

WORK SESSION

Mr. Haws called the work session to order at 5:20p.m.

ATTENDANCE: Louis Giavasis, Scott Haws, Al Leno, Chief Snyder, Rob Steinberg, Denny Fulk, Joe Iacino, Lisa Campbell, and Anthony Flex. Media: Robert Wang, The Canton Repository.

Joe presented the Board with a graph of how much per year in taxes homes currently pay and where that money is distributed to. It gave estimates of taxes from homes with a taxable value from \$100,000; \$150,000; \$175,000; and \$200,000. Currently on a home with a taxable value of \$100,000 they pay \$45.89 a year for the road levy.

Joe also presented the Board with a list of equipment and what will need replaced **over the next few years. It isn't a wish list as some of the trucks are over 20 years old.**

Joe also presented a breakdown of miles of road paved and the cost each year from 2005 through 2014. In 2005 we were able to pave 13.9 miles of road and 5,088 feet of curb & gutter at a cost of \$757,000. Because of increasing costs, we will only be able to pave 8.04 miles of road at a cost of \$704,000 this year. No curb & gutter has been done since 2008.

Mr. Haws noted that the township has tried different processes over the years to try and stretch the life and miles of road that could be paved. Joe indicated that is reflected in the breakdown.

Lisa said that a 1.5 mil additional levy would generate an additional \$997,000 / year and cost the homeowner of a \$100,000 taxable value home an additional \$52.50 per year for a total of \$98.39 towards the roads. Joe noted that Jackson paved double what we paved last year and that they just passed an increase recently as well as Perry Township last year for the roads.

Mr. Giavasis asked what the timeline for deciding was. Lisa said we should act soon, but that she would call the Board of Elections to confirm the deadline for this November.

Mr. Haws asked about the spacing of the levies. Lisa said the Road levy was passed in 2011 and will expire in 2016. She suggested that the levies could be combined at that point.

Mr. Leno said that the Board has done everything not to go to the residents for more **money. He noted that we don't have a park levy and that it will be up to the voters to decide. He said if it doesn't pass then** the impact will begin to be felt. Mr. Giavasis added that we are trying not to fall too far behind on paving and maintain roads like some of the surrounding communities. He noted there is a significant difference in the roads when you enter Plain Township.

Mr. Haws asked if it would help to go less than 1.5mil. Lisa said a 1.0 mil would be **about \$600,000. Joe added that it wouldn't allow us to replace the equipment that needs replaced and catch the road maintenance back up. Mr. Leno said that even if passed it wouldn't get us back to 14 miles being paved and Mr. Haws added that even at 14 miles it's a 12 year replacement cycle.**

Joe said that Schneider and Diamond took of the majority of money this year, but **they couldn't be put off any longer. Lisa said she will prepare something for next meeting so we can get a certificate from the Auditor. Mr. Giavasis said we need to emphasize that its estimates of taxes are for taxable value and not sale value. Lisa said that Auditor Alan Harold and John Oates said they will help with making it clear to voters.**

The Work session was ended at 5:41 pm.

REGULAR MEETING

OPENING: The regular meeting was called to order at 6:00 p.m. President Scott Haws led the pledge of allegiance.

ATTENDANCE:

Louis Giavasis, Albert Leno, II, Scott Haws, Eric Williams, Chief Snyder, Joe Iacino, Rob Steinberg, Lisa Campbell, Denny Fulk, and **Anthony Flex. Media present: Betty O'Neil-Roderick, Akron Beacon Journal; Ty Lee, North Neighbor News.**

Detective Konic had to leave the meeting for an emergency call.

AGENDA: The agenda was presented Denny removed Zoning #2a, Mr. Haws added Communications #1) Fred Clevenger 7237 Saratoga Hills.

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The agenda was accepted with those changes.

SHERIFF'S REPORT:

- 1. Robert Brenneman – 4133 Plain Center Road
Had a concern for the Sheriff about the noise at **EB’s Party Center**. He said the SCSO had to respond to his house for the third time this year on June 13th because he had to shut his windows because of the rock music being played. He said this **location has had problems for years now and he doesn’t know** what to do.
Mr. Giavasis said that he talked to Deputy Hostetler and the door was open. He suggested we get a copy of all the reports for noise violations at this location.
Robert said that it isn’t just when the door is open and that he is the closest house and shouldn’t be treated different because of this since the law is the law.

DETECTIVE’S REPORT:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- #14-297 1. False Alarms
Motion by Mr. Haws,
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 #06-567) 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
Permit #10026 Diane Lowry	501 Valleydell St. NW N. Canton, OH 44720	4 th	\$50.00
Permit # 2003 Fed Ex Office	5134 Whipple Ave. NW Canton, OH 44718	4 th	\$50.00
Permit # 9234 SARTA	4700 Whipple Ave. NW Canton, OH 44718	4 th	\$50.00
Permit # 9505 The Ohio Gold & Diamon	2009 30 th St. NE Canton, OH 44705	4 th	\$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

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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; Mr. Giavasis, yes; Mr. Haws, yes.

FISCAL OFFICER’S REPORT:

1. Pending Warrants
#14-298 Motion by Mr. Haws,
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 \$223,228.12 as attached hereto and made a part of these minutes.
Seconded by Mr. Leno.
Vote: Mr. Haws, yes; Mr. Giavasis, yes; Mr. Leno, yes.

2. Regular Payroll
#14-299 Motion by Mr. Haws,
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 Mr. Leno.
Vote: Mr. Haws, yes; Mr. Giavasis, yes; Mr. Leno, yes.

3. Medical Claims
#14-300 Motion by Mr. Giavasis,
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>
06/13/2014	27298	\$8,396.61
06/18/2014	27299	8,180.93

Seconded by Mr. Haws.
Vote: Mr. Haws, yes; Mr. Giavasis, yes; Mr. Leno, yes.

4. Investment Report
The investment report was presented and accepted.
5. Contract Frank Gates Service Company

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#14-301

Motion by Mr. Haws,
WHEREAS, Plain Township has been a member of the
Workers' Compensation Rating Program administered through
the Frank Gates Service Company; and

WHEREAS, the Frank Gates Service Company is sponsored by
the Ohio Township Association; and

WHEREAS, the projections of the Frank Gates Service
Company will provide a net savings of \$31,465.00;

BE IT HEREBY RESOLVED by the Plain Township Board of
Trustees, Stark County, Ohio to enter into a contract with the
Frank Gates Service Company to provide the services as
detailed in the service contract which is attached hereto and
made a part of these minutes and to approve payment of the
administrative fee at a cost not to exceed \$10,271.00, to be paid
as follows: Fund #01-A-15
- \$1,735.80; 04-A-03 - \$2,095.28 and 10-A-03 - \$6,439.92.

Seconded by Mr. Leno.

Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Giavasis, yes.

6. Transfer of Funds

#14-302

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

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Administration		
01-B-02 – Improvement of Sites	01-A-26M Other Exp - Advertising	\$ 500.00
01-B-02 – Improvement of Sites	01-B-08A Other Exp – Trash Removal	4,000.00
Parks		
01-F-08Q – Toilets	01-F-08P – Other Expenses	1,500.00
Fire		
10-A-08 – Tools & Equipment	10-A-80 Unemployment Compensation	\$ 2,751.00
10-A-08 – Tools & Equipment	10-A-11B Fiber Optics Access Charge	4,000.00

Seconded by Mr. Giavasis.

Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Giavasis, yes.

7. Payments – Board of Zoning Appeals & Zoning

#14-303

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of
Trustees, Stark County, Ohio to authorize payment to members
of the Plain Township Boards of Zoning Appeals and Zoning
Commission for the period of January 1, 2014 through June 30,
2014 at the rate of \$50 per meeting for a total of \$2,500.00.

Seconded by Mr. Haws.

Vote: Mr. Leno, yes; Mr. Haws, yes; Mr. Giavasis, yes.

8. New Lighting District

Willowbrook – 48th St. & Middlebranch Ave.

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#14-304

Motion by Mr. Haws,
WHEREAS, a petition for a lighting district has been filed with the Plain Township Fiscal Officer on June 16, 2014 for a new lighting district at 48th Street and Middlebranch Ave.,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to set a public hearing for Tuesday, July 22, 2014 at 6:15 pm for creation of a lighting district as petitioned by the property owners in the Willowbrook Hts #1 Allotment and authorize the Plain Township Fiscal Officer to make the necessary notification to the property owners and to publish a legal ad in the Repository of the hearing.

Seconded by Mr. Leno.
Discussion: Mr. Flex indicated this was to include one existing light into the lighting district.
Vote: Mr. Giavasis, yes; Mr. Leno, yes; Mr. Haws, yes.

ADMINISTRATOR:

1. Flooding Update
Lisa thanked Joe, Chief, Deputy Chief Shalenberger, Denny, Rob and the employees for all the late nights and long hours assisting our residents with the flooding. The damage was heartbreaking for some who have a total loss. She added that **Joe is meeting with the engineer’s office tomorrow to see what can be done in-house and what to put on the commissioners list.** She said she will look for grants to help fix issues and for home owners. There is one low interest loan from the State for home owners who have suffered damage the information is on the website.
Joe added that he received and continues to receive 100’s of calls. He and his staff are getting out to them as soon as possible. The pipes and catch basins didn’t fail; they just couldn’t handle the amount of water in the little period of time. They will fix what they can, but the system was designed in the **60’s before all the homes and development that exist now.**
Mr. Haws said that he has spoken with North Canton and that perhaps a new study needs done which can be used to get some assistance form the Muskingum Watershed District by way of putting some of our tax dollars we pay to them back into our local community.
Mr. Giavasis said he spoke with Sarah Buell about Salway and she advised to contact Kirk Schuring because Plain Township **hasn’t been included** into the discussions. Lisa said we did send her a list of addresses to be included and that we should all call Kirk Schuring. Lisa and Joe said that we do have two properties on the list already that were included, but we have some more that should be added.

FIRE DEPARTMENT:

1. BCMC – Change Order GC-017
#14-305
Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to agree to change order GC-017 from BCMC, Inc. for a decrease in the contract sum in the amount of \$1,010.00 from Account # 21-A-02A. See Attached.

Seconded by Mr. Giavasis.
Vote: Mr. Giavasis, yes; Mr. Haws, yes; Mr. Leno, yes.

ROAD DEPARTMENT:

1. **List Bids- 2014 Paving & Road Repair Project**
The list of Bids received was presented. Joe said there were

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three bids and they were very close. The prices have gone up again for the paving method we are using. Mr. Giavasis asked how many miles this was for. Joe said 8.04 miles. Me. Leno inquired if there would be a reason to go with one of the higher bids since they are so close. Joe said that we have dealt with them all before and they are all good companies so he is comfortable with any of them.

#14-306

2. **Award Bid - 2014 Paving & Road Repair Project**

Motion by Mr. Haws,
BE IT RESOLVED by the Plain Township Trustees of Stark County, Ohio to award the 2014 Plain Township Paving and road Repair Project: Application of Hot Mix 448 and 424B Asphalt, Milling and Pavement Markings for the project to CENTRAL ALLIED as the lowest responsible bidder with the following prices: (attached)

TOTAL BID AMOUNT: \$720,000 from fund #11-B-03

Seconded by Mr. Leno.

Discussion: MR. Giavasis noted that the amount is the same as **spent in 2005, but it is for 5 miles less and doesn't include any curb and gutter.**

Vote: Mr. Leno, Yes; Mr. Haws, Yes; Mr. Giavasis, Yes.

#14-307

3. **Sign Contact – 2014 Paving & Road Repair Project**

Motion by Mr. Haws,
WHEREAS, the Plain Township Trustees of Stark County, Ohio has awarded the 2014 Plain Township Paving and road Repair Project: Application of Hot Mix 448 and 424B Asphalt, Milling and Pavement Markings for the project to CENTRAL ALLIED; WHEREAS, the contract has been prepared according to the terms and specifications of the bid specifications for the 2014 Plain Township Paving and road Repair Project: Application of Hot Mix 448 and 424B Asphalt, Milling and Pavement Markings;

NOW THEREFORE, BE IT RESOLVED by the Plain Township Trustees of Stark County, Ohio to authorize the execution of the contract with CENTRAL ALLIED for the 2014 Plain Township Paving and road Repair Project: Application of Hot Mix 448 and 424B Asphalt, Milling and Pavement Markings; 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 CENTRAL ALLIED. Upon satisfactory performance of the terms of this contract. Total estimated bid amount **\$720,000.00 from fund # 11-B-03**

Seconded by Mr. Giavasis.

Vote: Mr. Leno, Yes; Mr. Haws, Yes; Mr. Giavasis, Yes.

ZONING DEPARTMENT:

#14-308

1. Set Public Hearing – Zoning Amendment #556
July 8, 2014, 6:15 p.m.

Motion by Mr. Haws,
WHEREAS, the Plain Township Zoning Commission conducted a public hearing on Zoning Amendment #556 on June 11, 2014; and

WHEREAS, the Plain Township Zoning Commission is recommending APPROVAL of the proposed amendment; and

WHEREAS, the Plain Township Zoning Commission is submitting such recommendation along with application, text, and map pertaining thereto to the Plain Township Board of

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Trustees within the required thirty days following it's public hearing; now

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to set a public hearing for Zoning Amendment #556 on July 8, 2014 at 6:15pm and to further instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of the public hearing in the Repository on Saturday, June 28, 2014 from Fund #01-A-26M.

Seconded by Mr. Giavasis.

Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mr. Haws, yes.

- 2. Nuisance Abatements
 - a. Removed from agenda
 - b. Vacant Lot #11 on Market Avenue N

#14-309

Motion by Mr. Haws,
WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at Vacant Lot #11 on Market Avenue N, Stark County, Ohio (Parcel #52-02365) and

WHEREAS, James & Donna Pugh Jr, have 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. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
- 3. 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; Mr. Giavasis, yes; Mr. Haws, yes.

- c. 7559 Market Avenue N

#14-310

Motion by Mr. Haws,
WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at 7559 Market Avenue N, Stark County, Ohio (Parcel #52-14326) and

WHEREAS, Ramon Parkos Jr, 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. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
- 3. 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; Mr. Giavasis, yes; Mr. Haws, yes.

#14-311

- d. 6636 Middlebranch Avenue NE
Motion by Mr. Haws,
WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at 6636 Middlebranch Avenue NE, Stark County, Ohio (Parcel #52-18581) and

WHEREAS, Wash & Wax Car Wash LLC, 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. Trash and/or debris 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. 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; Mr. Giavasis, yes; Mr. Haws, yes.

#14-312

- e. 3736 Root Avenue NE
Motion by Mr. Haws,
WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at 3736 Root Avenue NE, Stark County, Ohio (Parcel #52-18581) and

WHEREAS, Christopher & Zona Coutts, have 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

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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. 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; Mr. Giavasis, yes; Mr. Haws, yes.

#14-313 f.

2955 St. Elmo Avenue NE

Motion by Mr. Haws,

WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at 2955 St. Elmo Avenue NE, Stark County, Ohio (Parcel #52-01791) and

WHEREAS, J-12 LLC, 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. Dilapidated Structure 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. 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; Mr. Giavasis, yes; Mr. Haws, yes.

#14-314 g.

1423 Spangler Road NE

Motion by Mr. Haws,

WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the Junk Motor Vehicle(s) at 1423 Spangler Road NE, Stark County, Ohio (Parcel # 52-12149) and

WHEREAS, Elizabeth Barnett, has 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

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Ohio Revised Code Section 505.173 and

2. The nuisance shall be abated 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.

Seconded by Mr. Giavasis.

Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mr. Haws, yes.

#14-315

h. Vacant Lot #139 on 26th Street NE

Motion by Mr. Haws,

WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at Vacant Lot #139 on 26th Street NE, Stark County, Ohio (Parcel #52-03887) and

WHEREAS, Anthony & Katherine Diano, have 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. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and

3. 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; Mr. Giavasis, yes; Mr. Haws, yes.

#14-316

i. 3006 26th Street NE

Motion by Mr. Haws,

WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at 3006 26th Street NE, Stark County, Ohio (Parcel #52-06775 & 52-06776) and

WHEREAS, Frank & Kevin Cordia, have 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

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

3. 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; Mr. Giavasis, yes; Mr. Haws, yes.

#14-317

j.

3040 26th Street NE

Motion by Mr. Haws,

WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at 3040 26th Street NE, Stark County, Ohio (Parcel #52-10698) and

WHEREAS, Tessa Shehan, have 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. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and

3. 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; Mr. Giavasis, yes; Mr. Haws, yes.

#14-318

k.

2039 28th Street NE

Motion by Mr. Haws,

WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at 2039 28th Street NE, Stark County, Ohio (Parcel #52-05261) and

WHEREAS, Shelly Mazeall, 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. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and

3. 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; Mr. Giavasis, yes; Mr. Haws, yes.

#14-319

I. 1320 30th Street NE

Motion by Mr. Haws,

WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at 1320 30th Street NE, Stark County, Ohio (Parcel #52-10518) and

WHEREAS, James Bowman, 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. 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; Mr. Giavasis, yes; Mr. Haws, yes.

#14-320

m. 1411 30th Street NE

Motion by Mr. Haws,

WHEREAS, a public hearing was held on June 24, 2014 by the Board of Trustees regarding the property conditions at 1411 30th Street NE, Stark County, Ohio (Parcel #52-00977) and

WHEREAS, Kevin Kisman, 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. 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.

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#14-288

Seconded by Mr. Giavasis.
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mr. Haws, yes.
n. 3221 Roosevelt Avenue NE
Motion by Mr. Haws,
WHEREAS, a public hearing was held on June 10, 2014 by the Board of Trustees regarding the property conditions at 3221 Roosevelt Avenue NE, Stark County, Ohio (Parcel #52-10201 & 52-09755) and

WHEREAS, John & Karen Brown, have 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. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

#14-289

Seconded by Mr. Giavasis.
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mr. Haws, yes.
o. 3814 Royal Avenue NE
Motion by Mr. Haws,
WHEREAS, a public hearing was held on June 10, 2014 by the Board of Trustees regarding the property conditions at 3814 Royal Avenue NE, Stark County, Ohio (Parcel #52-07125) and

WHEREAS, Roger Mayle, 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. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mr. Giavasis.

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Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mr. Haws, yes.

PARKS DEPARTMENT:

1. **Farmer's Market Update**

Rob explained that the Farmer's Market is being postponed because of the flooding issues to make sure the clean-up is done properly first.

LAW DIRECTOR:

None

COMMUNICATIONS:

1. Fred Clevenger 7237 Saratoga Hills

Mr. Haws passed the thanks on to Joe and his crew from Fred who was grateful for how well and fast the drainage issue was addressed. Joe thanked everyone for their help and support with the devastation from the flooding.

PUBLIC SPEAKS:

1. Jim and Jennifer Davis – Big Dog Lacrosse

No one appeared to speak on this issue.

2. John Juergensen – 2633 Diamond St. NE

Provided a handout outlining his presentation/questions.

He said there is some confusion about what a Planned Commercial Complex is. He asked how the language in the resolutions is reconciled. He reads it to only include 712.2(A).

Eric said in lieu of a debate you can see that a permitted use can be a conditionally permitted use too.

John's next question was about what "direct access through a residential neighborhood shall be prohibited" means. Eric said it was defined throughout the court process and John said it hasn't been interpreted at all. John then asked what other situation could come into play that this circumstance applies to. He said no one has given an example of why two exits onto a residential street don't meet this. Eric said he understands wanting this, but that it isn't going to come from the Board because it is under appeal and pending litigation.

John wanted the Board to pass a resolution requiring the Zoning Commission to define what **"direct access through a residential neighborhood shall be prohibited"** means.

Mr. Haws asked that outside of the two independent bodies of this Board whether this would be allowed by home rule or O.R.C.

Eric said that from a legal perspective the Board has no dog in the fight. He said this would obviously ask the Board to weigh in about another body. It would act like an advisory opinion to the 5th District Court of Appeals. **John said he doesn't think the intent was two buildings on one lot, which is very rare, and one with a drive-thru. He asked that the Board pass the resolution so this would be considered. There was some discussion about the process. Denny explained that anyone could recommend it. John announced that they are starting an initiative petition to be signed by residents to place his position on the ballot November 6th.**

John commented that the most recent filing was a motion by Easton Village to appeal the stay and that Mr. Fulk signed an affidavit attached to it. He said that Mr. Fulk has a dog in the **fight. He wanted to put the Board on notice that they can't allow the zoning resolution to be violated. He said starting the 2nd building would violate it and if the foundation gets poured they will file another suit. He said it's the Zoning Inspector's job not to let that happen.**

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- 3. Suzanne Garver – 5915 Linder Circle
Suzanne noted that the traffic lights on Easton and Middlebranch seem to have changed and there is a long wait at either light. Joe explained that he called the county about it today. Al also mentioned that he received a call about it too.

CONCERNS OF TRUSTEES:

None

CONCERNS OF FISCAL OFFICER:

None

APPROVAL OF MINUTES:

- #14-321 1. Regular Meeting – June 10, 2014
Motion by Mr. Haws,
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 10, 2014 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 10, 2014 as presented.
Seconded by Mr. Leno.
Vote: Mr. Leno, yes; Mr. Giavasis, yes ; Mr. Haws, Yes.
- #14-322 2. Emergency Meeting – June 18, 2014
Motion by Mr. Haws,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to waive the reading of the minutes of the emergency meeting held June 18, 2014 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 emergency meeting held June 18, 2014 as presented.
Seconded by Mr. Leno.
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mr. Haws, Yes.

EXECUTIVE SESSION:

- #14-323 Motion by Mr. Haws
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 6:46 p.m. from this regular meeting of June 24, 2014 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) dismissal of a public employee or official
 - (d) discipline of a public employee or official
 - (e) promotion or demotion 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
 - (b) the sale of property by competitive bid to prevent the disclosure of information that would provide competitive advantage
 - 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
 - 5. matters required to be kept confidential by federal law,

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federal regulation, or state statute
6. specialized details of security arrangements where disclosure of matters discussed could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
Seconded by Mr. Leno.

#14-324
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mr. Haws, yes.
Motion was made by Mr. Haws to return to public session at 7:30 p.m.
Seconded by Mr. Giavasis.
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mr. Haws, yes.

ANNOUNCEMENTS

#14-325 1. Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to enter into an agreement with EDI Building Consultants to provide concrete analysis of the interior truck bays and exiting concrete in the parking and drive area surrounding the Plain Township Fire Station on 1742 Schneider St, and to authorize payment not to exceed \$6,500 from fund #21-A-02A.

Seconded by Mr. Leno.
Vote: Mr. Giavasis, yes; Mr. Haws, yes; Mr. Leno, yes.

ADJOURNMENT:

#14-326 Motion by Mr. Haws,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn at 7:31 p.m.
Seconded by Mr. Leno.
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mr. Haws, yes.

Louis P. Giavasis
Trustee

Albert P. Leno, II
Trustee

Scott Haws
Trustee

ATTEST: _____
Anthony J. Flex
Fiscal Officer