

2600 Easton St. NE  
Canton, OH 44721

Page 1 of 8  
December 10, 2019

Swearing in of Stephen Fuchs and Patrick Martinez

Mr. Sabo opened the Swearing in ceremony. Chief Shalenberger commenced the swearing in and pinning of Stephen Fuchs as firefighter/paramedic and Patrick Martinez as Lieutenant.

REGULAR MEETING

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

ATTENDANCE:

John Sabo, Scott Haws, Al Leno, Lisa Campbell, Joe Iacino, Chief Shalenberger, Eric Williams, Rob Steinberg, and Luther Russert. Thomas Wolf was excused from the meeting. Media: The Canton Repository – Jessica Holbrook

FISCAL OFFICER PRO-TEM:

#19-569

Motion by Mr. Sabo:

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to appoint Luther Russert as Fiscal Officer Pro-Tem.

Seconded by Mr. Haws.

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

EXECUTIVE SESSION:

#19-570

Motion by Mr. Sabo,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to adjourn to executive session at 6:02 p.m. from this regular meeting of 12/10/19 as authorized under Ohio Revised Code 121.22(G) for the consideration of:

3. A conference with the law director or other retained counsel concerning pending or imminent court action

Seconded by Mr. Leno.

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

#19-571

Motion was made by Mr. Sabo to return to public session at 6:17 p.m.

Seconded by Mr. Sabo.

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

PUBLIC HEARING:

Thomas Ferrara explained that the Zoning Commission recommended approval #574-19 (revising definition of skill-based amusement machines) and #575-19 (removal of type “C” skill-based amusement machines as permitted use in b-2, and 1-1, light industrial district.)-as defined by the Ohio Gaming Commission. and opened for public discussion. were discussed. No one from the public audience as was against or in favor amendment. Public hearing closed at 6:25 pm

AGENDA:

The agenda was edited by Lisa Campbell to included speed signs in unfinished business and accepted as edited.

**SHERIFF’S REPORT:**

- 1. Monthly Report

UNFINISHED BUSINESS:

- 1. Lisa Campbell explained that the speed sign discussion from last meeting is waiting for additional information. Joe is getting traffic counts done by OPC and they want to get as much information as possible before coming back to the board.

NEW BUSINESS:

- 1. None

**FISCAL OFFICER’S REPORT:**

- 1. Pending Warrants

2600 Easton St. NE  
Canton, OH 44721

Page 2 of 8  
December 10, 2019

#19-572 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 \$198,169.75 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

#19-573 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. Leno.  
Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

3. Medical Claims

#19-574 Motion by Mr. Sabo,  
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>
12/01/19	41083	\$ 20,648.68
12/04/19	41084	\$ 11,899.87

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

4. Financial Report

5. Bank Reconciliation

6. **Ohio Bureau of Workers' Compensation Prospective 2020  
Premium**

#19-575 **WHEREAS, Plain Township desires to provide workers' compensation**  
coverage to individuals who perform work for Plain Township yet are  
not employees of Plain Township; and

**WHEREAS, the State of Ohio Bureau of Workers' Compensation offers**  
contract coverage for individuals who perform work for a public entity  
yet do not receive compensation from the public entity; and

WHEREAS, the cost of contract coverage is based on the total number  
of man-**hours worked multiplied by the state workers' compensation**  
rate multiplied by the Plain Township discount rate multiplied by the  
minimum wage established by law; and

**WHEREAS, the State of Ohio Bureau of Workers' Compensation**  
premium for the calendar year 2020 is due December 23, 2019 for an  
early payment discount; and

WHEREAS, Plain Township has estimated and submitted 2020  
**payroll to the Ohio Bureau of Workers' Compensation, which will be**  
reconciled in January 2021.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain  
Township Board of Trustees, Stark County, Ohio to enter into a  
contract coverage agreement with the State of Ohio Bureau of  
**Workers' Compensation for the calendar year 2020 and to authorize**  
payment to the State **of Ohio Bureau of Workers' Compensation of**  
\$132,848.00.

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

7. Transfer of Funds

#19-576 Motion by Mr. Sabo,  
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>
-------------	-----------	---------------

2600 Easton St. NE  
Canton, OH 44721

Page 3 of 8  
December 10, 2019

Admin

01-B-02 – Improvement of Sites	01-A-15 – Workers Compensation	\$ 8,830.00
01-B-02 – Improvement of Sites	01-F-08G – Community Events	\$ 500.00

Roads

04-B-02 Materials	04-A-03 – Workers Compensation	\$ 6,358.00
-------------------	--------------------------------	-------------

Seconded by Mr. Haws.

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

8. Payment of Zoning Boards

#19-577

Motion by Mr. Haws,

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 July 1, 2019 through December 31, 2019 at the rate of \$50 per meeting for a total of \$1,700.00.

Seconded by Mr. Leno.

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

ADMINISTRATOR:

1. Payment to The Treasurer, State of Ohio for MS4 Annual Discharge Fee

#19-578

Motion by Mr. Sabo,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to The Treasurer, State of Ohio, for the storm water MS4 annual discharge fee in the amount of \$2,100.00 from fund #01-A-26E.

Seconded by Mr. Leno.

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

2. Payment to Baker Dublikar-Professional Services

#19-579

Motion by Mr. Haws,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to Baker Dublikar, for Professional Services in the amount not to exceed \$4,273.50 and to be paid from fund #01-A-10.

Seconded by Mr. Sabo.

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

3. Payment to Earth N Wood for Hauling Yard Waste

#19-580

Motion by Mr. Haws,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to Earth N Wood for hauling of yard waste, in the amount not to exceed \$9,765.00 and to be paid from fund #01-A-26Y.

Discussion Joe Iacino says another 60-100 yards still need to go. Earth N Wood take three per day.

Seconded by Mr. Sabo.

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

4. Set Date for Residential Yard Waste Opening for May 1<sup>st</sup> 2020

#19-581

Motion by Mr. Haws,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to set an open date of May 1<sup>st</sup>, 2020 for the Plain Township Residents Only Yard Waste Site. The Yard Waste Site is located at, 2855 Easton St. NE.

Discussion: Lisa Campbell says that the Plain Township website is up and ready for residents to go on and follow instructions to receive their **Yard Waste Card. For residents that don't have access to a computer**, one is set up in the Plain Township Hall, and someone will be happy help if needed.

Seconded by Mr. Sabo.

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

FIRE DEPARTMENT:

1. Monthly Report

2600 Easton St. NE  
Canton, OH 44721

Page 4 of 8  
December 10, 2019

#19-582           2.    Reimbursement Health Care – Joe Theil  
Motion by Mr. Haws,  
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize the reimbursement to Joe Theil in the  
amount of \$400.00 for Health Care Membership according to  
Provision 37 of the collective Bargaining Agreement, to be taken from  
account #10-A-15.  
Seconded by Mr. Sabo.  
Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

3.    Payment to the Crash Course Village Inc. for the Crash Course  
2020 Conference-May 2 & 3, 2020

#19-583           Motion by Mr. Haws,  
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize the attendance and payment for up  
to four people for the Crash Course 2020 Conference on May 2-3,  
2020, not to exceed \$2,600.00 to be taken from Fund #10-A-15A  
Seconded by Mr. Sabo.  
Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

ROAD DEPARTMENT:

1.    Monthly Report  
2.    Amend Resolution #19-169

#19-584           Motion by Mr. Haws,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to amend Resolution #19-169 passed on April 9<sup>th</sup>,  
**2019 for the design proposal of Plain Township Road Department’s**  
new storage building, completed by Caplea Studio Architects. The  
additional amount to be added to original quote of \$15,550.00 is  
\$5,087.41 making the final total \$20,637.41 to be taken from fund 03-  
C-03 Contacts.  
Seconded by Mr. Sabo.  
Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

3.    Payment to MTECH to purchase Undercarriage & Wheel  
Transporter-Pipe TV Inspection System.

#19-585           Motion by Mr. Haws,  
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize the purchase of an undercarriage and  
wheel transporter assembly from MTECH for the portable mainline  
pipe TV inspection system. Amount not to exceed \$14,959.95 to be  
taken from 11-A-04 Tools and Equipment.  
**Discussion: It’s a significant tool for to Plain Township projects.**  
Seconded by Mr. Sabo.  
Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

ZONING DEPARTMENT:

1.    Monthly Report  
2.    Nuisance Abatements  
      a. 2612 Harrisburg Rd.

#19-586           Motion by Mr. Sabo,  
WHEREAS, a public hearing was held on 12/10/2019 by the Board of  
Trustees regarding the property conditions at 2612 HARRISBURG  
RD. NE 52-10583, 52-10588 and 52-10582, Stark County, Ohio  
(Parcel #5210583) and  
WHEREAS, LISA HUDSON, 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:

- Junk Motor Vehicle A Junk Motor Vehicle(s) constitute a  
nuisance under Ohio Revised Code Section 505.173 and

2600 Easton St. NE  
Canton, OH 44721

Page 5 of 8  
December 10, 2019

- 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. Haws.

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

3. Resolution to Adopt Amendment 574-19

Motion by Mr. Haws,

#19-587

RESOLUTION 574-19 ADOPTING THE REVISED DEFINITION OF **“SKILL-BASED AMUSEMENT MACHINE”**. IN ARTICLE IV, OF THE ZONING RESOLUTION.

WHEREAS, ORC 504.04(A) authorizes the Township to exercise powers of local self-government and to adopt and enforce within the Township local police, sanitary, and other similar regulations; and

WHEREAS, the Board of Zoning Commission has reviewed the text changes and caused a recommendation to be forwarded to the Plain Township Board of Trustees; and

WHEREAS, the Board of Trustees has previously adopted a definition for Internet Café and/or Skilled Games in the Zoning Resolution Article IV; and

WHEREAS, in 2018, the Ohio Legislators did revise the definition of Skill-Based Amusement Machine; and

WHEREAS, to more closely align the Plain Township Zoning Resolution definition of Skill-Based Amusement Machine, with the revised definition found in Ohio Administrative Code 3772-50, the Plain Township Trustees are amending the Text of the Zoning Resolution; and

WHEREAS, it is the opinion of the Board that such regulations are immediately needed to protect the health, safety and welfare of the residents of the Township.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, pursuant to Chapter 504 of the Ohio Revised Code, and within the authority of Limited-Self Government, to hereby adopt the text of Amendment 574-19, revised **definition of “Skill-Based Amusement Machine”, in article IV of the Zoning Resolution** that reads as follows;

SKILL-BASED AMUSEMENT MACHINE:

A Skill-Based Amusement Machine is as defined in the current version of the Ohio Administrative Code 3772-50.

SKILL-BASED AMUSEMENT USE:

A use in which Skill-Based Amusement Machines Type A, B, or C approved and/or licensed, as applicable, by the Ohio Casino Commission are utilized as a principal or secondary use to a business.

SKILL-BASED AMUSEMENT MACHINE (SBAM) TYPE A:

A Skill-Based Amusement Machine Type A is as defined in the current version of the Ohio Administrative Code 3772-50.

SKILL-BASED AMUSEMENT MACHINE (SBAM) TYPE B:

A Skill-Based Amusement Machine Type B is as defined in the current version of the Ohio Administrative Code 3772-50.

SKILL BASED AMUSEMENT MACHINE (SBAM) TYPE C:

A Skill-Based Amusement Machine Type C is as defined in the current

2600 Easton St. NE  
Canton, OH 44721

Page 6 of 8  
December 10, 2019

version of the Ohio Administrative Code 3772-50.  
(Amendment #574, effective 12-30-2019)

Discussion: Mr. Haws says that all information will be passed on to necessary parties.

Seconded by Mr. Sabo.

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

4. Resolution to Adopt Amendment 575-19

Motion by Mr. Haws,

#19-588

**RESOLUTION 575-19 ADOPTING THE REMOVAL OF TYPE “C” SKILL-BASED AMUSEMENT MACHINES AS A PERMITTED USE IN B-2, GENERAL BUSINESS DISTRICT, AND I-1, LIGHT INDUSTRIAL DISTRICT:**

WHEREAS, ORC 504.04(A) authorizes the Township to exercise powers of local self-government and to adopt and enforce within the Township local police, sanitary, and other similar regulations; and

WHEREAS, the Board of Zoning Commission has reviewed the text changes and caused a recommendation to be forwarded to the Plain Township Board of Trustees; and

WHEREAS, the Board of Trustees has previously adopted Skill-Based Amusement Machine businesses as a permitted use in B-2, General Business District, and I-1, Light industrial District; and

WHEREAS, with the current level of law enforcement activity involving some purported illegal incidents occurring at several Skill-Based Amusement Machine businesses located within Plain Township, the Township Trustees have a substantial interest in regulating these types of businesses; and

WHEREAS, to protect the health, safety and welfare of the residents **of the Township, the Trustees will remove “Skill-Based Amusement Machine Type “C” businesses as a permitted use in B-2, General Business Districts, and in I-1, Light Industrial Districts; and continue to permit only “Type A” and “Type B”, Skill-Based Amusement Machine business’s in those same districts; and**

WHEREAS, to more closely align the Plain Township Zoning Resolution with the terminology contained in the Ohio Administrative Code 3772-50, the Plain Township Trustees are amending the term, **“Internet Café and/or Skill Games, to now read; “Skill-Based Amusement Machine”** in the entirety of the Zoning Resolution, and WHEREAS, it is the opinion of the Board that such regulations are immediately needed to protect the health, safety and welfare of the residents of the Township.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, pursuant to Chapter 504 of the Ohio Revised Code, and within the authority of Limited-Self Government, that we hereby adopt the following changes proposed in text Amendment 575-19.

Amend: Article VII-District Regulations:

**Remove Type “C” Skill-Based Amusement Machines as a permitted use in B-2, General Business District, and I-1, Light Industrial District: Delete item #16 “Internet Café and/or Skilled Games” from Section 713.2(A), Permitted Uses, and Replace with “Skill-Based Amusement**

2600 Easton St. NE  
Canton, OH 44721

Page 7 of 8  
December 10, 2019

**Machine Types A and B”.**

**Delete item #12 “Internet Café and/or Skilled Games” from Section 721.2(A), Permitted Uses, and Replace with “Skill-Based Amusement Machine Types A and B”.**

**Delete item #13 “Internet Café and/or Skilled Games” from Section 722.2(A), Permitted Uses, and Replace with “Skill-Based Amusement Machine Type C”.**

(Amendment #575, effective 12-30-2019)

Discussion: Mr. Haws says, again, that all information will be passed on to necessary parties. Additionally, we are going off of the Ohio Casino Commission definitions. Which they would have to inspect to see what type of machine it is. We are not trained professionals, nor **the statutory authority for those that don’t understand township** government responsibilities.

Seconded by Mr. Sabo.

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

#19-589 5. Reappoint Terrence Seeberger Zoning Commission

Motion by Mr. Haws,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to re-appoint TERRENCE SEEBERGER to the Plain Township Board of Zoning Commission for a five (5) year term commencing on January 1, 2020 and expiring December 31, 2024.

Seconded by Mr. Sabo.

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

#19-590 6. Reappoint Richard Beck Zoning Appeals

Motion by Mr. Haws,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to re-appoint RICHARD BECK to the Plain Township Board of Zoning Appeals for a five (5) year term commencing on January 1, 2020 and expiring December 31, 2024.

Seconded by Mr. Sabo.

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

PARKS DEPARTMENT:

- 1. Monthly Report

LAW DIRECTOR:

None.

COMMUNICATIONS:

PUBLIC SPEAKS

- 1. None

CONCERNS OF TRUSTEES:

- 1. SCOG Update

Mr. Haws gave an update about SCOG and the SCOG Budget

CONCERNS OF FISCAL OFFICER:

- 1. None

APPROVAL OF MINUTES:

#19-591 1. November 26, 2019

Motion by Mr. Sabo,

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 November 26, 2019 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 regularly held meeting November 26, 2019, as presented.

Seconded by Mr. Haws.

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

EXECUTIVE SESSION:

2600 Easton St. NE  
Canton, OH 44721

Page 8 of 8  
December 10, 2019

#19-592 Motion by Mr. Sabo,  
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 12/10/19 as authorized under Ohio Revised  
Code 121.22(G) for the consideration of:

- 1. (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. Leno.

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

#19-593 Motion was made by Mr. Haws to return to public session at 7:15pm.  
Seconded by Mr. Sabo.

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

#19-594 Motion by Mr. Haws,  
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,  
Stark County, Ohio, to implement a gym membership for non-contract  
employees. Employee must provide proof of attendance for at least  
156 visits, in a (12) month period, and shall receive a maximum  
reimbursement for gym membership of \$400.00, with a completed  
Health Club Reimbursement Request Form.

Seconded by Mr. Sabo.

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

#19-595 Motion by Mr. Haws,  
NOW THEREFORE BE IT HEREBY RESOLVED by the Plain  
Township Board of Trustees, Stark County, Ohio to authorize Law  
Director, Eric J. Williams, to execute and enter into on behalf of  
Plain Township, engagement letters for profession services with  
Buckingham, Doolittle & Burroughs LLC, Weston Herd LLP, and  
Buckley King LPA

Seconded by Mr. Sabo.

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

ADJOURNMENT:

#19-596 Motion by Mr. Sabo,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to adjourn at 7:16 p.m.

Seconded by Mr. Leno.

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

\_\_\_\_\_  
John A. Sabo  
Trustee

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

\_\_\_\_\_  
Scott Haws  
Trustee

ATTEST: \_\_\_\_\_  
Luther E. Russert  
Fiscal Officer Pro-Tem