

**MINUTES OF THE REGULAR MEETING OF THE
CANTON TOWNSHIP BOARD OF TRUSTEES
HELD TUESDAY, MAY 05, 2009**

The Canton Township Board of Trustees met in a Regular Session at 7:00pm
on Tuesday, May 05, 2009 with all three Trustees present.

Pledge of Allegiance

ROLL CALL: Mr. William C. Smith - Present
 Mr. Christopher B. Nichols - Present
 Mr. James A. Wilcox - Present

Also present: Fiscal Officer Ron Smith, Zoning Director Marshall Lewis,
Road Superintendent Dave Robertson, and Fire Chief Scott McKibben.

MINUTES:

Mr. Wilcox made a motion to approve and waive the reading of the minutes from the April 21, 2009 Regular Meeting, seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Nichols made a motion to approve and waive the reading of the minutes from the April 28, 2009 Special Meeting, seconded by Mr. Smith and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

FIRE:

Fire Chief presented receipts for two weeks for the following: \$12,553.65=Ambulance Billing, \$56.12=CPR, for a total of \$12,609.77. Mr. Smith made a motion to accept the report/fees as submitted, seconded by Mr. Wilcox and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Wilcox made a motion to approve closing 1 BC:

#9 = Misc Training Supplies/Expenses

Motion seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Nichols made a motion to approve opening 1 new PO:

\$10,000.00 = Misc Vehicle Operations

Motion seconded by Mr. Smith. Fiscal Officer certified funds are available. Voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Smith made a motion to approve hiring Fire Fighter Cadet Michael Hole for the paid-per-call staff working out of Station #2. Motion seconded by Mr. Wilcox and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Nichols administered the Oath of Office to Cadet Hole.

Mr. Nichols made a motion to approve the Canton Township Fire Dept. entering into a technical service support agreement with Physio-Control, Inc. for period beginning on 05/01/2009 and expiring on 04/30/2010, at a cost of \$7,235.00. Motion seconded by Mr. Wilcox and voting YES – MR. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Smith made a motion to approve opening 1 new PO:

\$7,235.00 = Physio-Control Inc.

Motion seconded by Mr. Nichols. Fiscal Officer certified funds are available.

Voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Trustee Smith, at this time, stated the Waco Homecoming was the best this year as it has been in many years. He is going to strongly urge that the Canton South Marching Band participate in the parade next year.

Mr. Nichols made a motion to approve hiring M&E Company to prepare a full sight traffic study along Faircrest Street SW, at a cost of \$2,000.00. Motion seconded by Mr. Wilcox and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Nichols made a motion to approve opening 1 new PO:

\$2,000.00 = M&E Company

Motion seconded by Mr. Wilcox. Fiscal Officer certified funds are available. Voting

YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

ROAD:

Road Superintendent presented receipts for two weeks in the amount of \$449.50 for scrap metal. Mr. Wilcox made a motion to accept the receipts as submitted, seconded by Mr. Smith and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Smith made a motion to approve closing 1 BC and 3 PO's:

BC
#22 = Material

PO
#34 = H&H Auto Parts
40 = Rentwear Inc
77 = Municipal Signs

Motion seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Wilcox made a motion to approve opening 1 new BC and 3 new PO's:

BC
\$5,000.00 = Material

PO
\$ 200.00 = Rentwear
3,000.00 = Municipal Signs
3,000.00 = H&H Auto Parts

Motion seconded by Mr. Nichols. Fiscal Officer certified funds are available. Voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Nichols made a motion to approve 2 Road Dept employees attending a Stormwater Quality Materials Workshop on Wednesday, May 13th from 10am to 12noon, to be held at Plain Township. Motion seconded by Mr. Smith and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

- FYI:** > Cole Ave Drainage Project: Cole Ave SE and 4th St SE have been completed with new culverts
> Charlotte Ave SE culvert work is on “Hold” until gas lines can be lowered

At this time, Dave Robertson thanked the Trustees, Fiscal Officer, and Department Heads for the opportunity and privilege of working for and with them the past 8 years as the Road Superintendent

ZONING:

Zoning Director presented receipts in the amount of \$568.00. Mr. Smith made a motion to accept the report/fees as submitted, seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

New Violation Letters

Helen Walton	3503 Dueber Ave SW	Unlicensed / Inoperable Vehicles
George & Valerie Fields	3215 Charlene Ave SW	Unlicensed / Inoperable Vehicles
Terry Diebel	3117 Waynesburg Dr SE	Unlicensed / Inoperable Vehicles
Jeffrey Carpenter	4341 Cheryl SW	High Grass
James Meek	5118 Martin Dr. SE	Trash & Debris
Thomas Baker	4125 Cheryl Ave SW	Trash & High Grass
77 Gulliver’s Travel Plaza	2320 Faircrest St SW	Tires & Trash
Adam Platt	3331 Varley Ave SW	High Grass
Stacy Parker	3740 Whipple Ave SW	Unlicensed / Inoperable Vehicles
John Schoonover III	1114 Mill St SW	Unlicensed / Inoperable Vehicles
Donna Dalton	322 Mill St SE	Unlicensed / Inoperable Vehicles
William McVicker	230 53rd St SW	Unlicensed / Inoperable Vehicles

Closed Violations

Brian Oliver	513 Charlotte Ave SE	Removed Vehicles
Shannon Noble	3116 Trump Ave SE	Applied for Permit
Carl Layman	3003 Joseph St NW	Removed Trash & Debris

Canton Township Board of Trustees –vs.- William E. Edwards Jr.

- Awaiting status –

Canton Township Board of Trustees –vs. - Woody’s Tree Service

Judgment Entry filed Friday 24 April 09 – Atty Robert Rubin filed with the BZA for a hearing to be held May 21, 2009, asking for the Board to review and recognize a continuing lawful Non-Conforming Use.

Timothy Lynn - 3963 Richville Dr., SW Canton OH – Parcel #13-09804

Public Nuisance Hearing – July 8, 2008

Property has large amounts of solid waste – Over 25 unlicensed and inoperable vehicles – abandon/wrecked recreational vehicles – large accessory building collapsed – tires on and off rims.

Building & Structures – 90 Days total removal of collapsed building – 9 Oct 08

Vegetation, Garbage Refuse, Debris – 60 Days removal – 9 Sept 08

Unlicensed vehicles are being removed – verified 10 have been relocated from the property – Mr. Lynn states all will be removed by the end of month – March 09

May 30, 2009 – Trustees approved new date for vehicles to be removed

Rose Cox 3111 Central Ave SE Trash/Unsecured Structure

Lawsuit filed 23 Mar 09 Stark County Health Dept -vs.- Rose Cox Court date 3 April 09 - Grandson David Cox has taken responsibility for the property, judge issued 60 day (4 June 2009) clean up and 120 (4 August 2009) for removal of house.

Business in Residential

- 5141 Keiffer Ave SW **Fisk Shane Roofing Co.**, Fisk, Shane & Roffanda, Submitted application for Home Occupancy – **APPROVED Home Occupation – CLOSED**
- 1810 Faircrest SE **Woody's Tree Service, Montgomery, Michael**, - Legal action in progress
Final Pre-trial - May 21, 2009 Trial – Jun 1, 2009
- 4134 Fairknoll SE **Quality Turf / Quality Custom Embroidery, Edwards, Bill** - Legal action in progress. Awaiting Judge Decision.
- 824 Faircrest SW **Acropolis Property Services, Fellouzis, Walter**, 19 March 2008, 3rd notice Home Occupation – 5 Feb 09 – Application for Home Occupancy – 30 April 09 - Withdrew application
- 5370 Ridge Ave SE **Harper Surveying, Harper, Bradley & Cynthia**, 17 April 08 – 1st notice, 2nd notice 17 June 08 - 5 Feb 09 – Letter sent once again by zoning office to contact us about Business Operations – Application for Home Occupancy – Scheduled for **BZA 21 May 09**
- 427 Vince Ave NW **Risaliti Beauty Shop, Giorgio & Deanna Risaliti**, 4 March 09 – 1st notice. – Requesting review by BZA for existing non-conforming use – Scheduled **BZA 21 May 09**

Mr. Smith made a motion to approve Zoning Director sending letter to Gerald & Sophia Michel notifying them the Board of Trustees is seeking bids for excavation work on the Lakeview NW properties.

- FYI:** > Taylor property on Lincoln St. (violation of zoning): Zoning Director has been in contact with Atty. Hall, he recommended contacting the Stark County Prosecutor's office.
- > Dueber Ave Auction: furniture, trash, debris, vehicles starting to accumulate behind building

FISCAL OFFICER:

Fiscal Officer presented bills in the amount of \$42,004.65 and payroll in the amount of \$57,727.46 for total checks of \$99,727.46. Mr. Wilcox made a motion to approve the checks as presented, seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Payment Register and Fund Status reports handed out to all three Trustees and Department Heads. New Appropriation Status report and new PO & BC lists to be given to Department Heads on Thursday, May 7th.

Mr. Smith made a motion to approve Canton Township joining the Stark County Schools Council of Governments Health Care Consortium, effective July 1, 2009, and to discontinue our current policy with Aultcare, effective the same date. Employees will have choice of coverage with either Aultcare or Medical Mutual. Motion seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Nichols made a motion to enter into and sign agreement with Sandra Pfiffner to mow Niece Cemetery on Faircrest St SW for the 2009 mowing season, at a cost of \$250.00 for the season. Motion seconded by Mr. Wilcox and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Nichols made a motion to approve opening 1 new PO:

\$250.00 = Sandra Pfiffner

Motion seconded by Mr. Wilcox. Fiscal Officer certified funds are available. Voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

- FYI:**
- > Received \$3,924.00 from OTARMA for 2009 Budget Relief Credit
 - > Check for \$200.04 received from Clear Channel for lease from 05/01/09 to 04/30/10 for billboard located at Fire Sta #4. Check forwarded to Atty. Hall, he will contact Clear Channel.
 - > Road Paving: At present, there is \$100,000 - \$125,000 available. If a loan is obtained for an additional \$100,000, it could be repaid in December with gasoline tax revenue. Also, there is \$50,000 on-hand for road salt for the start of with 2009 winter season.

EXECUTIVE SESSION:

Mr. Nichols made a motion to approve moving into Executive Session at 7:50pm with Trustees, Fiscal Officer and Fire Chief to discuss personnel matters. Motion seconded by Mr. Wilcox.

ROLL CALL VOTE:

Mr. Smith	-	YES
Mr. Nichols	-	YES
Mr. Wilcox	-	YES

Mr. Nichols made a motion to move out of Executive Session at 8:13pm. Motion seconded by Mr. Wilcox.

ROLL CALL VOTE:

Mr. Smith	-	YES
Mr. Nichols	-	YES
Mr. Wilcox	-	YES

PUBLIC SPEAKS:

No Public Speaks this evening.

TRUSTEES:

MR. SMITH:

Road Superintendent = Mr. Smith made a motion to approve the appointment of Thomas W. Hewitt as Canton Township Road Superintendent, effective May 10, 2009, at a starting salary rate of \$52,000.00 per year, with a six-month probationary-period review and pay increase, and another pay increase after 12 months, and an annual review thereafter. Motion seconded by Mr. Wilcox and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Road Foreman = At the recommendation of Tom Hewitt, Mr. Smith made a motion to approve the appointment of John Paul Neff as Road Foreman, effective May 10, 2009, with a pay rate of an additional \$0.50 per hour. Motion seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Pay Rate – D. Robertson = Mr. Smith made a motion to approve new pay rate for Dave Robertson, effective May 10, 2009, to be \$19.50 per hour, with a 180-day probationary period. Motion seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

At this time, on behalf of the Board, Trustee Smith thanked Dave Robertson for all his years of excellent, dedicated service to the residents of Canton Township and hope he remains with the Township for many years to come.

- FYI:
- > Letter will be sent to government entities and companies concerning township road matters informing them of personnel changes in the Road Dept.
 - > In regard to township purchases within the township, Save-A-Lot does accept VISA, Mastercard, and Discover credit cards.
 - > Board has received, from Stark County Commissioners, a copy of the resolution and original recorded deed granting Faircrest Park property to Canton Township.
 - > Discuss purchase of new mower for township parks

Purchase New Mower = Mr. Smith made a motion to approve the purchase of a new Ventrac #4200 tractor with a finish-mowing and a rough-cut mowing attachment from Bair's Inc. at a cost not to exceed \$22,378.00, purchased through the state co-op program. This is with a trade-in of a Gravely walk-behind mower and a Snapper rough-cut mower. Motion seconded by Mr. Wilcox and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Mr. Smith made a motion to approve opening 1 new PO:

\$22,378.00 = Bair's Inc.

Funds to be divided \$9,839=General \$9,839=Park \$2,700=Zoning

Motion seconded by Mr. Nichols. Fiscal Officer certified funds are available. Voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Storm Water Mapping = Mr. Smith made a motion to approve the Board sending a letter of interest to Stark County Regional Planning asking for assistance with the creation of a comprehensive storm water sewer conveyance system map. Motion seconded by Mr. Wilcox and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

MR. NICHOLS:

Website = This week, he will be proofing information received from Department Heads to get some of the front pages of our new website up and running very soon.

Park Supervisor = He has made a rough draft of the duties of a Park Supervisor; and would like the Board's input on this job description.

Special Meeting = Mr. Nichols made a motion to approve a Special Meeting for Monday, May 11, 2009 at 7:30am to discuss park issues and any other matters that may come before the Board. Motion seconded by Mr. Wilcox and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

MR. WILCOX:

Faircrest Park, discuss the following:

- > Name of Park
- > Signs
- > Message Center (for both parks)
- > Porta-Jons
- > Insurance
- > House Numbering
- > Pavilion Rental Cost & Procedures
- > Liability Waiver for Rentals
- > Jerry Singer wants permission to cut-up & remove downed trees

Park Sign = Mr. Wilcox made a motion to approve purchasing a 4'x 8' temporary sign for Faircrest Park, with the name of "Canton Township Faircrest Community Park". Motion seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Message Center = Mr. Wilcox made a motion to approve ordering 3 message center boards from Barco Outdoor Products, at a cost not to exceed \$308.00 for each board. These message centers are for each of the 3 pavilions, 2 at Faircrest and 1 at park on Oyer St. Motion seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Pavilion Rental Fees = Mr. Wilcox made a motion to approve current park pavilion rental procedures to remain the same for both parks; and pavilion rental fees to be \$50.00 deposit for each pavilion, with \$25.00 refunded upon approval of clean-up. Rental fees go into effect as of May 6, 2009, for all new pavilion rentals at both parks. Motion seconded by Mr. Smith and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Waiver to Remove Downed Trees = Mr. Wilcox made a motion to approve Jerry Singer of 1036 Faircrest Street SW to cut and remove dead trees from within Faircrest Park, as per the Release of All Claims Waiver he will sign, as prepared by Atty. Charles Hall. Motion seconded by Mr. Smith and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

FYI: > Porta-Jons at Faircrest Park – Mr. Wilcox called to having billing sent to Canton Township
> House Numbering – Mr. Wilcox will take care of getting house number assigned to Faircrest Park
> Liability Insurance – Fiscal Officer will contact OTARMA to have Faircrest Park added to township insurance policy

No Trespassing Signs on Allenford SE = Mr. Wilcox made a motion to approve erecting 4 “No Trespassing” signs on the township’s FEMA property on Allenford Dr SE. Motion seconded by Mr. Smith and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

ZONING:

Mr. Smith made a motion to approve the application of Mr. William Paulk of 1443 Marilyn Ave NW, Canton Township to be an alternate on the Canton Township Zoning Board of Appeals. Motion seconded by Mr. Wilcox and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

No further business coming before the Board, Mr. Wilcox made a motion to adjourn at 9:06pm, seconded by Mr. Nichols and voting YES – Mr. Smith, Mr. Nichols, and Mr. Wilcox.

Ronald L. Smith, Fiscal Officer

William C. Smith, President

Christopher B. Nichols, Vice President

James A. Wilcox, Trustee