

The Board of Lake Township Trustees met at 6:15 p.m. for the purpose of conducting a Public Hearing for Zoning Amendment No. 05-212ZA (Mogadore Avenue rezone) and immediately following in Regular Session at 12360 Market Avenue North, Hartville, Ohio with the following members present:

Ellis Erb, President  
Sue Ruley, Vice President  
Galen Stoll, Trustee

Also Present:

Rich Feller	J. Lucas
Brendan Jordan	Roxanne Linn
Gustave Linn	Phyllis Smith
Joy Dingman	Charles Shephard
Mary Ann Kannam	Don Myers
Don Hensley	Sam Miller
Jerry Machamer	Mary Kamerer
Jeremy Wise	Ben Sommers, Fiscal Officer

Mr. Erb opened the Public Hearing for Zoning Amendment No. 05-212ZA at 6:15 p.m. Zoning Amendment is a request by Glick Real Estate, Ltd. to rezone a 16.832 acre tract of land on the west side of Mogadore Avenue, located south of Greenhouse Street in the NW ¼ Section 8, Lake Township from R-1 Low Density Residential to R-3 High Density Residential.

Mr. Erb read the recommendation of the Stark County Regional Planning Commission, which was for denial of the proposed Amendment. He also read the recommendation of the Lake Township Zoning Commission, which also was for denial of the proposed Amendment.

Mr. Erb called for anyone who would like to speak for or against this request.

- Sharon Hogdson, 1125 Elton Street SW, Navarre Ohio: Addressed the Board as a representative of Nathan Glick. Explained that their intentions were to build a retirement community, as they have had a number of people who are interested in living in this type of community.

Discussion between Board and applicant regarding soil conditions, single-family options, impact on surrounding neighbors, etc.

- Norm Lynn, 12805 Mogadore Avenue, Uniontown: Addressed the Board and spoke against this proposed amendment. Wants to see this area remain single-family.

Mr. Erb closed the Public Comment portion of the Hearing.

06-072 A resolution was made by Ellis Erb adjourning the Public Hearing at 6:28 p.m. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes	
Sue Ruley	yes	_____
Galen Stoll	yes	_____
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Mr. Erb called the regular meeting of the Board of Trustees to order at 6:30 p.m.

06-073 A resolution was made by Ellis Erb approving the minutes of January 23, 2006, as submitted. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-074 A resolution was made by Ellis Erb accepting/approving the Financial Status Report as of February 13, 2006, as submitted by the Lake Township Fiscal Officer. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-075 A resolution was made by Ellis Erb authorizing payment of payroll for February 10, 2006, in the amount of \$48,787.49. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-076 A resolution was made by Ellis Erb authorizing payment of payroll for February 24, 2006, in the amount of \$45,257.94. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-077 A resolution was made by Ellis Erb authorizing payment of bills as of February 13, 2006, in the amount of \$177,248.28. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

**CORRESPONDENCE:**

1. Columbia Casualty Company – Notice of non-renewal of insurance
2. Joe Underwood – Construction Inspection Report for Chestnut Ridge Allotment
3. Notice of LTAP training
4. Joe Underwood – Construction Inspection Report for Enclave No. 3
5. OPERS Employer Notice
6. State Auditor's Office – Independent public accounting firm will perform next Audit (Declaration of Intent Form and questionnaire)
7. Joe Underwood – Construction Inspection Report for Shepherd's Gate No. 6
8. RPC – FY 2006-08 CDBG Application Review & FY 2006 HOME programs CAC Recommendation meeting

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9. County Auditor – Statement of apportionment of personal property \$10,000 exemption reimbursement for Lake Township
  10. Julie Berbari – CD of forms to be used for MS4s
  11. OPERS Employer Notice
  12. Site Inspection Report for Bedrock Construction, Chestnut Ridge, Forest Meadow, Highland Creek Phase 2, Highland Creek, Heritage Glen, Lake Commons Apartments, Shepherd's Gate No. 7, St. James Place No. 10, Chase Real Properties Building, the Enclave No. 3
  13. ODNR – Requesting verification of forms regarding township-managed recreation sites
  14. Sky Sweeping – Requesting opportunity to quote for street sweeping contract
  15. RPC recommendation for Village Residential zoning
  16. Balestra, Harr & Scherer – Requesting a Request for Proposal for township audit
  17. Caudill & Associates – Requesting a Request for Proposal for township audit
  18. J. K. Blackwell – Requesting information
  19. Notice that Unizan Bank merging with Huntington National Bank
- With reference to Correspondence No. 6, Ben Sommers, Fiscal Officer, will follow-up on this.

**POLICE DEPARTMENT**

- Board acknowledged receipt of the January 2006 Statistical Report for the Uniontown Police Department
- Board recognized officers Mike Batchik, John Marra, Sgt. Dave White, Mark Zemplansky and Nate Weidman for a “job well done” in recent arrests of eleven juveniles and one adult between Saturday, February 4 & Sunday, February 5, 2006

**ROAD DEPARTMENT**

- Board acknowledged receipt of the road department service call reports for 2005 (sign/other).
- Board acknowledged receipt of the road department Summary of 2005 & Projections for 2006

**ZONING DEPARTMENT**

- Board acknowledged receipt of the zoning department reports for December 2005 & January 2006

06-078 A resolution was made by Galen Stoll, in accordance to the recommendation of the Lake Township Zoning Commission, denying the rezone request for Zoning Amendment No. 05-212ZA. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

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**FIRE PREVENTION OFFICE/FIRE DEPARTMENTS**

- Board acknowledged receipt of the Hartville Fire Department Run Report for January 2006
- Board acknowledged receipt of the Fire Prevention Officer report for January 2006

06-079 A resolution was made by Ellis Erb authorizing the Zoning Department to waive the \$200.00 Zoning Appeals fee for the Hartville Volunteer Fire Department, Inc., for the conditional use permit request at the second fire station located at 2955 Nimishillen Church Street. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-080 Mr. Erb made the following resolution:

WHEREAS, the Uniontown Police District, Lake Township, Stark County, Ohio, presently operates through funds generated by two separate levies, to wit: May 3, 1988, 5.00 voted millage, yielding an approximate effective millage of 2.34 mills and November 7, 1995, 3.00 voted millage, yielding an approximate effective millage of 1.78 mills with each operating as a continuous levy. Said voted millage totaling 8.00 yields an approximate effective millage of only 4.11 mills.

WHEREAS, pursuant to Ohio Revised Code Sections 505.51, 5705.19 (J), and 5705.25 and upon due investigation and consideration the Board has determined that the amount of taxes which may be raised within the ten (10) mill limitation in and for the Uniontown Police District, Lake Township, Stark County, Ohio, for a continuing period of time beginning in the tax year 2006, first due in calendar year 2007, will be insufficient to provide an adequate amount for the purpose of providing and maintaining motor vehicles, communications and other equipment used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police employer's contribution required under Section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivision in order to obtain police protection, for the Uniontown Police District, Lake Township Stark County, Ohio; and,

WHEREAS, by reason whereof this Board has determined that it will be necessary to levy an additional tax of two and eight-tenths (2.8) mills, for a continuing period of time beginning in the tax year 2006, first due in calendar year 2007, for the purpose of providing and maintaining motor vehicles, communications and other equipment used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police employer's contribution required under Section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivision in order to obtain police protection, for the Uniontown Police District, Lake Township Stark County, Ohio; and,

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WHEREAS, by reason of the facts above set forth, this Board has determined that it should, and hereby does, declare itself to submit to the electors of the Uniontown Police District, Lake Township, Stark County, Ohio, at the Primary Election to be held May 2, 2006, the question of levying an additional tax of two and eight-tenths (2.8) mills outside the ten (10) mill limitation for the purpose of providing and maintaining motor vehicles, communications and other equipment used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police employer's contribution required under Section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, for the Uniontown Police District, Lake Township, Stark County, Ohio, for a continuing period of time beginning in the tax year 2006, first due in calendar year 2007.

NOW, THEREFORE, BE IT RESOLVED that there shall be submitted to the electors of the Uniontown Police District, Lake Township, Stark County, Ohio at the Primary Election on May 2, 2006, the question of levying an additional tax outside the ten (10) mill limitation in and for the Uniontown Police District, Lake Township, Stark County, Ohio, in the amount of two and eight-tenths (2.8) mills for the purpose of providing and maintaining motor vehicles, communications and other equipment used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police employer's contribution required under Section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, for the Uniontown Police District, Lake Township Stark County, Ohio, and that said additional tax of two and eight-tenths (2.8) mills shall be levied for a continuing period of time beginning in the tax year 2006, first due in calendar year 2007.

BE IT FURTHER RESOLVED that the submission of said proposal, the notice of election, the form of ballot, the certification of the levy as voted outside the ten (10) mill limitation, and the levying of such millage shall be in accordance with the provisions of Sections 5705.19 and 5705.25 and other related sections of the Revised Code of Ohio, in accordance with the statutes in such cases made and provided; and,

BE IT FURTHER RESOLVED that the form of ballot case at such election shall be:

(A majority affirmative vote is necessary for passage.)

An additional tax for the benefit of the Uniontown Police District, Lake Township, Stark County, Ohio, for the purpose of providing and maintaining motor vehicles, communications and other equipment used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police employer's contribution required under Section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police

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protection, for the Uniontown Police District, Lake Township, Stark County, Ohio, at a rate not exceeding two and eight-tenths (2.8) mills for each one dollar (\$1.00) of valuation, which amounts to twenty-eight cents (\$0.28) for each one hundred dollars (\$100.00) of valuation for a continuing period of time commencing in 2006, first due in calendar year 2007.

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FOR THE TAX LEVY:

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AGAINST THE TAX LEVY:

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BE IT FURTHER RESOLVED that the Clerk of this Board be, and he hereby is, directed and authorized to proceed forthwith the certification hereof to the Board of Elections of Stark County, Ohio, pursuant to the provisions of Sections 5705.19 and 5705.25 and other related statutes and to proceed with all things necessary to be done in order to accomplish the purpose of this Resolution.

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-081 A resolution was made by Ellis Erb authorizing the distribution of the 2% hold back from the 2005 Fire/EMS funds, in the total amount of \$35,463.00 to each fire department (\$30,000.00 Fire & \$5,463.00 EMS). Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

- The Board discussed the “cooperative purchasing” of sign supports through the Stark County Engineer’s office. All were in agreement with this and Mr. Erb executed the order form for 200 6’ long U-channel, 2-pound post, green painted, tapered end supports.

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- Board discussed the Agreement with the Village of Hartville for police patrol of the second Hartville Fire Station on Nimishillen Church Street. Mr. Erb noted that in talking with Charles Hall, there are some language issues regarding the jurisdiction area on the way to the fire station that need to be addressed/changed. Board noted that the agreement will remain in affect until the fire station is completed & fully manned.

06-082 A resolution was made by Ellis Erb authorizing the Board to accept the Cooperative Agreement with the Village of Hartville for the police patrol of the second Hartville Fire Station on Nimishillen Church Street. This authorization is contingent upon the review/approval from township legal council, Charles Hall. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-083 A resolution was made by Ellis Erb authorizing the Board to execute a Mutual Aid Agreement between the Village of Hartville on behalf of the Hartville Police Department and Lake Township on behalf of the Uniontown Police Department Said agreement is for a three-year term. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

- Board discussed the Mutual Agreement for Technical Assistance with Stark Soil & Water Conservation District as part of Phase 2 of the NPDES Permit. Mr. Erb noted some concern with this agreement, in particular the section that will require residential lots of one or more acres of land, to comply with the County's Erosion/Sediment Control Regulations. This could hold up the Zoning Department from issuing zoning permits for residential building until the authorization is given from the County. The Board tabled.

06-084 A resolution was made by Ellis Erb authorizing an expenditure in the amount of \$16,017.50 for the purchase of a 2006 Ford Ranger compact 4-WD, crew cab truck for the Zoning Department, through Mike Bass Ford, Inc., 5050 Detroit Road, Elyria, Ohio 44035 as part of the State of Ohio Cooperative Purchasing program. Price includes the cost of the truck, bed liner, 30-day tag & delivery charge. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-085 A resolution was made by Ellis Erb authorizing an expenditure to Southway Fence Co. in the amount of \$620.00 for repair of a section of fence at the Township Community Park. A 40' portion of the 6' high galvanized chain link fence was damaged by a resident on December 2, 2005 and they will reimburse the Township in the amount of \$585.00 of the total amount of the cost of repair. The Township will expend \$35.00 for repair of a hole in the north end of the fence which is not related to the December 2, 2005 incident, but Southway Fence advised that it is less costly to repair the hole at the same time they are repairing the 40' foot section. The Township will authorize the work to be performed upon receipt of the \$585.00 from the resident. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

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06-086 A resolution was made by Ellis Erb authorizing an expenditure of \$60.65 for traveling expenses for Ben Sommers to the Labor Relations Board Hearing on January 26, 2006. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb        yes  
Sue Ruley        yes  
Galen Stoll       yes

06-087 A resolution was made by Ellis Erb authorizing an expenditure of \$125.00 for the Board, the Fiscal Officer and Zoning Administrator to attend the annual Stark County Regional Planning Commission dinner on March 14, 2006. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb        yes  
Sue Ruley        yes  
Galen Stoll       yes

06-088 A resolution was made by Ellis Erb rescinding Resolution No. 04-480 and to begin taking all compensation for LaVonne Hays from the General Fund. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb        yes  
Sue Ruley        yes  
Galen Stoll       yes

- Sue spoke briefly on the Tax Payer's Bill of Rights (TABOR) information that was provided at the recent Township Winter Conference in Columbus.

06-089 Mr. Erb made the following resolution:

BE IT RESOLVED by the Board of Trustees of Lake Township, Stark County, Ohio that to provide for the current expenses and other expenditures of said Board of Trustees, during the fiscal year, ending December 31st, 2006, the following sums be and the same are hereby set aside and appropriated for the several purposes for which expenditures are to be made for and during said fiscal year, as follows, viz:

1 GENERAL FUND

1-A-1 thru 1-A-27	1,361,132.09
1-B-1 thru 1-B-8	25,000.00
1-C-1 thru 1-C-9	1,000.00
1-D-1 thru 1-D-9	0.00
1-E-1 thru 1-E-2	800.00
1-F-1 thru 1-F-8	2,000.00
1-G-1 thru 1-G-6	0.00
1-H-1 thru 1-H-7	0.00
1-J-1 thru 1-J-3	113,000.00
1-K-1 thru 1-K-11	0.00
1-L-1 thru 1-L-4	0.00
1-M-1 thru 1-N-1	<u>0.00</u>

TOTAL GENERAL FUND

1,502,932.09

1,502,932.09

2	MOTOR VEHICLE LICENSE TAX FUND		76,016.75
3	GASOLINE TAX FUND		261,221.67
4	ROAD AND BRIDGE FUND		1,071,392.71
5	CEMETERY FUND		30,350.07
7	LIGHTING ASSESSMENT FUND		
	7A - UNIONTOWN	62,914.71	
	7B - GREENTOWN	88,680.13	
	7C - MT.PLEASANT	64,939.25	
	7D - WILLOWHURST	<u>6,430.17</u>	
	TOTAL LIGHTING ASSESS. FUND	222,964.26	222,964.26
9	POLICE DISTRICT FUND		997,389.59
10	FIRE DISTRICT FUND		1,828,929.50
11	ROAD DISTRICT FUND		725,333.85
14C	CAPITAL PROJECTS FIRE FUND		244,860.00
15	GEN. BOND (NOTE) RETIREMENT FUND - SERVICE GARAGE		88,469.08
15B	GEN. BOND (NOTE) RETIREMENT FUND - LAND		0.00
20	EMERGENCY MEDICAL SERVICES FUND		668,248.73
22	DRUG LAW ENFORCEMENT FUND		10,890.75
33	LAW ENFORCEMENT EDUCATION FUND		11,117.44
	<b>GRAND TOTAL OF ALL FUNDS</b>		<hr/> 7,740,116.49

Galen Stoll seconded the resolution. Roll call votes were:

Ellis Erb      yes  
Sue Ruley     yes  
Galen Stoll    yes

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**PUBLIC SPEAKS**

- Andy Tweetie, 2350 Yorktown, Uniontown and James Weible, 1775 Cove Street, Uniontown: Both addressed the Board and explained that are Boy Scouts and were attending/observing tonight's meeting as a requirement for earning their communications merit badge.

The Board will send a letter to each Boy Scout acknowledging their attendance.

- Brendon Jordon and Mary Beth Jordon, 11434 Billingjham, Uniontown: Addressed the Board to seek help in resolving an issue with a neighbor's barking dogs. They sited a section of the ORC (955.221) which allows Township's to adopt a resolution for barking dogs.

The Board will check with legal council and look into this section of the Code and Mrs. Ruley will follow-up with the Jordon's. Board explained if the Township were Home Rule that they could have more control over matters like this.

- Sam Miller, 412 Jerome, Hartville: Addressed the Board with questions regarding TABOR, which Mrs. Ruley spoke about earlier in the meeting.

06-090 A resolution was made by Ellis Erb adjourning the meeting at 7:22 p.m. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

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Ben Sommers, Fiscal Officer

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Ellis Erb, President

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Sue Ruley, Vice President

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Galen Stoll, Trustee