

The Board of Lake Township Trustees met at 6:20 p.m. for the purpose of conducting a Public Hearing for Zoning Amendment No. 10-225 (Map Change – Proposed rezone of 12699 Bixler Avenue NE from R-1 & C-2 to C-2) immediately following in regular session with the following members present:

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

Also Present:

Ben Sommers
Mary Ann Kannam
Dan Kamerer
Jim Miller
Joy Dingman
Jim Sullivan
Sam Miller
Greg Campbell

Mr. Arnold called the meeting to order and opened the Public Hearing at 6:20 p.m.

Mr. Arnold explained that Zoning Amendment No. 10-225 is a map change, which would rezone 12699 Bixler Avenue NE from R-1 Low Density Residential and C-2 General Commercial to C-2 General Commercial. There is just a small triangle in the north east corner that is zoned R-1; this would make the entire parcel C-2.

Mr. Arnold asked if there was anyone present that would like to speak for or against the proposed amendment. Hearing no comment, Mr. Arnold closed the public comment portion of the public hearing.

Mr. Arnold stated that Stark County Regional Planning Commission and the Lake Township Zoning Commission have recommend approval of Zoning Amendment No. 10-225.

10-140 A resolution was made by John Arnold approving the zoning change for 12699 Bixler Avenue NE. Hartville, Parcel No. 1903428, located on the west side of Bixler Avenue and north of Maple Street, in the SW 1/4 Section 10, Lake Township, from it's current split zoning of R-1 Low Density Residential and C-2 General Commercial to all C-2 General Commercial as proposed under Zoning Amendment No. 10-225. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes
Galen Stoll yes

10-141 A resolution was made by John Arnold closing the Public Hearing at 6:23 p.m. Seconded by Galen Stoll. Roll call votes were:

John Arnold yes
Ellis Erb yes
Galen Stoll yes

Mr. Arnold called the regular meeting of the Board to order at 6:24 p.m.

10-142 A resolution was made by John Arnold approving the minutes of March 22, 2010, as submitted. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-143 A resolution was made by John Arnold authorizing payment of payroll for April 16, 2010, in the amount of \$66,540.38. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-144 A resolution was made by John Arnold accepting/approving the Financial Report as of April 8, 2010, as submitted by the Lake Township Fiscal Officer. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-145 A resolution was made by John Arnold authorizing payment of bills as of April 8, 2010 in the amount of \$772,309.26. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

- The Board noted that this amount includes the first quarter Fire Department disbursements of approximately \$600,000.00.

CORRESPONDENCE

1. Ohio Township Association – requests for information from various townships
2. Stark County Regional Planning – MS4 mapping information, field schedules and notification request
3. Stark County Engineer – reminder about upcoming elected officials and road superintendents annual meeting
4. Canton-Stark County Crime Laboratory – *2009 Annual Report*
5. Ohio Department of Administrative Services – notice of upcoming MSDS Online Webinar
6. Northeast Ohio Snow & Ice Committee – notice of upcoming N.E.O. Snow & Ice Technologies Workshop on Thursday, May 13, 2010
7. John Nicora – questions about trash pickup in Lake Township
8. Ohio Township Association – legislative updates

- 9. Ohio EPA – Citizen Advisory (*Ohio EPA Seeks Comments on Urban Setting Designation for Canton Property*)
- 10. Ohio Deferred Compensation – notice that Ohio Deferred Compensation has named the Public Sector/457 Plan Sponsor of the Year
- 11. Ohio Economic Development Association – information of an upcoming seminar on May 20th “*Foundations of Economic Development*”
- 12. Eric Marsh – notice/invitation to attend site tour/meeting at IEL on Tuesday, April 13, 2010 for EPA-AMA (Academy of Model Aeronautics) partnership as part of EPA’s Superfund Redevelopment Program
- 13. Tim James – complaint about trash/debris behind fences along SR 619 across from Redwood Avenue
- 14. Tom Johnson – question on where/how to dispose of mattress and box springs
- 15. Ohio Township Association – April 2010 *Grassroots Clippings* newsletter
- 16. Ohio Truck Parts – information about their business and notice that they are a buyer of used equipment
- 17. Sheakley Company – information about their services
- 18. Ohio Department of Transportation – notice of District 4 Construction Kick-off event on Friday, April 9th
- 19. Ohio Department of Administrative Services – reminder about quarterly usage report
- 20. Stark County Metropolitan Sewer District – use of manhole adjusting rings on township or village road resurfacing projects
- 21. Ohio Department of Administrative Services – notice of purchasing program meeting
- 22. Governor Strickland’s Office – Statement on the Passing of Chief Justice Thomas J. Moyer and notice to lower flags to half-staff
- 23. NEFCO – March 2010 *NEFCO Forum*
- 24. Stark County Regional Planning Commission – April 6, 2010 Agenda
- 25. Jaclyn Hayes – neighbor speeding down private driveway

In reference to the following correspondence:

- No. 2 - This information has been posted on the Lake Township Website.
- No. 12 - Steve Lacey, Zoning Administrator, should attend.

DEPARTMENT REPORTS

Police Department

10-146 A resolution was made by John Arnold accepting the resignation of Derek Ralston, effective April 5, 2010, a Uniontown Police Department Reserve Officer as requested in his April 4, 2010 letter. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-147 A resolution was made by John Arnold hiring Chad Shultz as a Reserve Officer for the Uniontown Police Department, subject to the provisions of the Lake Township Employee Handbook. The Board Further acknowledges that he has successfully passed his psychological and drug screening. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

- The Board acknowledged receipt of the March 2010 Uniontown Police Department Statistical Report.

10-148 A resolution was made by John Arnold authorizing an expenditure for an amount not to exceed \$15,100.00 to Pro-Tech, 1313 West Bagley Road, Berea, Ohio 44017, for the purchase of eight (8) full body armor tactical vests for use by the Uniontown Police Special Response Team (SRT) Unit, as described in Quote No. 12510-JH-01. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

Road Department

10-149 A resolution was made by John Arnold authorizing the purchase of a 337 Bobcat Compact Excavator for the road department, from Bobcat of Canton, payable to Bobcat Company, PO Box 6000, West Fargo, ND 58078, for a cost not to exceed \$48,000.00 as detailed in the March 26, 2010 Quote No. MK-01037v1. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-150 A resolution was made by John Arnold authorizing the purchase of a 2010 Ford F450 SD Utility truck for the road department, from Mike Bass Ford, 5050 Detroit Road, Sheffield Village, Ohio 44035 for a cost not to exceed \$38,885.00. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

- The Board noted that they tried to purchase the above vehicle locally, but the local dealership is not a participant of the cooperative purchasing program.

10-151 A resolution was made by John Arnold hiring Laverne Wittmer as an auxiliary road department employee (group "A") 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:

John Arnold	yes
Ellis Erb	abstain
Galen Stoll	yes

10-152 A resolution was made by John Arnold hiring Eugene Miller as an auxiliary road department employee 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 Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-153 A resolution was made by John Arnold hiring Greg Campbell as an auxiliary road department employee (group "C") at \$8.00/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:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

Zoning Department

- The Board acknowledged receipt of the March 2010 Zoning Report.

Fire Departments/Fire Prevention Office

- None

OLD BUSINESS:

- None

NEW BUSINESS:

10-154 A resolution was made by John Arnold authorizing the Fiscal Officer to accept the two-year rate guarantee offer from the Ohio Plan Risk Management, Inc for the township's Property and Casualty Insurance. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-155 A resolution was made by John Arnold authorizing the Fiscal Officer to request a hearing, in our County Seat, with regards to an application made with Ohio Division of Liquor Control by George P. Manos, CEO of Greentown Gallery & Custom Framing, Inc. (3140 State Street NW, Greentown). This location is located within precinct 21 of Lake Township which is a "dry" precinct and would require voter approval. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-156 A resolution was made by John Arnold scheduling the Lake Township Spring Clean Up for Tuesday, June 8, 2010 through Saturday, June 12 2010 from 8:00 a.m. to 8:00 p.m. and authorizing the staff to obtain pricing for the same. In addition, the Board further resolves to limit the number of tires permitted for disposal to twelve (12) tires per household and business. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-157 A resolution was made by John Arnold executing the following cemetery deeds:

Mt. Peace Cemetery -- Section 2, Lot 3, Graves 4 & 5
Uniontown Greenlawn Cemetery -- Section K, Lot 33, Graves 4 & 5

Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-158 Mr Arnold moved for the adoption of the following resolution:

WHEREAS, Ohio Revised Code section 505.10 (D) permits a board of township trustees to adopt a procedure to sell property by internet auction; and,

WHEREAS, the Lake Township Board of Trustees, from time to time has personal property, as defined in RC section 505.10 (D), that is not needed for public use, and which it intends to sell by internet auction; and,

NOW THEREFORE, BE IT RESOLVED, pursuant to the statutory authority of ORC 505.10 (D) that the Lake Township Board of Trustees does hereby adopt, during calendar year 2010 its intent to sell property by internet auction, as follows:

Whenever a Department Head informs the Board of Trustees that the department has property, as described in RC 505.10(D) and that the Department Head

determines that is in the best interest of the Department and the Board to sell the personal property by internet auction the department head shall:

Inform the Board whether the Department Head or an the internet auction service (i.e., govdeals.com; EBay.com; Craig's List.com, etc.) shall conduct the auction and upon which internet auction service the property shall be listed for sale and generally outline the auction service's policies, rules and procedures that shall be applicable to the particular items and auction. The notice shall include the contact information such as the auction service name, representative, address, telephone numbers and other contact information.

Shall list the property for bidding for a period of not less than ten (10) days nor more than thirty (30) days, including Saturdays, Sundays and legal holidays.

Shall list the reserve or minimum price, if any, and shall include any other terms and conditions specific to the item or items, including requirements for pick-up or delivery, method of payment and sales tax, as may be applicable.

BE IT FURTHER RESOLVED, that the Lake Township Department Head and the Lake Township Fiscal Officer shall publish notice of each proposed internet auction in a newspaper of general circulation within Lake Township, Stark County, at least one time not less than two weeks prior to the internet auction listing / advertisement; and shall also post notice of each proposed internet auction in a conspicuous place within the Lake Township Board of Trustees Administrative Office. The publication shall contain a notice of the Board's intent to sell township personal property by internet auction; and a summary of this resolution's internet auction procedure; and,

BE IT FURTHER RESOLVED, that the Lake Township Department Head and the Lake Township Fiscal Officer shall also publish notice of each proposed internet auction on the Lake Township Board of Trustees' website not less than two weeks prior to the internet auction listing / advertisement; and

BE IT FURTHER RESOLVED, that the Lake Township Fiscal Officer shall publish a summary of this Resolution, meeting the publication requirements of RC 505.10 (D) in a newspaper of general circulation within Lake Township, Stark County, at least one time not less than two weeks prior to the first internet auction listing / advertisement; and shall publish it on the Lake Township Board of Trustees' website not less than two weeks prior to the first internet auction listing / advertisement; and shall post a copy of this resolution, continuously in a conspicuous place within the Lake Township Board of Trustees Administrative Office.

Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-159 A resolution was made by John Arnold allowing the Lake Band Boosters to utilize the township park parking lot for a fundraising event as requested in April 7, 2010 letter with the following provisions. The property is be left in the same condition in which it is found and any police assistance that is required will be handled by the Lake Band Boosters directly with the Uniontown Police Chief. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-160 A resolution was made by John Arnold accepting the Hartville Fire Contract and executing the Memorandum of Understanding. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-161 Mr. Arnold moved the adoption of the following resolution:

WHEREAS, upon due investigation and consideration, the Board of Trustees of Lake Township has determined that the amount of taxes which may be raised within the ten (10) mill limitation in and for said Lake Township ROAD District, Lake Township, Stark, County, Ohio for the next five (5) years will be insufficient to provide an adequate amount for the construction, reconstruction, resurfacing, and repair of streets, roads , and bridges in the Lake Township Road District, Lake Township, Stark County, Ohio; and

WHEREAS, by reason thereof, this Board has determined that it will be necessary to renew a tax of one and one-half (1.5) mills, which is in excess of such limitation, for the construction, reconstruction, resurfacing, and repair of streets, roads , and bridges in the Lake Township Road District, Lake Township, Stark County, Ohio; and

WHEREAS, pursuant to the requirements of Ohio Revised Code Section 5705.03.(B), this Board as taxing authority for the Lake Township Road District, Lake Township, Stark County, Ohio, is required to certify to the Stark County Auditor a resolution requesting that the Stark County Auditor certify to this Board as taxing authority for the Lake Township ROAD District, Lake Township, Stark County, Ohio, the total current tax valuation of the Lake Township ROAD District as a subdivision, and the dollar amount of revenue that would be generated by a specified number of mills. In addition, this Board as said taxing authority of said District is required to state the purpose of the tax, whether the tax is an additional levy or a renewal or a replacement of an existing tax and the section of the Ohio Revised Code authorizing subdivision of the question of the tax to the Stark County Board of Elections for determination as provided by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Lake Township, Stark County, Ohio, on behalf of the Lake Township Road District, Lake Township, Stark County, Ohio and as said taxing authority for said District, does hereby determine that it is necessary to levy a tax, outside the ten (10) mill limitation for the construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in Lake Township Road District, Lake Township, Stark County, Ohio, for the period not to exceed (5) years, being tax years 2010, 2011, 2012, 2013, and 2014. The tax levy will first be due in tax year 2010 and collected in tax year 2011 and thereafter.

BE IT FURTHER RESOLVED that the Board of Trustees of Lake Township, Stark County, Ohio, as taxing authority for the Lake Township Road District, Lake Township, Stark County, Ohio, pursuant to the requirements of Ohio Revised Code Section 5705.03 (B), does hereby certify to the Stark County Auditor this resolution requesting that the Stark County Auditor certify to this taxing authority, the total current tax valuation of the Lake Township Road District as a subdivision, and the dollar amount of revenue that would be generated by a renewal tax of one and one-half (1.5) mills for the construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in said Lake Township Road District, Lake Township, Stark County, Ohio. Ohio Revised Code Section 5705.19 (G) authorizes submission of the question of the tax.

BE IT FURTHER RESOLVED that the Clerk of this Board be, and hereby is directed and authorized to certify this resolution to the Stark County Auditor pursuant to the provisions of Section 5705.03 (B) of the Ohio Revised Code and to proceed with all things necessary to be done in order to accomplish the purpose of this resolution and the requirements of Section 5705.3 (B) of the Ohio Revised Code.

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 a legal requirements, including Section 121.22 of the Ohio Revised Code.

Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-162 A resolution was made by John Arnold authorizing the Lake Township Zoning Administrator and Lake Township Additional Legal Counsel to take enforcement action to address the zoning violations at 1953 Gulf Street NW, Lake Township, including filing an injunction lawsuit in the Stark County Common Pleas Court. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-163 A resolution was made by John Arnold executing the following Road Open Permit:

D-10-09: Dominion East Ohio Gas (2529 Serravale Street NW) gas tie-in

Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

MEETING REPORTS/MISCELLANEOUS

- Ellis Erb and Galen Stoll attend the Stark County Regional Planning Meeting, where preliminary approval was given to HRM's plat and to Congress Lake to establish private lots instead of leased lots, their roads are to remain private roads.

FISCAL OFFICER'S REPORT

10-164 A resolution was made by John Arnold authorizing the Board and Fiscal Officer to sign all Purchase Orders, Vouchers and Vendor's Certificates. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-165 A resolution was made by John Arnold to execute a waiver of a post audit hearing. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-166 Mr. Arnold moved the adoption of the following resolution:

WHEREAS, the Lake Township Board of Trustees currently accounts for three separate cemetery funds; the #05 Fund, currently referred to as Wood Cemetery Fund, the #05A, currently referred to as Greenlawn Cemetery Fund, and the #05B Fund, currently referred to as Mount Peace Cemetery Fund; and

WHEREAS, the Fiscal Officer recommends that the Board of Trustees approve the consolidation of these three funds and their currently, unencumbered cash balances from said three funds, into one single cemetery fund, to be known as the #05 Lake Township Cemetery Fund, for the purpose of simplifying the accounting and payroll system of the township cemetery operations; and

WHEREAS, the Lake Township Board of Trustees finds it lawful and reasonable to consolidate the three separate cemetery funds;

Now, therefore, be it resolved by the Board of Trustees of Lake Township, Stark County, Ohio, that;

Pursuant to Revised Code Section 5705.13 the Fiscal Officer of Lake Township, is authorized do whatever is lawful and necessary to consolidate the three township cemetery funds and all remaining unencumbered cash balances from those three funds and shall transfer and combine into one single cemetery fund which shall, from this day forward, be known as Fund #05 - Lake Township Cemetery Fund (formerly known as Fund #05 - Woods Cemetery Fund); and

Be it further resolved that Fund #05A - Greenlawn Cemetery Fund .and Fund #05B - Mount Peace Cemetery Fund shall be combined into the Fund#05 Lake Township Cemetery Fund and shall be removed from Lake Township’s list of active funds after the end of the 2010 fiscal year, commencing January 1, 2011.

Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

10-167 Mr. Arnold moved the adoption of the following resolution:

WHEREAS, the Lake Township Board of Trustees have resolved to assess the certified street lighting assessment amounts to the County Auditor for 2009, to be collected in 2010 as stated in Res. #09-328 passed on August 24, 2009, and;

WHEREAS, in accordance with the provisions establish for the street lighting district in Lake Township, Stark County, a property owner whose parcel falls within a 350 foot radius of street light is assessed for said street lighting in that district; and

WHEREAS, it has since been determined that parcel number 22-01087 and 22-00936 located at the very end of Greenlawn St. in the Uniontown Street Lighting District are not within a 350 foot radius of the nearest street light;

THEREFORE, be it resolved that parcel #22-01087 and parcel #22-00936 should be removed from the Uniontown Street Lighting District assessment list; and

The Fiscal Officer of Lake Township is authorized to have said certified paid assessments for 2009 (to be collected in 2010) credited back to the tax duplicate of each of the above-mentioned parcels.

Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

- Acknowledge the following Transfers within a Fund, pursuant to Resolution No. 10-025:

<u>DATE</u>	<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
3/22/10	\$4,000.00	5-A-12 (Other Exp.)	5-A-8 (Tools & Equip.)
3/22/10	\$10,000.00	5-A-12A (Other Exp.)	5-A-8A (Tools & Equip.)
3/22/10	\$10,500.00	5-A-12B (Other Exp.)	5-A-8B (Tools & Equip.)

Purpose: To cover set up P.O. for cemetery equipment per Res. #10-130

PUBLIC SPEAKS

Sam Miller, 412 Jerome Ave, Hartville: Mr. Miller introduced himself as one of the caretakers for the township cemeteries and thanked the Board for providing them with good and reliable equipment to make their job easier.

10-168 A resolution was made by John Arnold adjourning the meeting at 6:55 p.m. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes
Galen Stoll	yes

Ben Sommers, Fiscal Officer

John Arnold, President

Ellis Erb, Vice President

Galen Stoll, Member