAL	PRICE PER UNIT
Single Course Micro-Surfacing (#421)	\$2.82/sy
Crack Seal (#423)	.67/sy

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**ROAD DEPARTMENT CONTINUED:**

#07-451 d. Sign Contract -

Motion by Mr. Leno  
WHEREAS, the Plain Township Board of Trustees has awarded a bid for the 2007 Micro-Surfacing Project for the project to Strawser, Inc. (Resolution #07-450) and  
WHEREAS, a contract has been prepared according to the terms and conditions of the bid specifications for the 2007 Micro-Surfacing Project;  
NOW, THEREFORE, BE IT HEREBY RESOLVED BY the Plain Township Board of Trustees, Stark County, Ohio to authorize the execution of the contract with Strawser, Inc. for the 2007 Micro-Surfacing Project, the language of which contract is incorporated by references as if fully rewritten herein; and  
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees to authorize payments to Strawser, Inc. upon satisfactory performance of the terms of this contract.  
Seconded by Mrs. Bossart  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**ZONING DEPARTMENT:**

1. The Monthly Report was given; there were no questions.
2. Certification & Payment of Nuisance Abatements -

#07-452 a. 2446 Cathy Drive NE

Motion by Mr. Giavasis  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$192.50;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$411.74 to be placed on the property owner's tax duplicate.  
Seconded by Mrs. Bossart  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-453 b. 2734 Croydon Drive NW

Motion by Mr. Giavasis  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2734 Croydon Drive NW (Parcel #52-02349) to abate the nuisance on this property (Resolution #07-395) on July 10, 2007; and  
WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$197.24; and  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$184.25;

**ZONING DEPARTMENT CONTINUED:**

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$381.49 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-454

c. 2715 Dorothy Ave. NE

Motion by Mr. Giavasis

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2715 Dorothy Avenue NE (Parcel #52-07150) to abate the nuisance on this property (Resolution #07-425) on July 24, 2007; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$237.44; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$210.50;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$447.94 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-455

d. 2748 Englewood Drive NE

Motion by Mr. Giavasis

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2748 Englewood Drive NE (Parcel #52-02537) to abate the nuisance on this property (Resolution #07-396) on July 10, 2007; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$293.22; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$194.75;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$487.97 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**ZONING DEPARTMENT CONTINUED:**

#07-456 e. 6011 Firestone Rd. NE

Motion by Mr. Giavasis  
 WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 6011 Firestone Road NE (Parcel #52-07787) to abate the nuisance on this property (Resolution #07-397) on July 10, 2007; and  
 WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$331.22; and  
 WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$221.00;  
 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$552.22 to be placed on the property owner's tax duplicate.  
 Seconded by Mrs. Bossart  
 Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-457 f. Vacant Lot #142 on Gardenstone Cir. NE

Motion by Mr. Giavasis  
 WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at Vacant Lot #142 on Gardenstone Circle NE (Parcel #52-19090) to abate the nuisance on this property (Resolution #07-398) on July 10, 2007; and  
 WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$82.25;  
 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$82.25 to be placed on the property owner's tax duplicate.  
 Seconded by Mrs. Bossart  
 Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-458 g. Vacant Lot #143 on Gardenstone Cir. NE

Motion by Mr. Giavasis  
 WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at Vacant Lot #143 on Gardenstone Circle NE (Parcel #52-19091) to abate the nuisance on this property (Resolution #07-399) on July 10, 2007; and  
 WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$82.25;

**ZONING DEPARTMENT CONTINUED:**

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$82.25 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-459

h. 2216 Markley St. NW

Motion by Mr. Giavasis

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2216 Markley Street NW (Parcel #52-06872) to abate the nuisance on this property (Resolution #07-426) on July 24, 2007; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$239.00; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$122.75;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$361.75 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-460

i. 919 Milford St. NE

Motion by Mr. Giavasis

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 919 Milford Street NE (Parcel #52-15936) to abate the nuisance on this property (Resolution #07-427) on July 24, 2007; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$236.18; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$101.75;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$337.93 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**ZONING DEPARTMENT CONTINUED:**

#07-461

j. 1650 Spangler St. NE

Motion by Mr. Giavasis

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 1650 Spangler Street NE (Parcel #52-00452) to abate the nuisance on this property (Resolution #07-400) on July 10, 2007; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$210.50;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$210.50 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-462

k. 2701 26<sup>th</sup> St. NE

Motion by Mr. Giavasis

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2701 26<sup>th</sup> Street NE (Parcel #52-04114) to abate the nuisance on this property (Resolution #07-401) on July 10, 2007; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$528.55; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$206.75;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$735.30 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-643

l. 2405 40<sup>th</sup> St. NE

Motion by Mr. Giavasis

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2701 26<sup>th</sup> Street NE (Parcel #52-04114) to abate the nuisance on this property (Resolution #07-401) on July 10, 2007; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$528.55; and

**ZONING DEPARTMENT CONTINUED:**

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$206.75; NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$735.30 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

m. 2518 41<sup>st</sup> St. NW

#07-644

Motion by Mr. Giavasis

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2518 41<sup>st</sup> Street NW (Parcel #52-15855) to abate the nuisance on this property (Resolution #07-403) on July 10, 2007; and WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$274.22; and WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$91.25; NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Fiscal Officer to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$365.47 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

3. Nuisance Abatements -

#07-465

a. Vacant Lot on Millvale Ave. NE

Motion by Mrs. Bossart

WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and

WHEREAS, a complaint was filed and processed regarding a nuisance property condition at Vacant Lot on Millvale Avenue NE, Stark County, Ohio (Parcel # 52-01497) and

WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent August 6, 2007 and returned "Unable to Forward"; and

WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;

**ZONING DEPARTMENT CONTINUED:**

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. Trash and/or debris constitutes a nuisance under Ohio Revised Code Section 505.87, and
3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
4. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Mr. Giavasis

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-466

b. 3843 Roosevelt Ave. NE

Motion by Mrs. Bossart

WHEREAS, a public hearing was held on July 18, 2007 by the Board of Trustees regarding the property conditions at 3843 Roosevelt Avenue NE, Stark County, Ohio (Parcel # 52-10243) and

WHEREAS, Anna Barbera, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87 and
2. Trash and/or debris constitutes a nuisance under Ohio Revised Code Section 505.87 and
3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and

Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mr. Giavasis

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-467

c. 3040 33<sup>rd</sup> St. NE

Motion by Mrs. Bossart

WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and

WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 3040 33<sup>rd</sup> Street NE, Stark County, Ohio (Parcel # 52-09995) and

WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent August 1, 2007 and returned "Unable to Forward"; and

WHEREAS, the Zoning Director has provided evidence of a nuisance

condition on the property;

**ZONING DEPARTMENT CONTINUED:**

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
  2. Trash and/or debris constitutes a nuisance under Ohio Revised Code Section 505.87, and
  3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
  4. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.
- Seconded by Mr. Giavasis  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

4. Notice of Public Hearing - September 5, 2007.

**PARKS & RECREATION:**

1. The Monthly Report was given – Mr. Alexander pointed out in his report that his employees created a clever tool to help lay the turf back down inside Diamond Sports Complex after the Jazz Girls had their practice there.
2. Meeting with Stark Parks regarding the park area on Schneider Street. It has been reported that a resident has been brush-hogging part of the property.

#07-468

3. Reimbursement for Patti Hinnebaugh -

Motion by Mrs. Bossart  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the refund of \$60.00 to Patti Hinnebaugh, 6913 Asbury Circle NE, Canton, OH 44721, for registration fees for the cancelled Jazz Dolls Program.  
Seconded by Mr. Giavasis  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-469

4. Reimbursement for USTA -

Motion by Mr. Giavasis  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the refund of \$250.00 to USTA Mid-West Section, 1310 E. 96<sup>th</sup> St. #100, Indianapolis, IN 46240, for a cancelled program.  
Seconded by Mr. Leno  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**LAW DIRECTOR:**

#07-470

1. Sidewalks

Motion by Mr. Leno  
WHEREAS, pursuant to ORC 5543.10, et seq., a township board of trustees has certain responsibilities, duties and authority concerning the construction of sidewalks along a township road and within the township road right-of-way; and

**LAW DIRECTOR:** (continued)

WHEREAS, the Stark County Subdivision Engineer has recommended the **release of certain bonds posted by developers concerning the developer's** obligation to construct sidewalks along a township road and within the township right-of-way before the sidewalks are fully constructed; and WHEREAS, if those sidewalks along a township road and within the township right-of-way are not fully constructed by the developer then the township board of trustees may be subjected to certain responsibilities, duties and liability concerning the construction of sidewalks along a township road and within the township road right-of-way;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, pursuant to the authority granted under ORC 5543.10, does hereby require that, prior to the release of the performance bond by the Stark County Subdivision Engineer, the developer must post a bond in an amount equal to three (3) times the amount of the estimated cost of any remaining and not completed sidewalk construction.

**BE FURTHER RESOLVED that said developer shall complete the developer's** obligation to construct sidewalks along a township road and within the township road right-of-way not more than thirty-six (36) months from the date that said performance bond or a cash bond is filed with the Plain Township Fiscal Officer in an amount equal to three (3) times the amount of the estimated cost of any remaining and not completed sidewalk construction.

**If said developer's obligation to construct sidewalks along a township road** and within the township road right-of-way is not completed within thirty-six (36) months from the date that said performance bond or a cash bond is filed with the Plain Township Fiscal Officer in an amount equal to three (3) times the amount of the estimated cost of any remaining sidewalk construction, then said bond shall be paid over to the Plain Township Board of Trustees and the Board shall let a contract for the completion and performance of any remaining and not completed sidewalk construction.

Seconded by Mrs. Bossart

Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**COMMUNICATIONS:**

1. Waste Management – changing hours.
2. Planning Progress – newsletter.
3. Plain Local Schools – Thank you letter to Lisa and staff for attending a meeting.
4. Friends of Stark Parks Annual Golf Outing – September 14, 2007.
5. Paul Kiel – Thank you letter to Joe Iacino and the Road Department.
6. ACBC Car Wash to be held Saturday, August 18, 2007. The Bloodmobile will also be available at this event.

**CONCERNS OF CITIZENS:**

1. Edgewood Community Center

Several residents were present to complain about the loud music coming from the Edgewood Community Center Friday, August 10, 2007 until 10:45 p.m. Those present included:

1. Karl Wagner of 1303 Stone Crossing Street
2. Ingrid Thurner of 1006 Stone Crossing Street
3. Don and Ronda Dasco of 6721 Bridgestone Circle
4. Ambrose Perduk of 1013 Stone Crossing
5. Kimberly Seatter of 917 Stone Crossing Street, who says the music was so loud that her dishes were rattling
6. Mike Hubble of 3891 Orion Street, North Canton, who suggested redirecting the amplification of the sound away from the residential area
7. Cathy Tausch of 1103 Stone Crossing Street, who also pointed out that the golf course across the street from her refuses to post signs stating that golfers are solely responsible for broken windows

Mr. Tim Roshong, Director of Edgewood Community Center, was present and apologized to the residents for the nuisance. Randy Hahn, Operations Manager of Edgewood Community Center, was also present and offered to help in any way that he could. It was stated that Mr. Hahn and Mr. Roshong visited these homes. While standing in the backyard, the two could not hear much of a nuisance coming from the Community Center. Mr. Dasco, who is also a bass player, pointed out that when bass travels to the homes it will actually be louder inside the house than outside. The community decided to have a meeting Monday, August 20, 2007 at 7:30. The meeting will be held at 1013 Stone Crossing Street to address the problem and create a solution.

2. 2702 Applegrove NW

Mr. and Mrs. Robert Mathie were present with numbers they had obtained from the Ohio Department of Transportation. They feel that Stark County Engineer, Mr. Rehfus, who wants to build a four-lane high way in the future, exaggerated the number of cars that travel Applegrove Street daily. Mrs. Mathie also presented Mr. Iacino with the numbers that she had obtained from the Ohio Department of Transportation, and invited the trustees and anyone who may be interested to count the cars from her front porch, as she is positive there are nowhere near 16,000 cars using the road daily. Mr. Giavasis stated that he had spoke with a representative from SCATS and received some numbers. SCATS admitted that they had made some errors. Mr. Iacino informed the Board that SCATS has recently spoke of shutting down their website due to the numerical mistakes they have made. After detailed discussion with Mr. and Mrs. Mathie, Mr. Giavasis said that he would be present at the Commissioners' Meeting and he felt this should be brought to their attention. He has spoken with Commissioner Bosley and if he can find the records and the numbers that are inflated, he will certainly support our side. However, he explained to the Mathies, it will take approximately fifteen to thirty years to determine how the road will handle traffic. Mr. Giavasis will attend the Commissioners' Meeting with them, allow them to state their case, and see the numbers.

**CONCERNS OF CITIZENS CONTINUED:**

3. 7335 Market Street

Mr. Thomas Stauffer of 7335 Market Street was present to discuss his water problem. Mr. Stauffer explained that there is a catch basin on a road owned by the Ohio Department of Transportation. This basin has a four-inch line that crosses over a private property. When it fills with water, the water begins to flood his backyard. Mr. Iacino said he will contact the Ohio Department of Transportation to correct this problem.

**APPROVAL OF MINUTES:**

#07-471 Motion by Mr. Giavasis  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to waive the reading of the minutes of the regular meeting held July 24, 2007 and make them a part of the record as if read in their totality; and  
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the minutes of the regular meeting held July 24, 2007 as presented.  
Seconded by Mrs. Bossart  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**EXECUTIVE SESSION:**

#07-472 Motion by Mr. Giavasis  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 9:23 p.m. from this regular meeting of August 14, 2007 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of:  
1. (a) appointment of a public employee or official  
(b) employment of a public employee or official  
(c) compensation of a public employee or official  
  
2. a conference with the law director or other retained counsel concerning pending or imminent court action  
Seconded by Mrs. Bossart  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-473 Motion by Mr. Giavasis to return to regular session at 11:11 p.m.  
Seconded by Mrs. Bossart  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**ANNOUNCEMENTS:**

#07-474 Motion by Mr. Giavasis  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve wages and salaries for non-contractual employees per the spreadsheet attached hereto, effective August 15, 2007.  
Seconded by Mrs. Bossart  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-475 Motion by Mr. Giavasis  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to enter into the attached Contract with Eric J. Williams and Pelini, Campbell, Williams & Traub LLC for law director services.  
Seconded by Mr. Leno  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**ANNOUNCEMENTS CONTINUED:**

#07-476 Motion by Mr. Giavasis  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to hire Dianna Wright as a part-time recreation supervisor at the Diamond Street Recreation Center at a rate of \$8.00 per hour with no benefits, effective August 15, 2007.  
Seconded by Mrs. Bossart  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

**ADJOURNMENT:**

#07-477 Motion by Mrs. Bossart  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn at 11:40 p.m.  
Seconded by Mr. Leno  
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

\_\_\_\_\_  
Pamela S. Bossart  
Trustee

\_\_\_\_\_  
Louis P. Giavasis  
Trustee

\_\_\_\_\_  
Albert P. Leno, II  
Trustee

ATTEST: \_\_\_\_\_  
Claude W. Shriver, II  
Fiscal Officer