

**MINUTES OF THE REGULAR MEETING OF THE
CANTON TOWNSHIP BOARD OF TRUSTEES
HELD TUESDAY, SEPTEMBER 27, 2005**

The Canton Township Board of Trustees met in a Regular Session on Tuesday, September 27, 2005 with all three Trustees present.

Pledge of Allegiance

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

Also in attendance: Clerk Ron Smith, Fire Chief Scott McKibben, Road Superintendent Dave Robertson, and Zoning Director Hal Lewis.

WORK SESSION:

The Board met with Department Heads prior to the Regular Meeting starting at 6:30pm in a Work Session that included topics and/or approvals that each Department would like presented at the Regular Meeting.

MINUTES:

Mr. Nichols made a motion to approve and waive the reading of the minutes of the September 13, 2005 Regular Meeting. Motion seconded by Mr. Smith and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

Mr. Wilcox made a motion to approve and waive the reading of the minutes of the September 14, 2005 Public Hearing. Motion seconded by Mr. Smith and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

FIRE:

Receipts collected for two weeks for the following: \$4,659.23=Ambulance Billing, \$400.00=CPR Fund, \$40.00=Permit Fees, \$500.00=Medic Assists, \$50.00=Medic Reimbursements, for a total of \$5,649.23. Mr. Nichols made a motion to accept the report as submitted, seconded by Mr. Wilcox and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

Mr. Nichols made a motion to approve closing the following 2 PO's:

#50277 = H&H Auto Parts

50346 = Roma's Radiator

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

Mr. Nichols made a motion to approve opening the following 5 new PO's:

\$1,000.00 = Rock-N-Rescue

\$1,500.00 = Life Gas

500.00 = WS Darley & Co

800.00 = Canton Data Print

2,000.00 = H&H Auto Parts

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

ROAD:

Receipts collected for two weeks for culvert pipe in the amount of \$76.00. Mr. Wilcox made a motion to accept the receipts as submitted by the Road Superintendent, seconded by Mr. Nichols and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

Mr. Nichols made a motion to approve closing the following PO:

#50192 = Grainger

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

Mr. Wilcox made a motion to approve opening the following new BC:

\$2,000.00 = Materials & Supplies for Community Park

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

Mr. Wilcox made a motion to approve a Special Meeting to be held on Wednesday, October 6, 2005 at 9:30am at the Township Administration Building. This is a meeting with the Ohio Public Works Commission concerning the Allenford Road Repair Project. Motion seconded by Mr. Nichols and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

FYI: Weaver SW and Carnwise SW have been paved.

Ohio Public Works Commission Emergency Grant for the Allenford Road Repair Project has been denied.

ZONING:

Zoning Director presented zoning fees for two weeks in the amount of \$772.71. Mr. Smith made a motion to accept the report as submitted by the Zoning Director, seconded by Mr. Wilcox and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

FYI: Completed Violations:

Baumford SE – lot 102 (Stone) – unlicensed, inoperable automobiles and trash vehicles removed/trash removed

720 – 39th SW (Holub) – property cleaned & grass mowed by homeowner

996 Lakeview NW (sheriff sale) – property cleaned & mowed by new homeowner

2205 Fohldale SW (Legget) – property cleaned & mowed by homeowner

Work Violations:

2327 Rexdale SW (Hockenberry) – illegal business, 2 accessory buildings with no permits

223 – 46th SW (Croston) – illegal business

3147 – 38th SW (Morse) illegal business

3424 – 38th SW (Byrd) illegal carport – no permit

CLERK:

Clerk submitted bills totaling \$19,143.79, and payroll totaling \$59,331.37, making total checks \$78,475.16. Mr. Wilcox made a motion to approve the checks as submitted by the Clerk, seconded by Mr. Smith and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

Pending Warrants, Fund Status, and Appropriation Status reports handed out to all three Trustees and Department Heads. PO and BC lists to be given to Department Heads on September 29th.

Mr. Nichols made a motion to approve opening the following 3 new PO's:

\$300.00 = Whitaker-Myers Insurance Co (bonds for Admin & Fire secretaries)

300.00 = Repository (legal ads)

263.31 = Grant Source Professional (Allenford Rd Repair Project)

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

Mr. Wilcox made a motion to approve opening an account at Bank of Magnolia for the Canton Township Holiday Parade. As per parade coordinator, Donna Ring, the bank will waive all fees, and this account will have its' own tax ID number and 503C status. Motion seconded by Mr. Nichols. Voting **NO** – Mr. Wilcox, Mr. Smith and Mr. Nichols.

Mr. Wilcox made a motion to check with Attorney Charlie Hall for a legal opinion concerning

setting up an account at Bank of Magnolia for the Canton Township Holiday Parade. Motion seconded by Mr. Smith and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

7:45PM = CA-3-05 – Patriot Development Company LTD (Lawrence Adelman)

Present Zoning Classification: R-R Rural Residential

Proposed zoning Classification: I-2 Industrial

Description of Proposed Re-Classification: 75.124 acres of a 100.64 acre tract, Located east on Waynesburg Drive and south of 17th Street in the SE quarter Section 14, of Canton Township.

Mr. Nichols made a motion that the zoning request of CA-3-05 Patriot Development Company LTD from R-R Rural Residential to I-2 Industrial by denied. Motion seconded by Mr. Smith.

ROLE CALL VOTE:	Mr. James A. Wilcox	-	YES
	Mr. William C. Smith	-	YES
	Mr. Christopher B. Nichols	-	YES

Mr. Smith made a motion to move for a modified B-3 zoning for Patriot Development Company LTD, denied by the Canton Township Zoning Commission, and recommended by Stark County Regional Planning Commission, with discussion. Motion seconded by Mr. Nichols.

DISCUSSION: If the Board of Trustees unanimously approves the B-3 modification, then Patriot Development must apply to the Zoning Board of Appeals for a Conditional Use Permit. With this Conditional Use Permit, the property and functions on it would be visited annually by the Zoning Director. If the property and functions on it were not in compliance with zoning regulations, the Conditional Use Permit could and would be revoked.

ROLE CALL VOTE:	Mr. James A. Wilcox	-	YES
	Mr. William C. Smith	-	YES
	Mr. Christopher B. Nichols	-	NO

Motion denied.

(Detailed proceedings of CA-3-05 recorded by Hill Court Reporters of Canton, Ohio)

POLICE LEVY: Mr. Wilcox announced for everyone in attendance there would be an informational meeting concerning the police levy that will be on the upcoming November 8th election ballot. This meeting will be Wednesday, October 5, 2005 at 7:00pm at Faircrest Middle

School. All Township residents are encouraged to attend this meeting.

PUBLIC SPEAKS:

Mr. Christopher Carbone of 423 Aultman Ave NW, Canton Township

Since he was at the last township meeting two weeks ago, the crime in his neighborhood has increased and the sheriff protection has decreased. There have been 11 home invasions and 12 vehicles invasions in that time period. It took the sheriff approximately one hour and fifteen minutes to respond to a call. Mr. Carbone and his neighbors need some answers; what are they supposed to do. They have started a neighborhood watch. The first meeting will be October 12th at 6:30pm at the Babe Stearn Center. He invited the Trustees to attend this meeting. The sheriff recommended checking into getting street lights in this area, along with leveling the woods at the end of the street. Sheriff also said he would reissue the order for extra patrols, but so far nothing has changed.

Mr. Wilcox told Mr. Carbone the Trustees have sent a letter to the Sheriff requesting additional patrols and he will also call Lt. Shankle of the Stark County Sheriff Department. The Trustees will be whatever they can to secure their neighborhood.

Sharon & Lawrence Hockenberry of 2327 Rexdale SW, Canton Township

Mrs. Hockenberry stated she was at fault for not getting the required permits for the buildings that were put up on her property. She was not aware the permits were needed, but she admits she should have checked into the township requirements. However, she was here tonight to defend her kennel. She does not run a puppy mill. She goes to great lengths to take care of her dogs. She is willing to do whatever necessary to bring her property up to code. They have taken measures to keep the noise down. If her neighbors are not happy, she is not happy because she has to live there. She stated that Mr. Lewis, the Zoning Director, has worked with them to make them aware what is needed. She invited the Trustees to come and view her property and judge for themselves.

The following people were in attendance to voice their support for the Hockenberry's and their kennel operation:

Joanne Slider of 8822 Mudbrook, Massillon, Ohio

Denise Smith of 5419 Briggles SW, East Sparta, Ohio

Ed Hittle of 722 Somerset SW, Canton Township

Judi Hawkins of 6423 Chiltern NW, Canal Fulton, Ohio

Judith Fuller of 7772 Akron NW, Canal Fulton, Ohio

Chuck Seifer of 430 Aultman Ave NW, Canton Township

He was inquiring about the Neighborhood Watch signs for their area. Mr. Nichols informed him once the watch program is established, the Sheriff's Department, in conjunction with the Stark County Prosecutor's office, will provide the signs and the Township will install them. According to the Road Superintendent, we have not been notified yet; but as soon as we are, the signs will be put up.

Lou Lehmler of 1622 Belden Ave SE, Canton Township

(signed up for Public Speaks, but declined to speak)

Georgianna Gaskins of Chagrin Ave SW, Canton Township

She had several subjects to address.

PENDING LAWSUIT = First, who is the attorney representing the Township in their pending lawsuit. Mr. Wilcox told her it is Attorney John Latchney through our insurance company, Whitaker-Myers Insurance. Also, as a resident and taxpayer, she is concerned at the charges made against Township employees and dollar amount of damages filed. If they lose, how would the Township pay for this. The Board stated, it has not even gotten to court yet, so they cannot comment. She also wanted to know, to date, how much has been spent on legal fees. Clerk stated he would check into it and get back to her. Since some Township employees are being sued as individuals, as well as Township employees, who pays for their legal fees as individuals. Mr. Smith stated those individuals have been notified to hire their own legal counsel in addition to the Township's counsel. Mrs. Gaskins is requesting a copy of the Township's reply to this lawsuit when it is filed. Mr. Smith informed her an extension has been filed. As of this date, the Township does not have a copy of the reply.

TOWNSHIP AUDIT = What is the status of the Township audit. Clerk responded it is continuous. He has informed Gary B. Fink & Associates today that Com-Tech of Kent is still compiling and reconstructing data for the year 2003. How much money has been spent so far to reconstruct these records. Clerk responded the Township has not been billed for any work yet. Before she asked, the Clerk informed Mrs. Gaskins when the Township is billed, she would get a copy. How is the Board going to pay for this. Mr. Smith stated it is premature to answer this questions; however, they are aware it will probably be a sizeable amount but it is something that is necessary in order to get our books in order. The Board is just as concerned about this issue as she is.

Joy Minor of 5340 Briggle SE, East Sparta, Ohio

She is the Hockenberry's daughter-in-law and proceeded to read a letter from Dr. David Soehlen, Veterinarian, in support of Sharon Hockenberry's kennel business.

TRUSTEES:

MR. WILCOX:

CS Soccer/Flowers at Park = Mr. Wilcox made a motion to send Sheila Whitlock of the Canton South Soccer Club a Thank You letter for planting flowers in five flower beds at the Community Park. She did a wonderful job. Motion seconded by Mr. Smith and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

Holiday Parade Letter = Mr. Wilcox made a motion approving the letter to be sent out to Canton Township community and business members by the parade coordinator, with one change. It will be referred to as a Holiday Parade, not a Christmas Parade. Motion seconded by Mr. Nichols and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

Work Session = Mr. Wilcox made a motion to approve a Work Session for Saturday, October 1, 2005 at 8:00am at the Administration Building with the Trustees, Clerk and Department Heads. Motion seconded by Mr. Nichols and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

MR. SMITH:

Nothing further to address this evening.

MR. NICHOLS:

Nothing further to address this evening.

No further business coming before the Board, Mr. Nichols made a motion to adjourn at 8:48pm, seconded by Mr. Wilcox, and voting YES – Mr. Wilcox, Mr. Smith, and Mr. Nichols.

Ronald L. Smith, Clerk

James A. Wilcox, President

William C. Smith, Vice President

Christopher B. Nichols, Trustee

FUND STATUS REPORT

09-27-05

<u>FUND NUMBER</u>	<u>FUND NAME</u>	FUND % of TOTAL <u>BALANCE</u>	<u>CASH BALANCE</u>
01	General	101,008.46	16.2
02	Motor Vehicle License Tax	18,107.60	2.9
03	Gasoline Tax	29,412.88	4.7
04	Road & Bridge	15,072.28	2.4
07	Lighting Assessment	34,430.80	5.5
10	Fire District	135,991.54	21.8
13	Zoning	12,120.06	1.9
14	Park Advisory	7,928.88	1.3
14A	Recycling	0.00	0.0
14B	FEMA Grant – Flood Plane	4.29	***.*
14F	Fire Loss Claim Fund	0.00	0.0
20	Fire Levy	159,200.31	25.5
23	Permissive License Tax	14,854.09	2.4
28	Ambulance & Emergency Medical	93,514.95	15.0
30	Faircrest Project – Issue 2	0.00	0.0
30A	Cheyenne Bridge Project	<u>2,258.79</u>	0.4
	CASH TOTAL	623,904.93	