

**MINUTES OF THE REGULAR MEETING OF
CANTON TOWNSHIP BOARD OF TRUSTEES
HELD TUESDAY, APRIL 20, 2010**

The Canton Township Board of Trustees met in a Regular Session at 7:00pm
on Tuesday, April 20, 2010 with all three Trustees present.

Also in attendance: Fiscal Officer Ron Smith, Zoning Director Marshall Lewis, Road Superintendent Tom Hewitt, Fire Chief Scott McKibben, and Township Additional Legal Counsel Charles Hall.

MINUTES:

Mr. Smith made a motion to approve and waive the reading of the minutes from the March 30, 2010 Special Meeting. Motion seconded by Mr. Nichols and voting YES – Mr. Smith and Mr. Nichols. Mr. Wilcox abstained from the vote.

Mr. Wilcox made a motion to approve and waive the reading of the minutes from the April 05, 2010 Regular Meeting. Motion seconded by Mr. Smith and voting YES – Mr. Wilcox and Mr. Smith. Mr. Nichols abstained from the vote.

FIRE:

Fire Chief presented receipts for two weeks for the following: \$11,022.78=Ambulance Billing, \$3,717.00=Training Grant, and \$99.00= Remainder of EMS Grant, for total receipts of \$14,838.78. Mr. Nichols made a motion to accept report/fees as submitted, seconded by Mr. Wilcox and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

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

\$10,000.00 = McIntosh Oil

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

Mr. Wilcox made a motion to approve the Ohio Billing report for March 2010. Motion seconded by Mr. Smith and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

Mr. Nichols made a motion to approve Susan Schnegg working a 40-hour work week, from 7:00am to 3:00pm; and to adjust her vacation hours accordingly from 70 hours to 80 hours. Motion seconded by Mr. Smith and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

Mr. Nichols made a motion to approve the adjustment to Susan Schnegg's work week hours to take effect the next full pay period, which starts April 25, 2010. Motion seconded by Mr. Smith and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

FYI: > Received grant for mobile training tower in the amount of \$211,138.00

\$211,138.00 = Federal Share (95%)

11,112.00 = Township Share (5%)

\$222,250.00 = Total Project Cost

Mr. Nichols made a motion to approve advertising for bids to furnish the Fire Dept. mobile training tower, according to plans & specs set forth by the Canton Township Fire Dept. and grant requirements. Motion seconded by Mr. Wilcox and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

> Fire Chief has discussed using a room in the old North Industry School building for Fire Dept. training with Atty. Charles Hall.

ROAD:

Mr. Wilcox made a motion to approve receipts for two weeks for the following:

\$255.00=Culvert Pipe and \$50.00=Road Opening Permit, for total receipts of \$305.00

Mr. Wilcox made a motion to approve the fees as submitted, seconded by Mr. Smith and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

Mr. Smith made a motion to approve closing 1 PO:

#64 = Central Allied Ent.

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

Mr. Nichols made a motion to approve opening 2 new PO's:

\$ 2,000.00 = Rentwear

10,000.00 = Buckeye Sweeping

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

FYI: > Friday-April 23-9:00am = Road Superintendent's meeting at County Engineer's office

Saturday -April 24-9:00am = Trustee's meeting at County Engineer's office

> Canton South Wildcat Run = Saturday – April 24 – 9:00am

Road Dept will furnish barricades for roads

Fire Dept to furnish EMT

Mr. Smith made a motion to approve all full-time Road Dept. personnel attending the Stormwater Quality Materials Workshop to be held Wednesday, May 5th from 8:30am to 12 noon at the Plain Township Hall. Motion seconded by Mr. Wilcox and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

Accurate Technologies:

At this time , Richard Carpenter,a representative of Accurate Technologies gave a short presentation/proposal on their capabilities to furnish Canton Township with the EPA mandated MS4 Stormwater Mapping.

Mr. Nichols thanked Mr. Carpenter; and stated the Board would need some time to digest the information, get a legal opinion, and review what has been done by the County and what still needs to be done, then set a follow-up meeting with Accurate Technologies.

ZONING:

At this time, Mr. Nichols stated he is aware that a number of people in attendance this evening, were also here a few meetings ago regarding a property located at 3503 Dueber Ave SW.

The Township listened to their concerns; and, at this time, he asked the Zoning Director to provide those in attendance with a summary of what has been done since they were last here.

Zoning Director, Hal Lewis, gave an update on the property in question, which is owned by Helen Walton. Atty. Hall also stated the Board is limited in what they are permitted to do. This is an agricultural use property, and the Board is restricted, under Zoning, as to whether or not they can control or regulate agricultural uses. There is very little the Board can do from an enforcement perspective. It would be a situation of trying to seek voluntary cooperation of the

property owner. Mr. Nichols told the residents in attendance that the Board would continue to work with them to find whatever options they can find to help. They are welcome to speak at the Public Speaks portion of the meeting this evening.

Executive Session:

Mr. Nichols made a motion to move into Executive Session at 7:45pm with the Trustees, Fiscal Officer, and Township Additional Legal Counsel Charles Hall to discuss pending and imminent zoning litigation and personnel matter. Motion seconded by Mr. Wilcox.

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

After the Executive Session was under way, the Fiscal Officer invited the Zoning Director and Lisa Barr & Amy Sabino of the Stark County Prosecutor's office to come in.

Mr. Nichols made a motion to move out of Executive Session at 8:34pm. Motion seconded by Mr. Wilcox.

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

Mr. Nichols made a motion that the Board terminate Hal Lewis as Canton Township Zoning Director, effective immediately, for misfeasance, nonfeasance, and malfeasance in the performance of his official duties. Motion seconded by Mr. Smith.

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

NOTE: This is to clarify that Mr. Lewis's termination was in no way attributed to any criminal allegations. Representatives of the Stark County Prosecutor's office were in attendance concerning pending litigation of township zoning nuisances.

Mr. Nichols thanked Mr. Lewis for his service. He was escorted out of the building by the Fire Chief.

Mr. Nichols made a motion to accept the zoning report/fees for two weeks in the amount of \$745.85 as submitted, seconded by Mr. Wilcox and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

Mr. Nichols made a motion to approve Zoning Secretary Dorene Crilow to serve as interim Zoning Inspector, with a temporary increase in pay of \$1.00 per hour, effective April 21, 2010, while serving those additional duties. Motion seconded by Mr. Smith.

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

FISCAL OFFICER:

Fiscal Officer presented bills in the amount of \$73,855.98 and payroll in the amount of \$78,675.13 for a total of \$152,531.11. Mr. Wilcox made a motion to approve the checks as submitted, seconded by Mr. Smith and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

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, April 22.

Mr. Smith made a motion to approve the Board signing the March 2010 bank reconciliation. Motion seconded by Mr. Nichols and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

Mr. Nichols made a motion to approve Fiscal Officer inter-fund transfer of \$600.00 for postage from zoning appropriation 2181-130-345 to 2181-130-342. Motion seconded by Mr. Nichols and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

Mr. Wilcox made a motion to approve Fiscal Officer inter-fund transfer of \$1,000.00 for miscellaneous expenses from zoning appropriation 2181-130-330 to 2181-130-590. Motion seconded by Mr. Smith and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

Mr. Nichols made a motion to approve Resolution No. 04-01-10, “To void any and all outstanding checks drawn on any Canton Township checking account and issued prior to December 31, 2008”. Motion seconded by Mr. Wilcox.

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

Mr. Smith made a motion to approve Resolution No.04-02-10, “Accept and make certain recommended audit adjustments for fiscal period ending December 31, 2007”. Motion seconded by Mr. Nichols.

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

Mr. Nichols made a motion to approve Resolution No. 04-03-10, “Reimburse an inter-fund transfer from the Lighting Assessment Fund (2401) back to the General Fund (1000) in the amount of \$55,258.71. Motion seconded by Mr. Smith.

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

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

\$15,000.00 = Treasurer, State of Ohio (audit fees)

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

PUBLIC SPEAKS:

Lenora Strain: 3500 Charlene Ave SW – Canton Township

Doris Edwards: 3530 Charlene Ave SW – Canton Township

Gerry Long: 3514 Charlene Ave SW – Canton Township

The above residents were in attendance for a second time to voice their complaints and concerns in regard to a property owned by Helen Walton and located at 3503 Dueber Ave SW. Smell, trash & debris, excessive animals, unfinished building, vehicles. Some pictures were provided.

Mr. Nichols stated if there is any legal way to help them, it will be done. This property was discussed earlier in the meeting.

Christopher Daniels: 4055 Dueber Ave SW – Canton Township

Mr. Daniels was in attendance to make the Board aware that his neighbor, Rockne Crocket at 4030 Dueber Ave SW has a mobile home on his property; and he knows it is not zoned for that purpose. He wanted to know if a Nuisance Hearing can be held to address this issue.

Mr. Nichols informed Mr. Daniels that this matter is scheduled to be discussed at a Nuisance Hearing, but due to the personnel change this evening, it will be followed up in a few weeks.

Larry Steckman: 3416 Robin Ave SE – Canton Township

Melvin & Martha Miller: 3516 Robin Ave SE – Canton Township

Bill Ray: 3501 Robin Ave SE – Canton Township

The above residents were in attendance to voice their complaints and concerns in regard to a property located at 3506 Robin Ave SE. The renter that lives there has large dogs that are loose. Mr. Steckman was bitten and received stitches at the hospital on his shoulder and leg. Several of the neighbors are carrying guns to protect themselves from these dogs. They have called the sheriff for the dogs, four-wheelers, and dirt bikes. They had a nice, quiet neighborhood, but not any longer. They have called the sheriff, the dog warden, and the prosecutor's office. The dog warden told them nothing could be done unless the dog bites someone. After Mr. Steckman was bitten, they called the dog warden again. This time they were told they could not do anything unless a judge issues a warrant to have the dog put down. They are fearful for their lives. Something needs to be done.

Mr. Miller and Mr. Ray stated the same as Mr. Steckman. The latest renter moved in November 1st. There are 2 vehicles that were moved in at that time with flat tires and have not moved since. Pick-up out back with no plates, transmissions all over the place, a boat, trash everywhere. The property is unsightly. Now they have the problem with the dogs. The neighbor across the street was attacked by the same dog. The sheriff has been there numerous times. Anything the Board can do to help would be appreciated.

TRUSTEES:

MR. WILCOX:

- FYI: > Canton South Baseball Association to build 6 dugouts at Community Park on Oyer St SE this weekend, April 24-25, weather permitting
(2 each at Abbott, Hamilton, & Hayhurst fields)
- > Damages to Community Park (Oyer St)
 - ... stole flag off flag pole
 - ... decorative metal on park gate destroyed
 - ... stole 1 trash can & dome lid
 - ... turned over 2 trash cans

MR. NICHOLS:

Waco Parade: Mr. Nichols made a motion to approve Trustees and family members to ride in the Waco Parade on Thursday, April 29th. Motion seconded by Mr. Smith and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

MR. SMITH:

Nothing further to discuss this evening.

No further business coming before the Board, Mr. Smith made a motion to adjourn at 9:18pm, seconded by Mr. Wilcox and voting YES – Mr. Nichols, Mr. Wilcox, and Mr. Smith.

Ronald L. Smith, Fiscal Officer

Christopher B. Nichols, President

James A. Wilcox, Vice President

William C. Smith, Trustee