

The Board of Lake Township Trustees met at 6:15 p.m. for the purpose of conducting a Public Hearing for Zoning Amendment No. 06-213ZA (Uniontown Village Residential rezone) and No. 06-214ZA (Greentown Village Residential 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:

Mary Ann Kannam	Ben Sommers, Fiscal Officer
Jonathan Fleming	Rich Feller
Joy Dingman	Charles Shephard
Phyllis Racco	William Moss
Don Hensley	Jerry Machamer
Mary Kamerer	Brendon Jordan
Jeremy Wise	Don Wise
John White	

Mr. Erb opened the Public Hearing for Zoning Amendment Nos. 06-213ZA and 06-214ZA at 6:15 p.m. Zoning requests were initiated by the Lake Township Zoning Commission and No. 06-213ZA is a request to rezone approximately 110 tracts, both east and west of Cleveland Avenue and north and south of Edison Street in the NE and NW ¼ Section 7, Lake Township (Uniontown) from C-2 General Commercial and R-1 Low Density Residential to VR Village Residential. Amendment No. 06-214ZA is a request to rezone approximately 137 tracts, both east and west of Cleveland Avenue and north and south of State Street in the NW ¼ Section 29 and NE and SE ¼ Section 30, Lake Township (Greentown) from C-2 General Commercial, R-1 Low Density Residential and R-2 Medium Density Residential to VR Village Residential.

Mr. Erb read the recommendations of the Stark County Regional Planning Commission and the Lake Township Zoning Commission, both were for approval of said Zoning Amendment requests.

Mr. Erb called for anyone who would like to speak for or against this request. Hearing none, the Board closed the Public Comment portion of the Public Hearing. The Board briefly discussed the proposed requests.

06-106 A resolution was made by Ellis Erb, in accordance with the recommendations of the Lake Township Zoning Commission and the Stark County Regional Planning Commission, approving the rezone requests in Zoning Amendment Nos. 06-213ZA and 06-214ZA as submitted. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

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06-107 A resolution was made by Ellis Erb adjourning the Public Hearing for Zoning Amendment Nos. 06-213ZA and 06-214ZA at 6:19 p.m. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

Mr. Erb called the regular meeting of the Board of Trustees to order at 6:20 p.m.

06-108 A resolution was made by Ellis Erb approving the minutes of February 27, 2006, as submitted. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-109 A resolution was made by Ellis Erb authorizing payment of payroll of March 24, 2006, in the amount of \$42,022.68. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-110 A resolution was made by Ellis Erb accepting/approving the Financial Status Report as of March 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

06-111 A resolution was made by Ellis Erb authorizing payment of bills as of March 13, 2006, in the amount of \$63,288.75. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

**CORRESPONDENCE**

1. Tentative Agenda for March 15 NEFCO meeting
2. Thank you note for Road Department from Mary Rauber
3. Copy of Commissioners Resolution releasing Cantburg Avenue and Londonbury Street to the township
4. Marilyn Lyon – Encouraging Lake Trustees to send letter of support for Sub HB 299 (Impact fees)
5. Notice of Public Hearing for CDBG grants on March 21
6. BWC – Providing new DFW workbook
7. Notice of March 14 SCOG meeting and copy of December 13, 2005 minutes

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8. Mike Rehfus – Quotes for sign supports and total of Lake Township order
  9. EnerVest Operating, L.L.C. – Delay on revenue and royalty checks due to integration of accounting systems from Belden & Blake and Ward Lake Energy
  10. Copy of correspondence from County Health Department to Alpine Design and Development regarding improper disposal of solid waste at 12262 Mogadore Ave
  11. Ballot language approved by Secretary of State for police levy
  12. Time Warner – Notice of new channels
  13. OPERS Employer Notice (February and March issues)
  14. *Grassroots Clippings* – March 2006
  15. Notice of Subdivision action for Heritage Glen
  16. Joe Underwood – Construction Inspection Report for Hoover Estates No. 1
  17. SCTA – March 16 meeting at Lawrence Township
- With reference to Correspondence No. 4, Sue Ruley spoke in reference to the subject of House Bill 299 – Impact Fees. She pointed out that Jackson Township would like other Township's to follow in sending letters to the members of the Ohio Senate and Local Government & Veterans Affairs Committee and the Ohio House Local & Municipal Government & Urban Revitalization Committee. Mrs. Ruley would like the Board to send a letter in support of this Bill. Mr. Erb will get some information together for the next Trustees meeting so the Board can further discuss.

### **POLICE DEPARTMENT**

- The Board acknowledged receipt of the Uniontown Police Department Statistical Report for February 2006.
- Mr. Hensley addressed the Board with reference to the recent vandalism of several dozen traffic signs in Lake Township. The Uniontown Police Department arrested 7 adults and 3 juveniles for Criminal Mischief in reference to this matter.

### **ZONING DEPARTMENT**

- The Board acknowledged receipt of the Zoning Report for February 2006

### **FIRE DEPARTMENTS/FIRE PREVENTION OFFICE**

- The Board acknowledged receipt of the February 2006 Statistical Report for Uniontown Fire Department

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**OLD BUSINESS**

The Board discussed the Memorandum of Understanding with the Stark Soil & Water Conservation District. Mr. Erb pointed out that he spoke with Julie Berbari of the Stark SWCD and clarified, with reference to Item No. 2 under “What the Township will do” of said agreement, that the township will require verification from the District on any site where 1-acre or more of land is being **disturbed** (*emphasis added*), as opposed to any site 1-acre or more. He added that the County is enforcing the Ohio EPA regulations and on a subdivision, the developer will already have the Ohio EPA NPDES Permit because more than 1-acre of land is being disturbed unless it is a really small subdivision.

06-112 A resolution was made by Ellis Erb authorizing the execution of the Mutual Agreement for Technical Assistance between Lake Township and Stark County Soil & Water Conservation District for carrying out the mandated responsibilities as part of the Phase 2 NPDES Permit requirements. This includes the annual \$500.00 expenditure to the Stark Soil & Water Conservation District for their Urban Program. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

- Mr. Erb announced the dates for the Spring Clean Up – Saturday, June 3 thru Saturday June 10, 2006 and further announced that quotes for dumpsters/removal will be accepted through Friday, March 24, 2006 at 4:00 p.m.

06-113 A resolution was made by Ellis Erb accepting/initialing the changes as made by Township Legal Counsel, Charles Hall, for the Cooperative Agreement between the Township and the Village of Hartville for police patrol of the Hartville Fire Department sub-station on Nimishillen Church Street. Board will forward said agreement with changes to the Village of Hartville for their review/approval and redraft before final signature. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

**NEW BUSINESS**

06-114 Mr. Erb made the following resolution:

WHEREAS, the Citizens for Tax Reform and others are endorsing proposals to amend the Ohio Constitution to institute tax and expenditure limitations at the state and local levels of government that could only be overridden by a popular vote, and WHEREAS, such a proposal would reduce funding for education, health care, police, fire protection, libraries, economic development, and other vital services

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to citizens, and WHEREAS, such proposals tie the hands of state and local leaders in times of crisis and other unpredictable circumstances, circumventing state and local governments' thoughtful consideration of policy decisions, and

WHEREAS, such a proposal could undercut some constitutional provisions requiring state support of education, and

WHEREAS, such proposals would prevent state and local officials from making the tough decisions they were elected to make, passing the responsibility for learning all aspects of often complex issues to citizens who have other jobs and responsibilities, and

WHEREAS, such proposals would force the State and local governments to spend valuable time and money asking for permission from the same people who elected them before any action can be taken on important issues, and would also force taxpayers to pay twice for governance – once for elections of their state and local officials, and again for elections to make the decisions those officials should have made, and

WHEREAS, those states that have instituted similar Constitutional proposals, such as Colorado, now face severe problems in meeting the basic needs of their citizenry and are seeking to overturn key aspects of the law.

NOW THEREFORE BE IT RESOLVED that the Board of Lake Township Trustees does hereby, for all of the foregoing reasons, oppose the proposed Constitutional amendment for Tax Reform referred to as Tax & Expenditure Limits (TEL) or so-called "Taxpayers Bill of Rights" (TABOR), and

BE IT FURTHER RESOLVED that the Board of Lake Township Trustees will work to defeat the proposed amendment by allowing our name to be used in a list of coalition members of the Coalition for Ohio's Future, which organization is diligently working towards the defeat of this constitutional amendment. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-115 Mr. Erb made the following resolution:

WHEREAS, A Board of Township Trustees is permitted under Section 955.221 of the Ohio Revised Code to adopt a resolution concerning the ownership, keeping or harboring of dogs, the restraint of dogs, dogs as a public nuisance and dogs as a threat to public health, safety and welfare, except when engaged in the field of hunting or training for hunting and when the County Commissioners have not adopted resolutions to control dogs within the unincorporated areas of the county; and

WHEREAS, The Stark County Board of Commissioners has not adopted any resolution or regulations to control dogs within the unincorporated areas of the county under Section 955.221 of the Ohio Revised Code; and

WHEREAS, this Board has determined that the persons who permit dogs to bark, yowl, or yelp for continuous periods of time are causing annoyance and disturbance to residents of the unincorporated areas of the Township and such dogs are a public nuisance and are a threat to public health, safety and welfare.

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NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees for Lake Township, Stark County, Ohio, hereby adopts the following resolution effective April 13, 2006:

1. No person shall keep or harbor any dog within the unincorporated areas of Lake Township which, by frequent and habitual barking, yowling or yelping, creates unreasonable loud and disturbing noises of such a character, intensity and duration as to disturb the public health, safety and welfare of the Township.

2. The keeping or harboring of a dog shall include any person who allows the dog to habitually remain, lodge, or feed within any dwelling, building, yard or enclosure which the person owns, occupies, leases or rents.

3. The frequent and habitual barking, howling or yelping of a dog shall be defined as any continuous period of time which exceeds fifteen (15) minutes in duration during the nighttime hours or thirty (30) minutes in duration during the daytime hours.

4. This prohibition shall not apply to the use of any dog that is lawfully engaged in hunting or training for hunting when accompanied by a licensed hunter. However, such dogs at all times and in all other respects shall be subject to this resolution, unless actually in the field and engaged in hunting or in legitimate training for such purposes.

5. Whoever violates this resolution is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. Fines levied and collected for violation of this resolution shall be distributed by the Clerk of Canton Municipal Court in accordance with Section 1901.31(F) of the Ohio Revised Code, to the treasury of Lake Township, all as provided in Section 955.99(I) of the Ohio Revised Code.

6. A copy of this resolution shall be certified by the Lake Township Fiscal Officer to the Clerk of Canton Municipal Court.

Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

- Board discussed/reviewed documentation provided to them by the Zoning Department regarding possible nuisance situations at 3410 Sweitzer Street NW, Uniontown and 13224 Mogadore Avenue, Uniontown.

06-116 A resolution was made by Ellis Erb, based on photos and information provided by the Zoning Department, to schedule a public hearing for Monday, April 10, 2006 at 6:15 p.m. to determine whether or not a nuisance exists at 3410 Sweitzer Street NW, Uniontown and to contact the current property owner and advise them of said date and intention. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

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06-117 A resolution was made by Ellis Erb, based on photos and information provided by the Zoning Department, to schedule a public hearing for Monday, April 10, 2006 at 6:15 p.m. to determine whether or not a nuisance exists at 13224-26-28 Mogadore Avenue, Uniontown and to contact the current property owner and advise them of said date and intention. Seconded by Galen Stoll Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-118 A resolution was made by Ellis Erb authorizing the Board to execute an agreement with the Northeast Ohio Division of Time Warner Cable, a division of Time Warner Entertainment Co., LP, for a period of 36 months, for renewal of our existing Road Runner service at 12360 Market Avenue North, for a monthly Business Class Small Business Tier fee of \$138.95, which includes a Static IP address and additional bandwidth, plus an additional monthly fee of \$9.95 per month for five (5) Non-Vanity E-Mail Addresses which the Board approved under Resolution No. 06-102.

Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

NOTE: Above agreement will encompass the agreement for five (5) Non-Vanity E-Mail Addresses approved under Resolution No. 06-102.

06-119 A resolution was made by Ellis Erb authorizing an expenditure in the amount of \$53,828.00 for the purchase of a 2006 Diamond Spec 7400 SFA 4x2 dump truck cab and chassis from International Truck & Engine Corporation, 8857 Cincinnati-Dayton Road, Suite 201, PO Box 876, West Chester, Ohio 45069-0876 through the State Cooperative Purchasing Program for the Road & Bridge Department. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-120 A resolution was made by Ellis Erb authorizing an expenditure in the amount of \$35,076.00 for the purchase of a dump body, salt spreader, snow plow, plow hitch and hydraulic system from Gledhill Road Machinery Co., 765 Portland Way S., PO Box 567, Galion, Ohio 44833 through the State Cooperative Purchasing program for the Road & Bridge Department. Seconded by Sue Ruley. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

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- The Board executed a Road Open Permit for installation of water service connection at 2675 Mt. Pleasant Street

**MEETING REPORTS**

- Mr. Erb reported on the March 9 meeting of the Tax Incentive Review Council

**FISCAL OFFICER'S REPORT**

- Board acknowledged, pursuant to Resolution No. 06-038, the following transfer made within a fund by the Fiscal Officer on February 27, 2006:

\$700.00 from 01-A-26 (Other Expenses) to 01-F-08 (Other Expenses)

06-121 A resolution was made by Mr. Erb authorizing the Fiscal Officer of Lake Township to request an Amended Certificate from the Stark County Budget Commission, which would allow the Lake Township Board of Trustees to make the following budgetary adjustments in the 2006 Appropriations Budget and the 2006 Receipts Budget. These adjustments are due to the differences between the anticipated revenue and the actual revenue collected in the following funds in 2006:

**2006 Budgetary Adjustments**

<u>Fund</u>	<u>Amount</u>	<u>Reason</u>
<b>CAPITAL PROJECTS</b>		
- FIRE FUND #14C	<u>1,000.00</u>	Property owners returned Escrow Deposit on land on Kent Ave.

***Total budgetary adjustments: \$1,000.00***

Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

**PUBLIC SPEAKS**

(None)

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06-122 A resolution was made by Ellis Erb authorizing the Board to go into Executive Session to discuss a personnel issue (collective bargaining) at 7:00 p.m. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-123 A resolution was made by Ellis Erb authorizing the Board to return from Executive Session at 7:24 p.m. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Sue Ruley	yes
Galen Stoll	yes

06-124 A resolution was made by Ellis Erb adjourning the meeting at 7:25 p.m. Seconded by Galen Stoll. 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