

The Board of Lake Township Trustees met at 6:15 p.m. for the purpose of conducting a Public Hearing for the consideration of a possible nuisance situation at 3221 Wright Road NW, Uniontown, 12533 Amber Circle NW, Uniontown, and 9776 Cleveland Avenue NW, Uniontown and at 6:20 p.m. for the purpose of conducting a Public Hearing for Zoning Amendment No. 07-222ZA (Rezone from R-1 to C-1) and Zoning Amendment No. 07-224ZA (Text change) immediately following in regular session with the following members present:

Ellis Erb, President
Galen Stoll, Vice President
John Arnold, Member

Also Present:

Ben Sommers, Fiscal Officer	Joy Dingman
Tom Renner	Ray Hanley
Sam Miller	Mary Ann Kannam
Paul Finley	Nan Finley
Don Hensley	Jim Buetel
Janice Erb	

Mr. Erb called the meeting to order and opened the Public Hearing at 6:15 p.m. for a possible nuisance at 3221 Wright Road NW, Uniontown, 12533 Amber Circle NW, Uniontown, and 9776 Cleveland Avenue NW, Uniontown.

The Board reviewed the information and photographs provided by the Zoning Administrator for 3221 Wright Road NW, Uniontown. Mr. Erb called for anyone who would like to speak for/or against this matter, hearing none, the board discussed the matter.

07-419 Mr. Erb made the following resolution:

Pursuant to Ohio Revised Code Section 505.86 or 505.87, and based on, in part, information and photos provided by the Zoning Administrator, the Board has determined that a nuisance **does** exist at **3221 Wright Road NW, Uniontown**, due to, **debris/refuse (various pieces of furniture and boxes of miscellaneous debris)**.

Further resolving that the owner of such premises is hereby ORDERED to abate said nuisance from the premises within seven (7) days after receipt of certified notice. If said nuisance is not abated within seven (7) days, this Board will obtain quotes and begin the process to provide for such abatement and/or control. Any expenses so incurred by this Board will be entered upon the tax duplicate and will be a lien upon the land from the date of entry. The property owner may contact this Board within seven (7) days and enter into an agreement with said Board providing for either party to the agreement to perform the removal. The property owner(s)

and/or lienholder(s) were notified by regular mail that the Board would act on this nuisance situation this evening. The property owner(s) and/or lienholder(s) **were not** present. A NOTICE TO ABATE THE NUISANCE and a copy of this resolution will be sent to the property owner(s) and/or lienholder(s) by certified and regular mail.

Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

The Board reviewed the information and photographs provided by the Zoning Administrator for 12533 Amber Circle NW, Uniontown. Mr. Erb called for anyone who would like to speak for/or against this matter, hearing none, the board discussed the matter.

07-420 Mr. Erb made the following resolution:

Pursuant to Ohio Revised Code Section 505.86 or 505.87, and based on, in part, information and photos provided by the Zoning Administrator, the Board has determined that a nuisance **does** exist at **12533 Amber Circle NW, Uniontown,** due to, **vegetation (tall grass/weeds).**

Further resolving that the owner of such premises is hereby ORDERED to abate said nuisance from the premises within seven (7) days after receipt of certified notice. If said nuisance is not abated within seven (7) days, this Board will obtain quotes and begin the process to provide for such abatement and/or control. Any expenses so incurred by this Board will be entered upon the tax duplicate and will be a lien upon the land from the date of entry. The property owner may contact this Board within seven (7) days and enter into an agreement with said Board providing for either party to the agreement to perform the removal. The property owner(s) and/or lienholder(s) were notified by regular mail that the Board would act on this nuisance situation this evening. The property owner(s) and/or lienholder(s) **were not** present. A NOTICE TO ABATE THE NUISANCE and a copy of this resolution will be sent to the property owner(s) and/or lienholder(s) by certified and regular mail.

Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

The Board reviewed the information and photographs provided by the Zoning Administrator for 9776 Cleveland Ave. NW, Uniontown. Mr. Erb called for anyone who would like to speak for/or against this matter, hearing none, the board discussed the matter.

07-421 Mr. Erb made the following resolution:

Pursuant to Ohio Revised Code Section 505.86 or 505.87, and based on, in part, information and photos provided by the Zoning Administrator, the Board has determined that a nuisance **does** exist at **9776 Cleveland Ave., NW, Uniontown,** due to, **vegetation (tall grass/weeds).**

Further resolving that the owner of such premises is hereby ORDERED to abate said nuisance from the premises within seven (7) days after receipt of certified notice. If said nuisance is not abated within seven (7) days, this Board will obtain quotes and begin the process to provide for such abatement and/or control. Any expenses so incurred by this Board will be entered upon the tax duplicate and will be a lien upon the land from the date of entry. The property owner may contact this Board within seven (7) days and enter into an agreement with said Board providing for either party to the agreement to perform the removal. The property owner(s) and/or lienholder(s) were notified by regular mail that the Board would act on this nuisance situation this evening. The property owner(s) and/or lienholder(s) **were not** present. A NOTICE TO ABATE THE NUISANCE and a copy of this resolution will be sent to the property owner(s) and/or lienholder(s) by certified and regular mail.

Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-422 A resolution was made by Ellis Erb closing the Public Hearing at 6:17 p.m.

Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

Mr. Erb called the Public Hearing to order at 6:20 p.m. for Zoning Amendment No. 07-222ZA (Rezone from R-1 to C-1) and Zoning Amendment No. 07-224ZA (Text change).

The Board explained that Zoning Amendment No. 07-222ZA is a rezone request from 21st Homes, Inc./Lawrence Wittmer to change the property from a low density

residential (R1) use to a light commercial (C-1) use for Parcel No. 2015184 known as 3251 Crosby St. NW, Uniontown. Mr. Erb called for anyone who would like to speak for the proposed zoning change.

- Ray Hanley, 3251 Crosby St. NW, Uniontown: (Oath) Mr. Hanley, representing 21st Homes, explained that in October of 2003 an Office/Model Home complex was being operated from 3251 Crosby St. and the property located in front on Cleveland Ave. At that time both properties were zoned commercial. However during the rezoning of Cleveland Ave. the zoning was changed to a residential use for 3251 Crosby St. while the front property on Cleveland Ave. remained a commercial use. They are asking that the zoning be changed for the parcel in question to match the front parcel which is zoned C1. The Zoning Commission approved the amendment with the contingencies that the entrance onto Crosby be removed, planted buffer be added along the property to the west and they provide a parking lot drawing showing the 20 parking spaces. Mr. Hanley stated that these conditions have been met.

The Board noted that the Lake Township Zoning Commission and Stark County Regional Planning recommended approval. Mr. Erb called for anyone who would like to speak against the proposed zoning change, hearing none, the Board discussed the proposed zoning change.

07-423 A resolution was made by Ellis Erb to approve the proposed zone change under Zoning Amendment No. 07-222ZA. Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

The Board explained that Zoning Amendment No. 07-224A is an amendment to the Lake Township Zoning Resolution which would change places of worship and some recreation facilities from conditionally permitted uses to permitted uses in all residential districts; bring definitions and requirements for public and private schools and oil and gas drilling into compliance with the Ohio Revised Code; add requirements and definitions for temporary storage units in residential and commercial districts; prohibit outdoor storage in the required setback when an Office Research District abuts a residential district; and modify the maximum sign area for temporary signs. No public was present to speak for or against this proposed amendment. Mr. Erb stated that Stark County Regional Planning Commission has recommended approval of a modification and the Lake Township Zoning Commission voted unanimously to modify and approve Zoning Amendment No. 07- 224ZA.

07-424 A resolution was made by Ellis Erb to approve the proposed text change as modified by the Zoning Commission and Stark County Regional Planning under Zoning Amendment No. 07-224ZA. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-425 A resolution was made by Ellis Erb closing the Public Hearing at 6:28 p.m. Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

Mr. Erb called the regular meeting of the Board to order at 6:29 p.m.

07- 426 A resolution was made by Ellis Erb to go into executive session at 6:29 p.m. pursuant to ORC 121.22 (G) (1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee and in addition to discuss pending litigation and to include the Trustees, Fiscal Officer and legal counsel. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-427 A resolution was made by Ellis Erb for the Board to return from executive session at 6:45 p.m. Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-428 A resolution was made by Ellis Erb approving the minutes of October 22, 2007 as submitted. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-429 A resolution was made by Ellis Erb authorizing payment of payroll for November 16, 2007, in the amount of \$37,079.84. Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-430 A resolution was made by Ellis Erb accepting/approving the Financial Report as of November 12, 2007, as submitted by the Lake Township Fiscal Officer. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-431 A resolution was made by Ellis Erb authorizing payment of bills for November 12, 2007, in the amount of \$504,405.54. Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

CORRESPONDENCE

1. Stark County Health Department – Quarterly Report to the District Advisory Council
2. Stark County Health Department – Illicit Discharge Detection & Elimination Ordinance
3. NEFCO – Nimishillen Creek Work Session
4. David Eigel – thank you for trash pick up on Nimishillen Church Road
5. Multi-State ISAC – cyber security information
6. Stark County RPC – November 6, 2007 Agenda
7. Stark Soil & Water Conservation District – site inspection reports
8. Ohio EPA – Countywide Recycling and Disposal Facility
9. OTA – township volunteer fire department question
10. Lake Senior Center – Tree of Light ceremony
11. Stark County Auditor – announcement of GIS day
12. Stark County Township Association – November 200 meeting information
13. CLOUT & OTA – legislative update
14. OTA – question regarding Amish
15. Betty Mast – disposal of old appliances
16. Adrienne LaFavre – Storm Water Workshop, September 20, 2007
17. Stark County Metropolitan Sewer District – Project 554 (Village Manor Allotment)
18. OPERS – Employer Notice
19. Grassroots Clippings – November 2007 edition
20. Stark Soil & Water Conservation District – MS4 Information Session
21. Time Warner Cable – notification of channel changes
22. CDW – technology products
23. Marie Bolek – thank road superintendent for looking at drainage issue on Wedgewood
24. Sudhakar Kuppuraju – drainage issue Pondsford and Thornham area
25. OEPA – CD of September 20 Storm Water workshop
26. Stark County Dental Task Force – dental clinic information
27. Stark County RPC – office conversion for Richard Babik
28. FirstMerit Bank – certificate of deposit confirmation
29. Lafarge – change to in-bound rail fuel surcharge

- 30. Bret Anderson – voting options
- 31. Stark County Auditor – GIS address maintenance program
- 32. OTA – exotic animal resolution
- 33. Stark County Budget Commission – 2008 Budget Certificate

DEPARTMENT REPORTS

Police Department

07-432 A Resolution was made by Ellis Erb authorizing the Uniontown Police Department to participate in the “Shop With A Cop” program. Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-433 A resolution was made by Ellis Erb authorizing the hiring of Joshua McIntire as a Reserve Police Officer for the Uniontown Police Department, subject to the provisions of the Lake Township Employee Handbook and contingent upon successful completion of a drug test. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

- Board acknowledged receipt of the Uniontown Police Department October 2007 Statistical Report.

07-434 A resolution was made by Galen Stoll authorizing the hiring of Holli Webb as a full-time Dispatcher/Secretary for the Uniontown Police Department pursuant to all of the provisions of the Lake Township Employee Handbook and contingent upon the successful completion of a drug test. Seconded by Ellis Erb. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

Road Department

07-435 Mr. Erb moved the adoption of the following resolution:

WHEREAS, the Board of Trustees for Lake Township Stark County, Ohio, has appealed an Arbitrator's Award to the Stark County Court of Common Pleas in the Case of *Board of Trustees of Lake Township, Stark County, Ohio vs. UWUA Local 578*, Case Number 2007CV02382, Judge Heath, and,

WHEREAS, the Court has rendered a Judgment Entry docketed October 25, 2007, in favor of the Union and the Grievant Mark McGuire and;

WHEREAS, additional legal counsel to the Lake Township Board of Trustees and Lake Township Fiscal Officer hereby recommend that the Court's Judgment Entry docketed October 25, 2007, should not be appealed and the unpaid vacation should be paid to the Grievant Mark McGuire rendering and accepting as a final determination the Judgment Entry of the Court in the case of *Board of Trustees of Lake Township, Stark County, Ohio vs. UWUA Local 578*, Case Number 2007CV02382, Judge Heath, and;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees for Lake Township Stark County, Ohio, does hereby direct the Lake Township Fiscal Officer to determine and pay the earned but un-paid vacation leave to the Grievant Mark McGuire pursuant to the October 25, 2007 Judgment Entry of the Court in the case of *Board of Trustees of Lake Township, Stark County, Ohio vs. UWUA Local 578*, Case Number 2007CV02382, Judge Heath.

Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

Zoning Department

- None

Fire Departments/Fire Prevention Office

- None

OLD BUSINESS:

07-436 Mr. Erb made the following resolution:

TO THE COUNTY AUDITOR OF STARK COUNTY, OHIO:

The board of township trustees of Lake Township, in said county, hereby makes report and certified that on the 27th day of August, 2007, it was informed in writing that noxious weeds were growing on the lands of Tim Turner in said township and were about to spread and mature seeds; said lands being described as follows: Parcel No. 1905093, State St. NE, Quarter Section 34NW, Lake Township

and thereupon said board of township trustees caused said noxious weeds to be cut or destroyed by one W.E. Love Landscaping, whom the board employed for that purpose.

The following is a statement of the charges of:

The amount paid for the performing of such labor	\$ <u>300.00</u>
The amount paid for materials	\$ <u>n/a</u>
The amount paid for equipment	\$ <u>n/a</u>
The amount paid for assessment fees	\$ <u>75.00</u>
TOTALS	\$ <u>375.00</u>

You are hereby requested to cause such amounts, when allowed, to be entered upon the tax duplicate and to be a lien upon such lands of the said Tim Turner, above described, from and after the date of the entry, and to be collected as other taxes and returned to the township to be placed in the township general fund.

Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

NEW BUSINESS:

07-437 A resolution was made by Ellis Erb pursuant to Ohio Revised Code Section 505.10, the Board of Lake Township Trustees has determined that they are in possession of certain office equipment at the Road and Bridge Department that has no value and is obsolete/unfit for the use in which it was intended. Therefore, the Board hereby authorizes the disposal of the following:

- Canon AP200 Electric Typewriter (inventory RB Office #78)
- Canon 6016 desktop copier
- Lathem Time Clock (inventory RB Office #29)

Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-438 A resolution was made by Ellis Erb executing the following Road Open Permits:

- C-07-25: Dominion East Ohio (8659 Witney Ave) tie-in gas service
- C-07-26: Dominion East Ohio (2993 Brumbaugh) tie-in gas service
- C-07-27: Dominion East Ohio (11097 Hoover Ave) tie-in gas service

- C-07-28: Dominion East Ohio (11697 Hoover Ave) tie-in gas service
- O-07-12: AT&T (Heckman St) place 1 telephone cabinet

Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-439 Mr. Erb made the following resolution regarding newly elected officials:

BE IT RESOLVED by the Board of Lake Township Trustees of Lake Township, Stark County, Ohio, that all elected township officials, if they so choose, be covered by all insurance purchased by the township.

BE IT FURTHER RESOLVED that the insurance coverage held by the elected officials shall include the in-term increases in the cost of medical or life insurance so long as that increase is automatic and there is no material alteration in the insurance benefits provided during the office holder's term.

Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-440 A resolution was made by Ellis Erb authorizing the renewal of CLOUT membership for 2008 for a cost of \$200.00. Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-441 A resolution was made by Ellis Erb authorizing the hiring of William E. Bruce III as a Class "A" Road & Bridge Auxiliary at \$12.00/hour, subject to the provisions of the Lake Township Employee Handbook and contingent upon successful completion of a drug test. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-442 A resolution was made by Ellis Erb authorizing the hiring of Randy Grose as a Class "A" Road & Bridge Auxiliary at \$12.00/hour, subject to the provisions of the Lake Township Employee Handbook and contingent upon successful completion of a drug test. Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-443 A resolution was made by Ellis Erb executing the Deed for cemetery lot number 342E in Woods Cemetery. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-444 A resolution was made by Ellis Erb authorizing a refund to TGC Engineering, LLC in the amount of \$100.00 for the following Road Open Permits:

- O-07-11: AT&T (Mt. Pleasant) \$50.00 refund
- O-07-13: AT&T (Mt. Pleasant) \$50.00 refund

Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-445 A resolution was made by Ellis Erb authorizing the release of bond for Road Open Permit No. O-07-11 (AT&T & A.J. Diana) Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

MEETING REPORTS:

- None

FISCAL OFFICER'S REPORT

07-446 A resolution was made by Ellis Erb authorizing the Board and Fiscal Officer to sign all Purchase Orders, Vouchers and Vendor's Certificates. Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

07-447 A resolution was made by Galen Stoll in accordance with Resolution #07-413 authorizing the President of the Board of Trustees to execute the application for the Stark-Tuscarawas-Wayne Joint Solid Waste Management District Recycling Grant on behalf of the Board of Trustees in the amount of \$2,600.00. Seconded by John Arnold. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

PUBLIC SPEAKS

Sam Miller, 412 Jerome, Hartville: Questioned the board as to whether new auxiliary employees are required to take a drug test before they are hired. The Board informed him that they are and are also added to a random drawing list.

Tom Renner, Greentown Fire Department: Requested to look at Correspondence No. 9 from OTA (township volunteer fire department question).

07-448 A resolution was made by Ellis Erb adjourning the meeting at 7:12 p.m. Seconded by Galen Stoll. Roll call votes were:

Ellis Erb	yes
Galen Stoll	yes
John Arnold	yes

Ben Sommers, Fiscal Officer

Ellis Erb, President

Galen Stoll, Vice President

John Arnold, Member