

**WORK SESSION**

This special work session called to order at 6 p.m. was a promotion of firefighters and was turned over to Chief John Sabo. Chief Sabo introduced Rob Ramey who was receiving Firefighter/Paramedic Class I and Eric Haines who was being promoted to Captain. Both individuals had their families present and Mr. Giavasis swore in Mr. Robert Ramey first and then Mr. Eric Haines. Chief Sabo opened the meeting with a welcome and introduction, talked about the huge responsibility and what a outstanding service these gentlemen were providing for the Township. There was a brief reception, applause by the audience and family present and congratulatory comments.

**EXECUTIVE SESSION:**

#09-366 Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 6:15 p.m. from this regular meeting of July 14, 2009 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of:

1. (b) employment of a public employee or official  
(d) discipline of a public employee or official  
(f) compensation of a public employee or official  
(g) investigation of charges or complaints against a public employee, official, licensee, or regulated individual
2. (a) the purchase of real, personal, tangible or intangible property
3. a conference with the law director or other retained counsel concerning pending or imminent court action
4. preparing for, conducting or reviewing negotiations or bargaining sessions with public employees

Seconded by Member Bossart.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-367 Motion was made by Chairman Giavasis to return to public session at 6:55 p.m.

Seconded by Member Bossart.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

**REGULAR MEETING**

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

**ATTENDANCE:**

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude Shriver, Lisa Campbell, Eric Williams, John Sabo, Todd Alexander, Joe Iacino, and Steve Peroz. Chuck Kegley was absent. Media present: Edd Pritchard, The Repository; Cal Peters, WHBC and **Betty O'Neil**-Roderick, Akron Beacon Journal.

**AGENDA:** The following was added to the agenda: Parks & Facilities #3 – Schneider Park Party Site Plan; #4 – Concessions and #5 – Concessions. The agenda was accepted.

**SHERIFF'S REPORT:**

No Report

**UNFINISHED BUSINESS:**

1. Peachmont Avenue  
This was a 45 minute discussion by Hershell Monroe of 7653 Peachmont Avenue NW. He talked about a petition and letter sent

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on May 11, 2009 and that they received a letter back from Joe Iacino but no word from the Trustees and he wanted to know why. He stated Joe Iacino is not a voting member and as far as he is concerned that was a legal document. He mentioned three sets of **signs that they were requesting in the neighborhood of Bob O'Link and Vanderbilt**; a 4-way at Mohler and Peachmont; a 3-way at Radford and Peachmont; Radford and Starcliff and Angel and Radford both bad areas and a lot of these areas have bus stops. Mr. Giavasis said after hearing what Mr. Monroe had to say regarding the State code, he was going to ask our Law Director to look into it and certainly if we were able to do something, we would. Mr. Leno agreed and said he is very open-minded as is the Board. This is the first we heard this section and if it is correct, he certainly would want to move forward and help the neighborhood out. He went on to say it is irresponsible people who drive like this in neighborhoods and it is a tough thing as to what to do with them. He sees it in court everyday. Also speaking for the neighborhood were Lou Price who lives on Rohrer and Mark Carpenter who lives on Peachmont. All the Trustees agreed to have our Law Director, Eric Williams look into this and told the neighbors they would get back with them with an answer in two weeks at the time of our next meeting. Please note, the tape of this meeting is available to anyone who would like to listen to the minute details of the discussion.

#### **NEW BUSINESS:**

1. Safety Program  
#09-368 Motion by Member Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adopt the attached Safety Program for the Township.  
Seconded by Member Leno.  
Vote: Chairman Giavasis, yes; Member Leno, yes; Member Bossart, yes.
2. Stormwater Conveyance System  
#09-369 Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to enter into the attached agreement with the Stark County Regional Planning Commission for the Stormwater Conveyance System in the amount of \$69,481.72 from Fund #1000-4330-790-0000 and \$69,481.72 from Fund #2021-4330-360-6045.  
Seconded by Member Leno.  
Vote: Chairman Giavasis, yes; Member Leno, yes; Member Bossart, yes.
3. Elmwood Park #1  
A letter was received from the Ohio Department of Natural Resources regarding a well (Permit #60726) in Elmwood Park #1. Mr. Iacino said this is a well that is 4600 feet deep, is not a productive well and needs to be capped. **Betty O'Neil-Roderick stated we might want to contact the "idle and orphan well program" through** the Ohio gas affiliates. She said there is a program that could help us with this. The Board thanked her for her input.

#### **BICENTENNIAL UPDATE:**

1. Almost Heaven Vendor Contract  
#09-370 Motion by Member Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to enter into any further Food

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Vendor Contracts for the Plain Township Bicentennial Festival on July 18, 2009.  
Seconded by Member Bossart.  
Vote: Chairman Giavasis, yes; Member Leno, yes; Member Bossart, yes.

- 2. Bicentennial Festival Update – moved to end of meeting

**FISCAL OFFICER’S REPORT:**

- 1. Pending Warrants

#09-371 Motion by Chairman 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 \$202,890.60 as attached hereto and made a part of these minutes.  
Seconded by Member Bossart.  
Vote: Chairman Giavasis, yes; Member Leno, yes; Member Bossart, yes.

- 2. Regular Payroll

#09-372 Motion by Member Leno,  
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 \$220,000.00.  
Seconded by Member Bossart.  
Vote: Chairman Giavasis, yes; Member Leno, yes; Member Bossart, yes.

- 3. Medical Claims

#09-373 Motion by Member Leno,  
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 and Medical Mutual:

<u>DATE</u>	<u>WARRANT</u>	<u>AMOUNT</u>
06/25/09	15931 (Medical Mutual)	\$ 9,270.99
06/30/09	15932 (AultCare)	1,161.27
07/08/09	15958 (AultCare)	226.80
07/09/09	15960 (Medical Mutual)	6,488.97

Seconded by Member Bossart.  
Vote: Chairman Giavasis, yes; Member Leno, yes; Member Bossart, yes.

- 4. Financial Report – was given and accepted by the Board with no questions.

- 5. Transfer of Funds

#09-374 Motion by Chairman Giavasis,  
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>
<b>Administration</b>		
1000-4110-599-0000 – Other Expenses	1000-4110-323-0000 – Copier Maintenance	\$ 1,500.00
1000-4110-599-0000 – Other Expenses	1000-4110-410-0000 – Supplies	3,000.00
<b>Road Department</b>		
2031-4330-420-0000 Supplies	2031-4330-420-3040 – Supplies - Tires	\$ 4,000.00

Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

**ADMINISTRATOR:**

No Report

**FIRE DEPARTMENT:**

- 1. Monthly Report was given
- 2. Nuisance Abatement for 2701 26<sup>th</sup> Street NE  
#09-375  
Motion by Member Bossart,  
WHEREAS, on January 13, 2009, the Plain Township Board of Trustees, Stark County, Ohio passed Resolution #09-029, attached hereto and incorporated herein by reference; and WHEREAS, Resolution #09-029 authorized the Plain Township Board of Trustees, Stark County, Ohio to provide for the removal, repair or securance of buildings or other structures declared insecure, unsafe, or structurally defective as unfit for human habitation according to Ohio Revised Code Section 505.86; NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the securance of the aforementioned building on the property at 2701 26<sup>th</sup> Street N.E. by Plain Township maintenance workers; and BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio the Township Fiscal Officer shall certify the total cost of such remedies to the County Auditor and have them applied to the tax duplicate of the above stated property.  
Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

**ROAD DEPARTMENT:**

- 1. Monthly Report was given
- 2. 2009 Pavement Marking Program  
#09-376  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to contract with J. D. Striping for the 2009 Pavement Marking Program to be completed by August 22, 2009 not to exceed the amount of \$22,06.34 from Fund #2021-4330-360-0000.  
Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.
- 3. Purchase of Tires & Supplies  
#09-377  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the purchase of tires and supplies from North Central Tire in the amount of \$4,643.56 from Fund #2031-4330-420-3040.  
Seconded by Member Bossart.  
Discussion: Joe indicated the tires on our loader are the original tires and they have been plugged several times. They run about \$1,000 a piece and need to be replaced.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

**ZONING DEPARTMENT:**

- 1. Monthly Report was given
- 2. Nuisance Abatements
  - a. Vacant Lot #241 on Harmon (Harman) Street NE  
#09-378  
Motion by Member Bossart,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the

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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 #241 on Harman Street NE, Stark County, Ohio (Parcel #52-02834) and

WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent July 2, 2009 and returned **“Unable to Forward”**; and WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;

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. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. 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 Member Leno.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-379

- b. 2684 McDowell Street NE  
Motion by Member Bossart,

WHEREAS, a public hearing was held on July 14, 2009 by the Board of Trustees regarding the Junk Motor Vehicle(s) at 2684 McDowell Street NE, Stark County, Ohio (Parcel #52-03147) and

WHEREAS, Victor & Lisa Haut, Jr. have failed to demonstrate satisfactory progress in correcting the violations at the above property; and

WHEREAS, the Plain Township Board of Trustees have 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. A Junk Motor Vehicle(s) constitutes a nuisance under Ohio Revised Code Section 505.173, and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.173, and
3. Notice of this decision will be provided to the property owners.
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 Member Leno.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-380

- c. 2482 Onahom Circle NE  
Motion by Member 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

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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 2482 Onahom Circle NE, Stark County, Ohio (Parcel #52-05323) and WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent July 7, 2009 and returned **“Unable to Forward”**; and WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;

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 Member Leno.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

3. Nuisance Payments

#09-381

- a) 3176 Diamond Street NE  
Motion by Chairman Giavasis,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 3176 Diamond Street NE (Parcel #52-00274) to abate the nuisance on this property (Resolution #09-316) on June 23, 2009; and  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$275.64;  
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 \$275.64 to **be placed on the property owner’s tax duplicate.**

Seconded by Member Bossart.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-382

- b) 2715 Dorothy Avenue NE  
Motion by Chairman 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 #09-317) on June 23, 2009; and  
WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$377.34; and  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$229.05;  
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

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Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$606.39 **to be placed on the property owner's tax duplicate.**

Seconded by Member Bossart.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

- #09-383 c) Vacant Lot #7 on Middlebranch Avenue NE, junk vehicle  
Motion by Chairman Giavasis,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at Vacant Lot #7 on Middlebranch Avenue NE (Parcel #52-15463) to abate the nuisance on this property (Resolution #09-318) on June 23, 2009; and  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$225.80; 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 \$225.80 **to be placed on the property owner's tax duplicate.**  
Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.
- #09-384 d) Vacant Lot #7 on Middlebranch Avenue NE, grass/weeds  
Motion by Chairman Giavasis,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at Vacant Lot #7 on Middlebranch Avenue NE (Parcel #52-15463) to abate the nuisance on this property (Resolution #09-319) on June 23, 2009; and  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$315.55; 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 \$315.55 to **be placed on the property owner's tax duplicate.**  
Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.
- #09-385 e) 3220 Middlebranch Avenue NE, junk vehicle  
Motion by Chairman Giavasis,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 3220 Middlebranch Avenue NE (Parcel #52-15408) to abate the nuisance on this property (Resolution #09-320) on June 23, 2009; and  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$231.40; 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 \$231.40 to **be placed on the property owner's tax duplicate.**  
Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.
- f) 3220 Middlebranch Avenue NE, grass/weeds

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#09-386 Motion by Chairman Giavasis,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 3220 Middlebranch Avenue NE (Parcel #52-15408) to abate the nuisance on this property (Resolution #09-321) on June 23, 2009; and  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$321.15; 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 \$321.15 to **be placed on the property owner's tax duplicate.**  
Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-387 g) 3300 Middlebranch Avenue NE  
Motion by Chairman Giavasis,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 3300 Middlebranch Avenue NE (Parcel #52-07896) to abate the nuisance on this property (Resolution #09-322) on June 23, 2009; and  
WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$207.89; and  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$225.05; 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 \$432.94 to **be placed on the property owner's tax duplicate.**  
Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-388 h) 3521 Millvale Avenue NE  
Motion by Chairman Giavasis,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 3521 Millvale Avenue NE (Parcel #52-16400) to abate the nuisance on this property (Resolution #09-323) on June 23, 2009; and  
WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$262.07; and  
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$217.85; 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 \$479.92 to **be placed on the property owner's tax duplicate.**  
Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-389 i) 2405 40<sup>th</sup> Street NE  
Motion by Chairman Giavasis,

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WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2405 40<sup>th</sup> Street NE (Parcel #52-03069) to abate the nuisance on this property (Resolution #09-324) on June 23, 2009; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$272.43; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$218.83; 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 \$491.26 to **be placed on the property owner's tax duplicate.**

Seconded by Member Bossart.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

**PARKS & FACILITIES:**

- 1. Monthly Report was given
- 2. Republic Waste Services  
Todd met with a representative from Republic Waste Services who revamped our program and will save the Township about \$1,500. He will meet with each department head to see about their needs. He used an example of the Road Department that will keep the same size container but the cost will be reduced by \$24 a month. The Board commended him for this.
- 3. Schneider Park Site Plan  
Todd Alexander told the board that he had been working with individuals to get everything set so that the shelter that was donated could be erected this Fall. He also explained where it would be located and that it was going to be very nice. Mr. Leno said he had visited the area and that the shelter was going to be a nice addition.

#09-390

- 4. Concessions – Ericka Kakos  
Motion by Member Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to hire Erica Kakos as a Concessions Employee at an hourly rate of \$7.30 effective July 25, 2009.  
Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-391

- 5. Concessions – Elizabeth Dijak  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to hire Elizabeth Dijak as a Concessions Employee at an hourly rate of \$7.30 effective July 25, 2009.  
Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

**LAW DIRECTOR:**

#09-392

- 1. Objection to S & S Enterprises Annexation  
RESOLUTION OBJECTING TO PETITION TO ANNEX  
1.851 ACRES, MORE OR LESS,  
FROM PLAIN TOWNSHIP, STARK COUNTY, TO THE CITY  
OF CANTON

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The Board of Trustees, Plain Township, Stark County, Ohio met in regular session on the 14<sup>th</sup> day of July, 2009 at 7:00 p.m. with the following members present:

Louis Giavasis  
Albert Leno  
Pamela Bossart

Member Bossart moved the adoption of the following resolution: WHEREAS, the Plain Township Board of Trustees is the chief legislative body of the Township;

WHEREAS, a petition has been filed with the Stark County Board of Commissioners to annex approximately 1.851 acres in Plain Township, Stark County, to the City of Canton;

WHEREAS, the Stark County Board of Commissioners shall review the said petition with the filed, written objection of a township or municipality; and the Plain Township Board of Trustees has retained the law firm of Pelini, Campbell, Williams & Traub LLC to represent the Board at the petition review;

NOW, THEREFORE, BE IT RESOLVED, that the Plain Township Board of Trustees objects to the said proposed annexation based **upon the petition's failure to meet the conditions specified in OH ST S 709.023(E)**:

- (1) The petition meets all the requirements set forth in, and was filed in the manner in, section 709.021 of the Revised Code.
- (2) The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all the owners of real estate in that territory.
- (3) The territory proposed for annexation does not exceed five hundred acres.
- (4) The territory proposed for annexation shares a contiguous boundary with the municipal corporate to which annexation is proposed for a continuous length of at least five per cent of the perimeter of the territory proposed for annexation.
- (5) The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.
- (6) The municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in the relevant ordinance or resolution adopted under division (C) of this section.
- (7) If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporate as to create a road maintenance problem, the municipal corporation to which annexation is proposed has agreed as a condition of the annexation to assume the maintenance of that street or to otherwise correct the **problem. As used in this section, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.**

The Plain Township Board of Trustees authorizes and appoints all Board members, administrators and others to appear and speak on behalf of the Board of Trustees at the review regarding said annexation.

Chairman Giavasis seconded the motion, and the roll was called on the question of its adoption.

Discussion: Chairman Giavasis made mention that this is a Canton City **Councilman's property and that they were all going to oppose** this annexation.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

### **CENTRAL MAINTENANCE:**

1. Monthly Report was given

**COMMUNICATIONS:**

None

**CONCERNS OF CITIZENS:**

None

**CONCERNS OF TRUSTEES:**

**BICENTENNIAL UPDATE (Continued):**

2. Bicentennial Festival Update

Mr. Campbell went over via an overhead projector the parade route and a diagram of the Diamond Community Park. He indicated the areas of activity to include vendors of food, port-a-johns, area for children; fireworks display area, and placement of the band. He further told the board that he was disappointed with the Plain Local School Board as they would not agree to provide a bus for transportation. He then talked to Mr. Bernabie with SARTA and they are going to donate a bus for transportation throughout the day. He stated that everyone has been very cooperative, and all department heads have given 100%. Mr. Campbell said that there would be approximately 95 units in the parade and that they were all local participants and not commercial. Approximately 50 thousand dollars will be spent to put all of the celebration together. Joe Iacino commended Mr. Campbell on a great job and said that he and others have had fun planning this once in a lifetime event.

**CONCERNS OF FISCAL OFFICER:**

None

**APPROVAL OF MINUTES:**

#09-393 1. Regular Meeting June 23, 2009  
Motion by Chairman 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 June 23, 2009 and make them 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 June 23, 2009 as presented.  
Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, Absent; Chairman Giavasis, yes.

#09-394 2. July 7, 2009 Special Meeting  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to waive the reading of the minutes of the special meeting held July 7, 2009 and make them 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 special meeting held July 7, 2009 as presented.  
Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, Absent; Chairman Giavasis, yes.

**ADJOURNMENT:**

2600 Easton St. NE  
Canton, OH 44721

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#09-395 Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to adjourn at 8:46 p.m.  
Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

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

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

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

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