

**MINUTES OF THE REGULAR MEETING OF  
CANTON TOWNSHIP BOARD OF TRUSTEES  
HELD TUESDAY, MARCH 09, 2010**

The Canton Township Board of Trustees met in a Regular Session at 7:00pm  
on Tuesday, March 09, 2010 with two Trustees present.

Also in attendance: Fiscal Officer Ron Smith, Zoning Director Marshall Lewis, Road Superintendent Tom Hewitt, and Fire Chief Scott McKibben:

Absent: Trustee Bill Smith

**MINUTES:**

Mr. Nichols made a motion to approve and waive the reading of the minutes from the February 22, 2010 Regular Meeting with an amendment to the motion approving the CENCOM dispatching service agreement to reflect the original motion of a “one year” agreement to the amended motion of a “month-to-month” agreement. Motion seconded by Mr. Wilcox and voting YES – Mr. Nichols and Mr. Wilcox.

**FIRE:**

Fire Chief presented Ambulance Billing receipts for two weeks in the amount of \$16,844.78. Mr. Wilcox made a motion to accept the report/fees as submitted, seconded by Mr. Nichols and voting YES – Mr. Nichols and Mr. Wilcox.

Mr. Nichols made a motion to approve a 25% reduction to Regional Collection Services account #N09977 for ambulance billing fee. Motion seconded by Mr. Wilcox. Discussion: Without any mitigating circumstances to give the Board a valid reason to approve the discount, they cannot justify the reduction. Voting **NO** – Mr. Nichols and Mr. Wilcox. Motion defeated.

FYI: > Fire Chief asked the Board if they wanted to give RCS authority to settle uncollected accounts for 75% of the total due, or to continue presenting each case to the Board for approval as it occurs. Mr. Nichols stated the Board will continue to review each case as it occurs.

Mr. Nichols made a motion to approve and sign a lease/maintenance agreement with Toshiba Business Solutions for a new e-Studio 305 Digital Monochrome Copier at a cost of \$141.28 per month, for a 63-month lease. Motion seconded by Mr. Wilcox and voting YES – Mr. Nichols and Mr. Wilcox.

**ROAD:**

Road Superintendent presented receipts for two weeks for the following: \$85.00=Culvert Pipe, and \$50.00=Road Opening Permit, for a total of \$135.00. Mr. Wilcox made a motion to accept the fees as submitted, seconded by Mr. Nichols and voting YES – Mr. Nichols and Mr. Wilcox.

Mr. Nichols made a motion to approve closing 1 BC and 1 PO:

**BC**  
#20 = Repairs

**PO**  
#59 = Cargill Salt

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

Mr. Wilcox made a motion to approve opening 2 new BC's, 2 Then & Now PO's, and 3 new Regular PO's:

**BC**

\$10,000.00 = Repairs  
5,000.00 = Supplies

**Then & Now PO:**

\$25,000.00 = Cargill Salt  
2,000.00 = Central Allied

**Regular PO**

\$25,000.00 = Cargill Salt  
8,000.00 = Central Allied  
3,000.00 = Municipal Signs

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

- FYI:**
- > Ohio EPA NPDES Small MS4 General Permit Annual Reporting Form to be mailed March 19<sup>th</sup> – Trustees to review for any possible changes needed
  - > Snow & Ice Control Class has been re-scheduled for Thursday-April 1<sup>st</sup> at Jackson Township
  - > Road Salt paid-to-date this season = \$126,252.53

**ZONING:**

Zoning Director presented receipts for two weeks in the amount of \$195.00. Mr. Nichols made a motion to accept the report/fees as submitted, seconded by Mr. Wilcox and voting YES – Mr. Nichols and Mr. Wilcox.

Mr. Wilcox made a motion to approve the release fire loss claim funds, in the amount of \$2,000.00, to Pamela Carter at 116 – 50<sup>th</sup> St SE for a structural fire that destroyed an accessory building. The building has been removed. Motion seconded by Mr. Nichols and voting YES – Mr. Nichols and Mr. Wilcox.

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

\$2,000.00 = Pamela Carter

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

Mr. Nichols made a motion to approve the Zoning Director attending a Mutual Assistance Committee meeting to be held Friday, March 19 at 10:00am at Marlboro Township. Topics will be Agricultural Zoning and Dealing with Structurally Unsafe Agricultural Buildings. Motion seconded by Mr. Wilcox and voting YES – Mr. Nichols and Mr. Wilcox.

Mr. Wilcox made a motion to approve the Zoning Director using a township vehicle and road equipment on Saturday, April 10<sup>th</sup> to assist the Canton South High School Band in their highway clean-up project along a two-mile stretch of Rt.800. Motion seconded by Mr. Nichols and voting YES – Mr. Nichols and Mr. Wilcox.

Zoning Director stated the Canton South Band is scheduled to march in the Waco Homecoming Parade this season.

- FYI:**
- > Zoning Director providing updated 2010 Violation Listing for Trustees
  - > Atty. Hall has prepared a formal bid package for the removal of North Industry School for the Board's review.
  - > Wednesday - March 31 - 7:00pm: Canton Township Board of Zoning Appeals Public Hearing Scheduled – No Applicants as of this date .

**FISCAL OFFICER:**

Fiscal Officer presented bills in the amount of \$60,435.56, and payroll in the amount of \$75,748.16 (which includes \$12,761.03 Paid-per-Call), for total checks of \$136,183.72. Mr. Wilcox made a motion to approve the checks as presented, seconded by Mr. Nichols and voting YES – 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 PO & BC lists to be given to Department Heads on Thursday, March 11.

Mr. Nichols made a motion to approve the 2010 Permanent Appropriations in the amount of \$4,900,926.29 as presented by the Fiscal Officer. Motion seconded by Mr. Wilcox.

ROLL CALL VOTE:	Mr. Nichols	-	YES
	Mr. Wilcox	-	YES
	Mr. Smith	-	Absent

- FYI:**
- > Attended Tax Incentive Review Council meeting this morning
  - > Employee Pay Raises – 1<sup>st</sup> Full Pay of April (April 11-24), will be paid May 5
  - > Meeting with Local Government Services (re: audit items) on Tuesday-March 16 - 8:00am
  - > Vacation/Personal/Sick Time Forms
  - > Employee Handbook Review –Final Draft due from Paychex March 18
  - > 2008-2009 Audit to start Monday – March 15
  - > Trustees so sign February 2010 Bank Reconciliation

Mr. Nichols made a motion to approve a Special Meeting on Tuesday, March 16, 2010 at 8:00am with Local Government Services, regarding open audit items. Board reserves the right to discuss any other matters in open session that may come before the Board. Motion seconded by Mr. Wilcox and voting YES – Mr. Nichols and Mr. Wilcox.

**PUBLIC SPEAKS:**

**Lenora Strain: 3500 Charlene Ave SW – Canton Township**

**Eddie Mealy: 3434 Charlene Ave SW – Canton Township**

**Gerri Long: 3514 Charlene Ave SW – Canton Township**

**Henry Edwards: 3530 Charlene Ave SW – Canton Township**

**Kathryn Clark: 3423 Dueber Ave SW – Canton Township**

The above residents were all in attendance to voice their concerns, complaints and frustration with the property owner and property located at 3503 Dueber Ave SW. They have put up with enough. There are numerous horses, goats, llamas, cats, dogs, chickens, raccoons. The barn is an eye sore to the neighborhood and all you smell is horse manure; and now that the weather will be warming up, the smell will become unbearable. They are concerned about property values and well contamination. They have talked to the Zoning Director about the situation and they are now asking the Board to declare this property a nuisance and have it taken care of. They all have shallow backyards, so this nuisance with all the animals, the unsightly building and the horrible odor is basically at their back door. Why are so many animals permitted on such a small property.

Mr. Nichols stated this is the first time this property has been brought to his attention; and he asked the Zoning Director for an up-date. Zoning Director said this property is owned by Helen Walton. The residents first started calling the office concerning this property about a year ago.

He called the Health Dept. which investigated for amounts of waste, possible erosion problems, and possible contamination of wells. They found no violations and did not “write-up” the property. He was contacted again by the residents concerning the smell and nuisance, so he went along with the Health Dept. to investigate. At that time, September 2009, he counted 5 horses, llamas, cats, etc. Again, the Health Dept. did not find any violations and did not “write-up” the property. He also contacted Stark Soil & Water about soil erosion and well contamination because of all the animals; they were not able to provide any information and did not “write-up” the property for any violations. This property lies in an RR – Rural Residential district and according to Canton Twp. Zoning as long as it is over one acre, it can be used for agricultural use. Her property is 1.583 acres, and the township cannot regulate the number of animals allowed. As an alternative, he recommended to the residents to bring the property forward as a Nuisance.

Mr. Nichols requested the Zoning Director contact our attorney and they view the property together, so we know exactly where we stand, legally, if and when the Nuisance Hearing is held. It will be discussed, in detail, at the Township’s next Work Session, which will probably be the last Tuesday of this month. He thanked the residents for their patience and will be in touch with each of them.

**TRUSTEES:**

**MR. NICHOLS:**

Change Meeting Date = Mr. Nichols made a motion to approve changing meeting date for the Tuesday, April 6 Regular Meeting **to** Monday, April 5 (at the same time of 7:00pm) in order for all three Trustees to be able to attend. Motion seconded by Mr. Wilcox and voting YES – Mr. Nichols and Mr. Wilcox.

**MR. WILCOX:**

Nothing further to discuss this evening.

**MR. SMITH:**

Absent this evening.

No further business coming before the Board, Mr. Nichols made a motion to adjourn at 8:00pm, seconded by Mr. Wilcox and voting YES – Mr. Nichols and Mr. Wilcox.

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Ronald L. Smith, Fiscal Officer

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Christopher B. Nichols, President

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James A. Wilcox, Vice President

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*(absent)*  
William C. Smith, Trustee