

**MINUTES OF THE PUBLIC MEETING OF
THE CANTON TOWNSHIP BOARD OF TRUSTEES
HELD TUESDAY, JANUARY 5 AND 19, 2021
CONCLUDING ON SATURDAY, JANUARY 23, 2021**

The Canton Township Board of Trustees met in a Special Session starting at 6:00 p.m. on Tuesday, January 5, 2021 recessed until Tuesday, January 19, 2021 at 6:00 p.m. and concluding on Saturday, January 23, 2021 at 8:00 a.m. with William G. Mittas, Mark R. Shaffer, and Christopher B. Nichols present. Also in attendance: Fiscal Officer, John Ring, Zoning Director, Michael Hanshaw and Legal Counsel Charles Hall

(Hearing was recorded, in its entirety, by Premier Court Reporting)

Amendment: CA-02-20

Applicant: Canton Township Board of Trustees by Resolution 11-01-20

Brief outline of proceedings, as follows:

Swearing in and statements from public:

Robert Henning of 311- 23rd St NE Canton, Ohio, on behalf of Mary Douglas of the Vault. Mr. Henning is requesting to operate at their location until the end of June. The conditional use permit for The Vault expires on February 3, 2021. They paid the conditional use fee in February 2020 and were only able to operate for 7 months. If they don't have a state license by June they would close.

Michael Audi of 1616 Bennington Circle NW Canton, Ohio, on behalf of mother who is the landlord of 1400 Whipple Ave NW. Mr. Audi asked how this property fits into new regulations in regards to the text changes.

Stark County Regional Planning Commission Recommendation- Approval with modification (*See Exhibit A*). Mr. Hanshaw read the seven recommendation from SCRPC.

Canton Township Zoning Commission Recommendation- Approval with modification (*See Exhibit B*). Mr. Hanshaw read the minutes from the December 14, 2020 Zoning Commission meeting.

Mr. Shaffer made a motion to recess the public hearing until Tuesday, January 19, 2021 at 6:00 p.m., motion seconded by Mr. Mittas.

ROLL CALL VOTE:	Mr. Mittas	YES
	Mr. Shaffer	YES
	Mr. Nichols	YES

Mr. Nichols made a motion on January 19, 2021 to recess the public hearing until Saturday, January 23, 2021 at 8:00 a.m., motion seconded by Mr. Mittas, and voting YES – Mr. Shaffer, Mr. Mittas and Mr. Nichols.

Continued summary from Saturday, January 23, 2021

Mr. Hall explained the text amendments regarding fencing and walls, and skill-based amusement games and complying with state law. He explained the addition and removal of text in the current zoning resolution. The intent is to restrict all new amusement machine operators to industrial districts. Text amendments, if approved, would become effective in 30 days. Any currently and lawfully operating skill-based amusement businesses will then become non-conforming. If not a lawful operation, operations would have to cease or take steps to come into compliance. To be lawful, the business would need to be registered and licensed with the Ohio Casino Commission.

Mr. Shaffer made a motion to adopt certain text changes in Resolution 11-01-20 as presented and modified by township legal counsel to incorporate the recommendations from Stark County Regional Planning Commission and the Canton Township Zoning Commission, motion seconded by Mr. Nichols. *(See Exhibit C)*

ROLL CALL VOTE:	Mr. Mittas	YES
	Mr. Shaffer	YES
	Mr. Nichols	YES

Mr. Nichols made a motion to authorize Attorney Hall to begin injunction court action against Trinkets & Treasures, Lucky U, The Spot, and Skill Reels based on information provided by the legal counsel from the Ohio Casino Control Commission in that they are not operating lawfully and to be shuttered, motion seconded by Mr. Shaffer and voting YES – Mr. Shaffer, Mr. Mittas and Mr. Nichols.

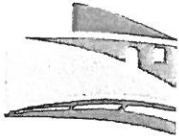
Mr. Mittas made a motion to adjourn the hearing at 8:53 a.m., seconded by Mr. Shaffer and voting YES- Mr. Mittas, Mr. Shaffer, and Mr. Nichols.

John Ring, Fiscal Officer

Christopher B. Nichols, President

Mark R. Shaffer, Vice President

William G. Mittas, Member



STARK COUNTY
REGIONAL PLANNING
COMMISSION

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TO: Canton Township Zoning Commission

Zoning Amendment No.

ATTN: Kevin Heim, Chairman

CA #2, 2020

The following amendment was reviewed by the Regional Planning Commission on December 8, 2020.

Amendment requested by: Canton Township Board of Trustees

SUMMARY OF PROPOSED TEXT CHANGES: An amendment is proposed to the Canton Township Zoning Resolution which would:

- Modify permitting regulations for fences and walls
- Replace "Skill Games" with "Skill Based Amusement Machines"
- Expand regulations for Skilled Based Amusement Machines

RPC RECOMMENDATION: Approval of a Modification

The Regional Planning Commission recommends approval of a modification of the proposed text changes. The following facts were considered by the Commission in its decision:

1. The Township is proposing an amendment that would modify regulations under Section 300.5 Fences, Walls and Hedges in the Township Zoning Resolution. The amendment would remove the statement "zoning permits are not required for fences, walls or hedges," and replace it with "zoning permits are required for fences and walls." The Township's Zoning Resolution as posted on their website appears to be missing the statement proposed for deletion and so the Township should confirm the most up-to-date version of the Zoning Resolution is on the Township's website. Please provide a copy to RPC to help ensure there are no discrepancies when RPC reviews future amendments for recommendation.
2. The Township is proposing to remove "Skill Games" from the list of conditionally permitted uses in the B-2 and B-3 Districts, thereby only allowing these uses in the I-1 and I-2 Districts. The term "Skill Games" is being replaced with "Skill Based Amusement Machines" in the I-1 and I-2 Districts in an apparent effort to match the Ohio Casino Control Commission.
3. A new subsection in the conditionally permitted use regulations (Section 800.3) is proposed, which would stipulate that all Ohio registrations and licensure must be in place for skill based amusement facilities prior to opening. This subsection is being added to the list of other conditions that skill based amusement machines must adhere to in the I-1 and I-2 Districts. In the amendment, it appears that subsection 141 is being removed as one of the conditions these facilities must follow in the I-1 District. It is unclear whether this was intentional or not as this same subsection is still included in the I-2 District's list of conditions.
4. The amendment as proposed appears to alternate between the use of "skill based amusement machines" and "skill based amusement machine operators or business." Staff recommends using "Skill Based Amusement Machines" as the Conditionally Permitted Use and adding "Skill Based Amusement Machine operators or business" to the newly proposed subsection outlining their registration and licensure requirements.

CA #2, 2020

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5. To be consistent with the new terminology, staff recommends replacing the definition of "skill games" in Article II Definitions, with a new definition for "skill based amusement machines." The Township should reference the Ohio Revised Code for guidance on defining "skill based amusement machines" and consult with their legal counsel.
6. Options do exist for the Township's separation of skill based amusement machines into categories, depending on their award system and level of intensity. This could allow for the lower-intensity machines to be allowable in more districts. Should the Township decide to pursue this route in the future, please consult the Ohio Revised Code and the Ohio Casino Control Commission for possible category options.
7. Staff would encourage the Township to ensure that their legal counsel has reviewed the amendment for sufficiency and compliance with applicable laws.

Joseph P. Skubiak, RPC Secretary

cc: Board of Trustees, c/o Fiscal Officer, Zoning Inspector

**Minutes of Meeting
December 14, 2020
Zoning Commission
CA-2-20 Text Amendment**

Zoning Commission Members present: Kevin Heim, Jason Cramer, Ronald Baughman and Beatrice Schiavone. Also present: Zoning Director Michael Hanshaw and Assistant Zoning Director Laura Datkuliak.

The meeting was called to order at 6:00 p.m. CA-2-20 by Mr. Heim.

Mr. Heim read the application request for a text amendment to the Canton Township Resolution. To require a zoning permit for any fence or wall; to rename "Skill Games" as "Skill Based Amusement Machines", to require "Skill Based Amusement Machine" operators to be registered with the Ohio Casino Control Commission and to limit Skill Based Amusement Machines, as a conditionally permitted use in Industrial Zoned Districts.

(Hearing was recorded, in its entirety, by Premier Court Reporting)

Questions to Mr. Hanshaw-

Q: Will the existing skill games businesses be grandfathered in?

A: They will have to meet all regulations. They are issued a conditional use permit that is reviewed annually.

Q: If they are replacing a fence will they need a permit?

A: If just replacing, and not relocating they would not, if it was originally placed over property line it would need corrected. If they are moving to a new location, they would need a permit.

Pros:

- Text amendments allow for a better handle on what's happening in the community
- Align with the state and regulations for gambling
- Not putting anyone out, just saying they need to align with state regulations
- Easier to regulate

Cons:

The board saw no cons with the text amendments.

Mr. Baughman made a motion to recommend CA-2-20, motion seconded by Mr. Heim.

Mr. Cramer made a motion to recommend modifying the text amendment to read "also known as skill based amusement machines" at the end of the skill games definition, motion seconded by Ms. Schivone.

ROLL CALL:

Kevin Heim	YES
Beatrice Schiavone	YES
Ronald Baughman	YES
Jason Cramer	YES

4-0 to recommend the text amendment with modification.