

2600 Easton St. NE
Canton, OH 44721

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September 12, 17

REGULAR MEETING

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

ATTENDANCE:

John Sabo, Scott Haws, Albert Leno II, Joe Iacino, Eric Williams, Chief Shalenberger, Rob Steinberg, Thomas Ferrara, and Thomas Wolf. Media present: Jessica Holbrook, The Canton Repository. Lisa Campbell was excused for health reasons.

AGENDA: The agenda was presented. Chief Shalenberger added Fire #5— Mobile Fire Training F-17 Bids, Fire #6 - Mobile Fire Training F-17 Bids awarded and Fire #7 - Mobile Fire Training F-17 Contract Execution. Mr. Sabo added Concerns of Trustees #1 – Cooperation Statement.

SHERIFF'S REPORT:

- 1. Monthly Report

The monthly report was presented and accepted. Mr. Leno said that he received a message from a former teacher, Mr. Johnson, thanking him and the Plain Township Police and Road Department for placing a speed buggy on his street. He said that he has noticed that traffic is slowing down and stopping at stop signs.

UNFINISHED BUSINESS:

- 1. Whipple Avenue Agreement
#17-419 Motion by Scott Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to enter the attached agreement between the Plain Township Trustees and the Board of Stark County Commissioners for Plain Township’s share of the cost of the construction of the Whipple Avenue project and to authorize payment of \$25,000 to be paid from fund #11-B-03.
Seconded by Mr. Leno.
Vote: Mr. Haws, yes, Mr. Sabo, yes, Mr. Leno, yes.

NEW BUSINESS:

- 1. Purchase of Sod—Veteran’s Memorial
#17-420 Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, approve the purchase of sod for the Veterans Park Memorial from Besturf, Inc. and to authorize payment not to exceed \$5,000.00 from fund #01-B-02.
Seconded by Mr. Leno.
Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

- 2. HB69 TIF Districts

Mr. Haws presented information regarding HB 69 which would require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district.

FISCAL OFFICER’S REPORT:

- 1. Pending Warrants
#17-421 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 \$732,900.93 as attached hereto and made a part of these minutes.
Seconded by Mr. Sabo.
Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

- 2. Regular Payroll

- #17-422 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 \$250,000.00.
Seconded by Mr. Sabo.
Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

- 3. Medical Claims

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#17-423 Motion by Mr. Haws,
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>
08/23/17	35147	\$22,231.35
08/30/17	35150	\$17,329.34
09/5/17	35167	\$ 5,024.55

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

4. Financial Report
The financial report was presented and accepted.

#17-424 Motion by Mr. Haws,
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>
<u>Admin</u> 01-B-02 – Improvement of Sites	01-B-05 –Maintenance Supplies	\$ 5,000.00
<u>Police</u> 09-A-10 –Contracts-Police Services	09-A-14A –Tax Collections	\$ 11,700.00
<u>Parks</u> 14-A-05F –Small Tools and Equip.	14-A-08A –Portable Toilet Rental	\$ 200.00

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

6. Purchase of Police Radios—Motorola Solutions

#17-425 Motion by Mr. Haws,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase and payment of \$106,370.20 from fund #09-A-07, which includes a \$25,300 credit for trade-ins, for (22) APX6000 700/800 Model 2.5 Portable radios and to enter into the attached Equipment Lease-Purchase Agreement with Motorola Solutions, Inc. To be paid in 3 annual installments of \$36,740.40 beginning 9/30/2018.

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

ADMINISTRATOR:

1. Warstler Brothers Payment—August, 2017

#17-426 Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to approve/authorize payment to Warstler Brothers Landscaping for the August, 2017 composting in the amount of \$2,475.00 from Fund #01-A-26L.

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

FIRE DEPARTMENT:

1. Monthly report
The monthly report was presented and accepted.

2. Blanket Purchase Order for Uniforms

#17-427 Motion by Mr. Haws,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize a uniform allowance blanket in the amount not to exceed \$15,000 to be taken from account 10-A-09H for the purchase and payment from Various Vendors of uniforms and uniform accessories.

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

3. Purchase of 2018 Ambulance—Pfund Superior Sales

#17-428 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase and payment of one (1) 2018 Life Line Custom Highliner Type 1 AD Ambulance including options and accessories from Pfund Superior Sales under Ohio State Term Schedule

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#800217—Index #STS233, in the amount of \$275,646.00 to be taken from Account #28-A-05

Seconded by Mr. Haws.

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

4. Purchase of Computer Upgrade for Engine Diagnostic Equipment—
KC Tools LLC

#17-429

Motion by Mr. Haws,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase and payment for the computer software upgrade for engine diagnostic equipment from KC tools LLC in the amount not to exceed \$3,000.00 to be taken from account 10-A-08.

Seconded by Mr. Sabo.

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

Discussion: Mr. Haws just wanted to verify that this is what the mechanics are using. Chief Shalenberger said that this upgrade will allow the mechanics to read codes and diagnose the engines to fix them properly.

5. 2017 Mobile Fire Training Building F-17 Bids

#17-430

Motion by Mr. Haws,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, for the 2017 Mobile Fire Training Building F-17 bids are attached from Karila Fire Training Facilities and American Fire Training Systems, Inc. and are attached and made part of these minutes.

Seconded by Mr. Sabo.

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

Discussion: Chief Shalenberger said it has been a long road to find the cheapest bid that also met all of their needs. He stated that the company, Karila, is very qualified for providing them with the training building.

6. Mobile Fire Training F-17 Bids awarded

#17-431

Motion by Mr. Haws,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to award the 2017 Plain Township Mobile Fire Training Building F-17 for the project to Karila Fire Training Facilities as the lowest responsible bidder with the bid total of: TOTAL BID AMOUNT \$349,750.00 from fund #21-A-02C

Seconded by Mr. Sabo.

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

Discussion: Mr. Leno asked the Chief to explain the benefits of the building. Chief said the building is designed like a residential area. There are windows and doors to use for rescue training. The firemen can also repel off the building. Chief also said that capital funds will be used to pay for the building. Mr. Leno wanted to state that the Chief has been working on this project for some time to come up with the best solution. Mr. Sabo said there are so many benefits to have this building to train in our own district.

7. Mobile Fire Training F-17 Contract Execution

#17-432

Motion by Mr. Haws,

WHEREAS, the Plain Township Board of Trustees has awarded a bid for the 2017 Plain Township Mobile Fire Training Building F-17 to Karila Fire Training Facilities and; WHEREAS, the contract has been prepared according to the terms and conditions of the bid specifications for the 2017 Plain Township Mobile Fire Training Building F-17. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the execution of the contract with Karila Fire Training Facilities for the 2017 Plain Township Mobile Fire Training Building F-17; the language of which contract is incorporated by references as if fully written herein; and BE IT FURTHER RESOLVED by the Plain Township Board of Trustees to authorize payments to Karila Fire Training. Upon satisfactory performance of the terms of this contract. Total estimated bid amount \$349,750.00 from fund #21-A-02C.

Seconded by Mr. Sabo.

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

ROAD DEPARTMENT:

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- 1. Monthly Report
The monthly report was presented and accepted.

ZONING DEPARTMENT:

- 1. Monthly Report
The monthly report was presented and accepted.

- 2. Nuisance Abatements
- a. 1075 Keats St. NE

#17-433

Motion by Mr. Haws,
WHEREAS, a public hearing was held on 09/12/2017 by the Board of Trustees regarding the property conditions at 1075 Keats St. NE, Stark County, Ohio (Parcel #52-03264) and
WHEREAS, Douglas L. Graham, 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:

- **High grass and/or Weeds Ohio Revised Code Section 505.87** pertaining to the accumulation of vegetation, garbage, refuse, and other debris constituting a nuisance on property within Plain Township. And
- Expired Registrations Ohio Revised Code Section 4503.21 Display of Lic. Plates and validation stickers or temp. Lic. Placard or windshield sticker. and
- **The nuisance(s) shall be abated or removed according to the procedures** outlined in ORC Section 505.871, and
- **Notice of this decision will be provided to the property owners.**

Seconded by Mr. Sabo.

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

- b. 2510 Mount Pleasant St. NE

#17-434

Motion by Mr. Haws,
WHEREAS, a public hearing was held on 09/12/2017 by the Board of Trustees regarding the property conditions at 2510 Mount Pleasant St. NE, Stark County, Ohio (Parcel #5211957) and
WHEREAS, Creighton Swallow, 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:

- Trash and/or Debris Ohio Revised Code Section 505.87 pertaining to the accumulation of vegetation, garbage, refuse, and other debris constituting a nuisance on property within Plain Township. and
- **The nuisance(s) shall be abated or removed according to the procedures** outlined in ORC Section 505.871, and
- **Notice of this decision will be provided to the property owners.**

Seconded by Mr. Sabo.

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

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#17-435 c. 2600 Harrisburg Rd. NE
 Motion by Mr. Haws,
 WHEREAS, a public hearing was held on 09/12/2017 by the Board of Trustees regarding the property conditions at 2600 Harrisburg Rd. NE, Stark County, Ohio (Parcel #52-00250) and
 WHEREAS, Melissa Price, 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:

- **High grass and/or Weeds Ohio Revised Code Section 505.87 pertaining to** the accumulation of vegetation, garbage, refuse, and other debris constituting a nuisance on property within Plain Township. And
- **The nuisance(s)** shall be abated or removed according to the procedures outlined in ORC Section 505.871, and
- **Notice of this decision will be provided to the property owners.**

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

#17-436 d. 3034 Taft Ave. NE
 Motion by Mr. Haws,
 WHEREAS, a public hearing was held on 09/12/2017 by the Board of Trustees regarding the property conditions at 3034 Taft Ave. NE , Stark County, Ohio (Parcel #5210922) and
 WHEREAS, Anita Workman, 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:

- **High grass and/or Weeds Ohio Revised Code Section 505.87 pertaining to** the accumulation of vegetation, garbage, refuse, and other debris constituting a nuisance on property within Plain Township. And
- **Trash and/or Debris Ohio Revised Code Section 505.87** pertaining to the accumulation of vegetation, garbage, refuse, and other debris constituting a nuisance on property within Plain Township. and
- **The nuisance(s) shall be abated** or removed according to the procedures outlined in ORC Section 505.871, and
- **Notice of this decision will be provided to the property owners.**

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

3. Nuisance Payments
 a. 3603 Bosworth Ave. NE
 #17-437 Motion by Mr. Sabo,
 WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 3603 Bosworth Ave. NE , (Parcel #5210004) to abate the nuisance on this property (Resolution # 15-271) on 09/12/2017; and
 WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$181.06; and
 WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$32.94;
 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

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cost Of \$214.00 **to be placed on the property owner’s tax duplicate.**

Seconded by Mr. Leno.

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

#17-438

b. 3607 Orion St. NW

Motion by Mr. Sabo,

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 3607 Orion St. NW, (Parcel #5500089) to abate the nuisance on this property (Resolution # 15-271) on 09/12/2017; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$462.33; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$32.94;

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 \$495.27 **to be placed on the property owner’s tax duplicate.**

Seconded by Mr. Leno.

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

#17-439

c. 3302 Regent Ave. NE

Motion by Mr. Sabo,

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 3302 Regent Ave. NE, (Parcel #5207411) to abate the nuisance on this property (Resolution # 15-271) on 09/12/2017; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$328.99; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$40.00;

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 \$369.87 **to be placed on the property owner’s tax duplicate.**

Seconded by Mr. Leno.

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

#17-440

4. IWORQ (New Service Agreement)

Motion by Mr. Haws,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the attached service agreement with iWorQ Systems in an amount not to exceed \$3,700.00, to be taken from fund 13-A-04.

Seconded by Mr. Sabo.

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

Discussion: Mr. Haws said iWorQ has improved efficiency in the Zoning Department because everything in condensed into one system.

#17-441

5. IWORQ (Contract Renewal)

Motion by Mr. Haws,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to renew the attached service agreement with iWorQ Systems in an amount not to exceed \$5,180.00 and to authorize payment to be paid from Fund 13-A-04.

Seconded by Mr. Sabo.

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

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#17-442 6. Text Change (Fences, Walls and Hedges)
Motion by Mr. Haws,

WHEREAS, the Zoning Resolution in and for Plain Township was revised effective April 14, 2006; and

WHEREAS, the Plain Township Zoning Resolution as currently in effect, with amendments through August 8, 2014, includes a provision which reads as follows:

SECTION 602.10 FENCES, WALLS,
AND HEDGES

Fences, walls, and hedges shall be permitted in any required yard or along the edge of any yard in any R-R, R-1, R-1A, R-2, R-3, R-4, R-5 or R-6 Residential District, except that a fence, wall or hedge located in or along the sides or front edge of a front yard shall not exceed three (3) feet in height. The maximum height of a fence, wall or hedge in any Residential District shall be eight (8) feet.

Fences, walls, and hedges shall be permitted in any required yard, or along the edge of any yard in any S-1, B-1 or B-2 Business or I-1 or I-2 Industrial District. The maximum height of a fence, wall, or hedge in any Business or Industrial District shall be eight (8) feet with an additional two (2) feet of barb wire permitted if applicable. Any fence, wall, or hedge located in or along the edge of any yard abutting a public or private dedicated thoroughfare in any Zoning District shall be located a minimum of five (5) feet from any street right-of-way line. (amendment #545, effective 3-26-09) Fences, walls or hedges on any lot shall be located so they do not impair vision of traffic in any way. See Section 603.4 regarding visibility at corner lots. (amendment #553, effective 6-28-13)

Zoning permits are not required for fences, walls or hedges.

WHEREAS, the Zoning Resolution includes a series of definitions, under Article IV, defining certain words or phrases which apply to the application, interpretation and enforcement of the Zoning Resolution; and

WHEREAS, Article IV includes an express definition of “fence,” for purposes of the Zoning Resolution; and

WHEREAS, the Board of Trustees believes that the words “wall” and “hedge,” for purposes of Section 602.10 are clearly understood and applied, when using the plain and ordinary meanings of those words; and

WHEREAS, the Board concludes, in its legislative judgment, that the inclusion of specific definitions for the words “wall” and “hedge” as part of the Zoning Resolution may nevertheless aid in the application of the Zoning Resolution.

NOW THEREFORE, it is hereby RESOLVED by the Board that:

1. Pursuant to Ohio Revised Code Section 519.12, the Board does hereby initiate a township zoning amendment procedure to effectuate the following:

To add the following definitions under Article IV of the Zoning Resolution:

- HEDGE: A row or line of closely spaced shrubs, planted and trained in such a way as to form a barrier, screen or fence, or to mark the boundary of an area.
- SHRUB: A bushy, woody plant generally with several permanent stems instead of a single trunk, thereby distinguishing it from a tree, planted and trained to serve as a landscape feature.
- TREE: A self-supporting woody plant which usually, by habit or training, has a single trunk and has the potential of a D.B.H. (diameter at breast height, or measured at four and one-half feet [4-1/2'] above existing grade) of at least three inches (3”), a definitely formed crown of foliage, and a height of thirteen feet (13”) or more at maturity.
- WALL: A side of a building or room, typically forming part of a building’s structure. Also, an architectural or landscape partition ordinarily with a height and length greater than its thickness, used to divide, define, partition, screen or enclose an area, or to support another structure.

2. The Board finds and determines that, in its legislative judgment, inclusion of these definitions will assist in the uniform and reasonable application interpretation, and enforcement of the Plain Township Zoning Resolution.

3. The passage of this Resolution by the Board shall be certified to the Plain Township Zoning Commission, (“Zoning Commission”) in accordance with R.C. 519.12(A)(1).

4. Within five days, after the certification of this resolution the Zoning Commission shall transmit a copy of this resolution to the Stark County Regional Planning Commission.

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- 5. The Zoning Commission shall set a date for a public hearing on the proposed zoning amendment initiated hereby, and the date of such hearing shall not be less than twenty nor more than forty days from the date of the certification of this Resolution. At least ten days before the date of the hearing, notice of the hearing shall be given by the Zoning Commission by one publication in a newspaper of general circulation in the township.
- 6. Within thirty days after its public hearing, the Zoning Commission shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with this Resolution, as well as the recommendation of the planning commission, to the Board of Township Trustees.
- 7. Upon receipt of the recommendation from the Zoning Commission, the Board of Trustees shall set a time for a public hearing on the proposed amendment. That public hearing shall be set not more than thirty days from the date of the receipt of the recommendation from the Zoning Commission.
- 8. Notice of the hearing before the Board of Trustees shall be given by the Board by one publication in a newspaper of general circulation in the Township at least ten days before the hearing.
- 9. Within twenty days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification of them. If the Board denies or modifies the Zoning Commission's recommendations, a majority vote of the Board will be required.

BE IT FURTHER RESOLVED, that this resolution be duly recorded and authenticated by the signature of the Township Fiscal Officer and the Plain Township Board of Trustees shall hereby advise the Fiscal Officer to publish the same in a newspaper of general circulation within the Township according to the requirement of ORC 504.11 and 504.12.

Seconded by Mr. Leno.

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

#17-443

7. Text Change—Transient Vendor

Motion by Mr. Haws,

WHEREAS, the Board of Trustees of Plain Township, Stark County, Ohio is authorized

pursuant to Ohio Revised Code section 505.94 to require the registration of all transient vendors

within the unincorporated territory of the Township, to reasonably regulate the time, place and

manner in which these vendors may sell, offer for sale, or solicit orders for future delivery of goods and to establish a reasonable registration fee for said vendors, and

WHEREAS, the Plain Township Zoning Resolution as currently in effect with amendments through August 8, 2014, includes a provision which reads as follows:

Section 1001(1): Transient Vendor Policy:

As used in this legislation, "transient vendor" means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, either sells or offers for sale goods, or

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solicits orders for future delivery of goods where payment is required prior to the delivery of the goods. "Transient vendor" does not include any person who represents any entity exempted from taxation under Section 5709.04 of the Ohio Revised Code, that notifies the Board of Township Trustees that its representatives are present in the township for the purpose of either selling or offering for sale goods, or soliciting orders for the future delivery of goods, and does not include an auction or an auctioneer company licensed under Chapter 4707 of the Ohio Revised Code.

Section 1001 (11)(A): Regulations, Definition:

"Transient vendor" means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, either sells or offers for sale goods, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods. "Transient vendor" does not include any person who represents any entity exempted from taxation under Section 5709.04 of the Ohio Revised Code, that notifies the Board of Township Trustees that its representatives are present in the township for the purpose of either selling or offering for sale goods, or soliciting orders for the future delivery of goods, and does not include an auction or an auctioneer company licensed under Chapter 4707 of the Ohio Revised Code.

Section 1001 (11)(B): Application for Transient Vendor Permit:

An application is to be completed by the transient vendor applicant. The transient vendor's permit is a form to be issued after approval of said application to the applicant. A badge furnished by the Township, displaying the words "Transient Vendor" and the number of the Transient Vendor's Permit, must be displayed while traveling about the Township, selling, offering for sale, or soliciting orders for the future delivery of goods where payment is required prior to the delivery of the goods.

WHEREAS, the Board of Trustees concludes, in its legislative judgement, the **deletion of the words** "*where payment is required prior to the delivery of goods,*" **as a part of the Zoning Resolution will aid in the application of** the Zoning Resolution.

NOW THEREFORE, it is hereby RESOLVED by the Board that:

Pursuant to Ohio Revised Code Section 519.12, the Board does hereby initiate a township zoning amendment procedure to effectuate the following:

To delete the following words under Sections 1001 (1), (11-A), (11-B) of the Zoning Resolution as follows:

Section 1001(1): Transient Vendor Policy:

As used in this legislation, "transient vendor" means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, either sells or offers for sale goods, or solicits orders for future delivery of goods ~~where payment is required prior to the delivery of the goods.~~ "Transient vendor" does not include any person who represents any entity exempted from taxation under Section 5709.04 of the Ohio Revised Code, that notifies the Board of Township Trustees that its representatives are present in the township for the purpose of either selling or offering for sale goods, or soliciting orders for the future delivery of goods, and does not include an auction or an auctioneer company licensed under Chapter 4707 of the Ohio Revised Code.

Section 1001 (11)(A): Regulations, Definition:

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"Transient vendor" means any person who opens a temporary place of business for the sale of goods or who, on the streets or while traveling about the township, either sells or offers for sale goods, or solicits orders for future delivery of goods ~~where payment is required prior to the delivery of the goods~~. "Transient vendor" does not include any person who represents any entity exempted from taxation under Section 5709.04 of the Ohio Revised Code, that notifies the Board of Township Trustees that its representatives are present in the township for the purpose of either selling or offering for sale goods, or soliciting orders for the future delivery of goods, and does not include an auction or an auctioneer company licensed under Chapter 4707 of the Ohio Revised Code.

Section 1001 (11)(B): Application for Transient Vendor Permit:

An application is to be completed by the transient vendor applicant. The transient vendor's permit is a form to be issued after approval of said application to the applicant. A badge furnished by the Township, displaying the words "Transient Vendor" and the number of the Transient Vendor's Permit, must be displayed while traveling about the Township, selling, offering for sale, or soliciting orders for the future delivery of goods ~~where payment is required prior to the delivery of the goods~~.

The Board finds and determines that, in its legislative judgement, deletion of these words will assist in the uniform and reasonable application, interpretation and enforcement of the Plain Township Zoning Resolution.

The passage of this Resolution by the Board shall be certified to the Plain Township Zoning Commission in accordance with ORC 504.04 (A).

BE IT FURTHER RESOLVED, that this resolution be duly recorded and authenticated by the signature of the Township Fiscal Officer and the Plain Township Board of Trustees shall hereby advise the Fiscal Officer to publish the same in a newspaper of general circulation within the Township according to the requirement of ORC 501.11 and 501.12.

Seconded by Mr. Leno.

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

PARKS DEPARTMENT:

- 1. Monthly Report

The monthly was presented and accepted.

Discussion: Mr. Haws wanted to thank all departments for their **collaborative efforts to get the flag poles up in Veteran's Park.**

LAW DIRECTOR:

- 1. Annexation- **"4111 Louisville St. NE/Mahoning Industrial Park Annexation"**

Discussion: Mr. Haws said the property is on the west side of the Township, where the old Stark Mold and Plastic shop stands. The property is surrounded by the City of Canton. Mr. Haws does not have concerns with this parcel but has concerns are about the long-term effects on the Township if other parcels in that area are annexed in the future. Mr. Sabo said the corporation line runs through the building, so the logistics of Fire, etc. would be a nightmare and he would not be in favor of objecting to the Annexation. The Board agreed to not object to the annexation.

COMMUNICATIONS:

- 1. **Thank You to AEP for assistance with the Veteran's Memorial**

Mr. Haws wanted to thank AEP for the donation of the use of their bucket **truck to raise the flags in Veteran's Park.**

- 2. 911 Remembrance—Thank You-Scott Garcia

Mr. Haws read the attached letter.

PUBLIC SPEAKS:

- 1. Anthony Rich, 5666 Beverly Ave.

2600 Easton St. NE
Canton, OH 44721

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Anthony approached the Board and said he had a couple questions for them. He asked, concerning the newspaper articles and radio broadcasts, if he is speaking on behalf of the Board, to which all three Board members answered no. Anthony asked about an MEDA agreement from 2014 between the City of Canton and the Township. Mr. Haws said that that agreement is no longer valid due to a material weakness, and Anthony asked if a court has declared that the agreement is no longer valid. Mr. Haws answered that both the Canton Mayors office and Law Department as well as Plain Township **have agreed that the agreement doesn't have merit.** Mr. Williams stated he would not give a legal opinion on the MEDA agreement and said he will not have anyone cross examine his Board, to which Anthony apologized. Anthony asked if anyone from the Board of Trustees or any representatives approached the landowner about the CEDA that was proposed with the City of Canton. Mr. Haws stated that the landowner was at the ODOT District 4 meeting where it was brought up in discussion. No extensive **conversation was held because it wasn't a finalized contract.** Mr. Williams added that the landowner's intention was apparent when he signed the annexation petition. Anthony asked if the MEDA agreement stated that the City of Canton cannot annex Plain Township without Plain Township express permission. Mr. Haws stated that yes it does.

CONCERNS OF TRUSTEES:

1. Mr. Sabo said he speaks for himself and not for the Board. He wanted to make it clear that the Plain Township Board of Trustees have had a productive history of collaborative efforts with political subdivisions and agencies. Mr. Sabo said he wants to go on record to state that he will use his leadership experience in proactive collaborative efforts to enhance the lives of all residents of Plain Township. Mr. Leno wanted to add that the current team of Trustees have the goal of fighting for the good of the residents. Mr. Leno said Mr. Haws summed it up by saying in an interview that he is open to communicate with the City of Canton. Mr. Leno stated that Mr. Baker said that everyone would share a piece of the pie from the Hall of Fame Village. Mr. Leno stated that Plain Township attempted to share the pie with the CEDA Agreement and hopes that they can still work out an agreement with City of Canton. Mr. Haws said The Board will continue to defend and protect the rights and interests of Plain Township residents and evaluate issues on a case by case basis.
2. Mr. Haws gave a SCOG update regarding the County Wide Dispatch. On Wednesday September 27, 2017, a Fire Marshall will be speaking on grants for communities with populations below 25,000. The meeting will be at the Beech City Fire Department
3. Mr. Haws said concerning the realignment of Route 62—they have been working on environmental assessment and will be prepared to address residential and commercial relocations related to the project. Public review of the project will be available in 2018. The revised plan is based on the collective team recommendations from the Plain Township Board and Departments. Mr. Sabo said that he has received positive feedback from many property owners in that area.

CONCERNS OF FISCAL OFFICER:

None

APPROVAL OF MINUTES:

1. Regular Meeting – August 22, 2017

2600 Easton St. NE
Canton, OH 44721

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#17-444 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 August 22, 2017 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 August 22, 2017 as presented.
Seconded by Mr. Sabo.
Vote: Mr. Leno, yes; Mr. Haws, yes; Mr. Sabo, yes.

EXECUTIVE SESSION:

#17-445 Motion by Mr. Haws,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 7:07 p.m. from this regular meeting of September 12, 2017 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
(f) compensation of a public employee or official
3. a conference with the law director or other retained counsel concerning pending or imminent court action
Seconded by Mr. Sabo.
Vote: Mr. Sabo, yes; Mr. Leno, yes; Mr. Haws, yes.

#17-446 Motion was made by Mr. Haws to return to public session at 7:45 p.m.
Seconded by Mr. Sabo.
Vote: Mr. Sabo, yes; Mr. Leno, yes; Mr. Haws, yes.

ANNOUNCEMENTS:

None.

ADJOURNMENT:

#17-447 Motion by Mr. Haws,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn at 7:45 p.m.
Seconded by Mr. Sabo.
Vote: Mr. Sabo, yes; Mr. Leno, yes; Mr. Haws, yes.

John A. Sabo
Trustee

Albert P. Leno, II
Trustee

Scott Haws
Trustee

ATTEST: _____
Thomas W. Wolf
Fiscal Officer