

The Board of Lake Township Trustees met at 6:10 p.m. for the purpose of conducting a Public Hearing for Zoning Amendment No. 10-226 (Map Change – Proposed rezone of 11831 Cleveland Avenue) with the following members present:

John Arnold, President
Ellis Erb, Vice President

Also Present:

Christy Bresson, Acting Clerk	Dan Kamerer
Mary Ann Kannam	Leroy Yoder
Joy Dingman	Sam Miller
Don Williamson	Don Wise
Jim Sullivan	Steve Lacey

John Arnold called the public hearing to order at 6:10 p.m.

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.

10-265 A resolution was made by John Arnold approving the zoning change for 11831 Cleveland Avenue, PPN 2205808, consisting of approximately 4.91 acres, located on the west side of Cleveland Avenue and south of Apache Street, in the SW ¼ Section 18, Lake Township, from it’s current zoning of C-2 General Commercial to R-1 Low Density Residential under Zoning Amendment No. 10-226. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes

Mr. Arnold closed the public hearing.

Mr. Arnold opened the Public Hearing at 6:20 for a possible nuisance abatement at 12076 Lisa Avenue NW, Hartville - possible demolition of house under ORC 505.86 and abatement of vegetation and clean up of debris around house and property under ORC 505.87 with the regular meeting to immediately follow.

Mr. Arnold called for public comment regarding the possible nuisance situation.

Don Williamson, 936 Camelia, Hartville; Mr. Williamson asked the Board what the demolition would include. The Board stated that the building and foundation would be removed; the well and septic would most likely remain. Mr. Williamson wanted to know if it would be a buildable lot and who owned it. The Board said it is a buildable lot and it is bank owned. Mr. Williamson was concerned that the driveway would become a parking lot because of the property's proximity to the school. The

Board asked to be notified if this occurs. The Health Department would have to approve the well and septic.

10-266 Mr. Arnold made the following resolution:

WHEREAS, pursuant to Ohio Revised Code Section 505.86 the Lake Township Board of Trustees may provide for the removal, repair, or securance of buildings or other structures in the township that had been declared insecure, unsafe, or structurally defective by any fire department under contract with the township or by the county building department or other authority responsible under Chapter 3781 of the Revised Code for the enforcement of building regulations or the performance of building inspections in the township, or buildings or other structures that have been declared unfit for human habitation by the Board of Health of the general health district of which the township is a part; and Lake Township Board of Trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse and other debris under Ohio Revised Code Section 505.87; and,

WHEREAS, the Stark County Building Department and the Lake Township Fire Safety Inspector have issued letters declaring that the building located at 12076 Lisa Avenue, Hartville, Ohio, Lake Township, Stark County, Ohio, Permanent Parcel Number 1901208, is insecure, unsafe, or structurally defective. Copies of their declaration letters are incorporated herein by reference as if fully rewritten herein; and,

WHEREAS, at least 30 days prior to the removal, repair, or securance of any insecure, unsafe, or structurally defective building, the Board of Township Trustees shall give notice by certified mail of its intention with respect to the removal, repair, or securance of buildings or other structures and for the abatement, control, or removal of vegetation, garbage, refuse and other debris to the holders of legal or equitable liens of record upon the real property on which the building is located and to owners of record of the property; and,

WHEREAS, a search of the Stark County Official Records demonstrates that Wayne and Susan Ellis, whose address is 12076 Lisa Avenue NW, Hartville, Ohio, 44632, are the owners of record and that there are holders of legal or equitable liens of record; and,

WHEREAS, it is the intention of the Lake Township Board of Trustees to remove or secure the building that is located on the subject parcel of real property under Ohio Revised Code Section 505.86 and further to provide for the abatement, control, or removal of vegetation, garbage, refuse and other debris under Ohio Revised Code Section 505.87; and,

WHEREAS, if the owners of record of the subject parcel of real property or the holders of liens of record upon the property do not enter into an agreement with the Lake Township Board of Trustees to remove the building, perform the repairs or secure the insecure, unsafe, or structurally defective building, or provide for the abatement,

control, or removal of vegetation, garbage, refuse and other debris within thirty (30) days from the date of receipt of a copy of this resolution, then the Lake Township Board of Trustees shall demolish and remove the building and provide for the abatement, control, or removal of vegetation, garbage, refuse and other debris and the Lake Township Fiscal Officer shall certify the total cost, together with the proper description of the lands to the Stark County Auditor who shall place the costs upon the tax duplicate and the costs shall become a lien upon the lands from and after the date of entry which shall be collected as other taxes and returned to the Lake Township General Fund. The Fiscal Officer shall access the "total cost", as defined in ORC 505.86(A); and,

NOW, THEREFORE, BE IT RESOLVED that pursuant to Ohio Revised Code Section 505.86, and upon the recommendation of the Stark County Building Department and the Lake Township Fire Safety Inspector, the Lake Township Board of Trustees does hereby declare that the building located at 12076 Lisa Avenue NW, Hartville, Ohio 44632, Lake Township, Stark County, Ohio, Permanent Parcel Number 1901208 is insecure, unsafe, or structurally defective; and in addition pursuant to Ohio Revised Code Section 505.87 the Lake Township Board of Trustees does hereby declare that a nuisance does exist due to the maintenance of vegetation (tall grass/weeds) and other debris; and,

BE IT FURTHER RESOLVED, that at least 30 days prior to the removal, repair, or securance of any insecure, unsafe, or structurally defective building, and prior to providing for the abatement, control, or removal of vegetation, garbage, refuse and other debris the Lake Township Zoning Inspector for the Lake Township Board of Trustees shall give notice by certified United States mail, return receipt requested, and also by regular United States mail of this Board's intention with respect to the removal, repair, or securance of the structure and the abatement control, or removal of vegetation, garbage, refuse and other debris, to the holders of legal or equitable liens of record upon the real property on which the building is located and to owners of record of the property by providing them with a copy of this Resolution; and,

BE IT FURTHER RESOLVED, that the Notices shall be made upon, Wayne and Susan Ellis, whose address is 12076 Lisa Avenue NW, Hartville, Ohio, 44632, the owners of record by certified United States Mail, return receipt requested, and also by ordinary United States mail, and to all holders of legal or equitable liens of record; and,

BE IT FURTHER RESOLVED, that it is the intention of the Lake Township Board of Trustees to remove or secure the building on the subject and to provide for the abatement control, or removal of vegetation, garbage, refuse and other debris; and,

BE IT FURTHER RESOLVED, that if the owners of record of the subject parcel of real property or the holders of liens of record upon the property do not enter into an agreement with the Lake Township Board of Trustees to perform the repairs or securance of the insecure, unsafe, or structurally defective building, or abate, control, or remove vegetation, garbage, refuse and other debris, within thirty (30) days from the date of receipt of this resolution, then the Lake Township Board of Trustees shall

demolish and remove the building and provide for the abatement, control, or removal of vegetation, garbage, refuse and other debris and the Lake Township Fiscal Officer shall certify the total cost, together with the proper description of the lands to the Stark County Auditor who shall place the cost upon the tax duplicate and the cost shall become a lien upon the lands from and after the date of entry which shall be collected as other taxes and returned to the Lake Township General fund shall access the "total cost", as defined in ORC 505.86(A); and,

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 Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

10-267 A resolution was made by John Arnold closing the public hearing. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

Mr. Arnold called to order the regular meeting.

10-268 A resolution was made by John Arnold approving the minutes of June 28, 2010, as submitted. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

10-269 A resolution was made by John Arnold authorizing payment of payroll for July 23, 2010, in the amount of \$68,166.02. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

10-270 A resolution was made by John Arnold accepting/approving the Financial Report as of July 12, 2010, as submitted by the Lake Township Fiscal Officer. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

0-271 A resolution was made by John Arnold authorizing payment of bills as of July 12, 2010 in the amount of \$672,004.43. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

- The Board noted that this amount included disbursement to the Fire Departments in the amount of \$647,871.00.

CORRESPONDENCE

1. Stark County Health Department – mosquito spraying schedule
2. Stark County Community Action Agency – information about *The Ohio Benefit Bank* and other services
3. Goodwill Community Campus – information about their *Coming Together Stark County* program
4. Ohio Township Association – legislative updates and effective dates of new legislation
5. Public Utilities Commission of Ohio – certificate for Lake Township as a *Competitive Retail Electric Service Provider*
6. Stark County Regional Planning Commission – July 6th Agenda
7. Stark County Board of Elections – notice of *Revision of Statutory Filing Deadline*
8. Stark County Regional Planning Commission – copy of correspondence to Cooper & Associates regarding SJ Lighting Commercial Building
9. Stark County Regional Planning Commission – Program Year 2011 Infrastructure Application Notification
10. Hartville Fire Department – request for current and future site plan drawings of new commercial building projects
11. Whitaker-Myers – notice of Medical Mutual of Ohio plan change approval
12. Ohio PERS – *Employer Outreach* Second Quarter 2010 newsletter
13. Lake YMCA – notice and invitation to July 12th groundbreaking ceremony
14. Ohio Township Association – July 2010 issue of *Grassroots Clippings*
15. Stark Soil & Water Conservation District – copy of correspondence to GBC Design regarding HRM Estates
16. Independent Energy Consultants, Inc. – electric aggregation program update
17. Stark Soil & Water Conservation District – Site Inspection Report for State and Middlebranch project
18. Stark County Regional Planning Commission – copy of correspondence mailed to GBC Design, Inc. regarding Hartville Hardware Home Center
19. Stark County Regional Planning Commission – copy of correspondence mailed to David Broensen regarding HRM Estates

- In reference to the following Correspondences:

No. 2 – Mr. Arnold will schedule a meeting with the company representative to include Ben Sommers, Christy Bresson and Sophia Kapadia.

No. 13 - Mr. Erb attended the ground breaking ceremony.

- The Board proceeded at 6:30 P.M. to open and review the bids received for the 2010 Paving Project (4 bids received).
 1. The Shelly Company
\$825,956.55
 2. Northstar Asphalt, Inc.
\$768,712.05
 3. Superior Paving & Materials, Inc.
\$795,090.84
 4. Central Allied Enterprises, Inc.
\$758,766.99
- The Board proceeded at 6:35 P.M. to open and review the bids received for the 2010 Catch Basin and Curb Repair Project (2 bids received).
 1. Bochert Excavating Inc.
\$69,589.00
 2. Tony Zumbo & Sons
\$91,098.00
- The Board asked the Road Superintendent to review the bids.

DEPARTMENT REPORTS

Police Department

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

Road Department

- None

Zoning Department

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

Fire Departments/Fire Prevention Office

10-272 A resolution was made by John Arnold authorizing correspondence be provided, at the request of the Greentown Fire Department, for the Public Safety Officers' Benefits Office claim filed for fallen firefighter James M. Hall. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Ellis Erb	yes

- The Board acknowledged a notice from the Ohio Department of Public Safety that a Training and Equipment grant award has been approved for the Greentown Fire Department in the amount of \$2,500.00 by the Ohio EMS Board.
- The Board acknowledged receipt of the Greentown Volunteer Fire Department Quarter End Report for first quarter 2010.

OLD BUSINESS:

10-273 Mr. Erb made the following resolution:

WHEREAS, the Board of Stark County Commissioners desires to acquire a certain parcel or parcels of land for highway purposes on and over certain lands, owned by the Board of Lake Township Trustees, Stark County, Ohio, and more particularly described as follows:

PROJECT:

STA-Market Avenue (CR 62) and Lake Center Street (TR 84)

PARCELS:

15-T1 and 15-T2

**SEE EXHIBIT A ATTACHED HERETO AND BY THIS
REFERENCE MADE A PART HEREOF**

NOW THEREFORE BE IT RESOLVED by the Board of Trustees for Lake Township, Stark County, Ohio, that John L. Arnold, President of the Board of Lake Township Trustees, shall be and hereby is, the duly authorized, empowered and acting agent of the Board of Trustees for Lake Township, Stark County, Ohio, for the purpose of executing and delivering to the Board of Stark County Commissioners, all necessary instruments to effect a good and sufficient conveyance of Parcels 15-T1 and 15-T2 from the Board of Trustees of Lake Township, Stark County, Ohio, to the Board of Stark County Commissioners as part of the Market Avenue and Lake Center Street project. In addition, the Board of Lake Township Trustees acknowledge that said documents

have been reviewed and approved as to form and legal sufficiency by Township's additional legal counsel, pursuant to Resolution No. 10-226.

Seconded by John Arnold. Roll call votes were:

John Arnold	yes
Ellis Erb	yes

10-274 Mr. Arnold made the following resolution:

WHEREAS, it appearing to the Board of Lake Township Trustees that the notice heretofore provided for by Resolution No. 10-253 (Parcel # 1905785 Congress Lake Ave. NE) adopted June 28, 2010, has been duly served by certified mail or by publication once in the a newspaper of general circulation in Stark County, Ohio, upon the person therein named, and that he has failed to cut or destroy the noxious weeds or show this Board cause why there is no need for doing so as required under Section 5579.05 of the Ohio Revised Code, by July 11, 2010.

THEREFORE, BE IT RESOLVED that Vaughn's Refuse Inc. whose address is P.O. Box 894, Hartville, Ohio be employed by Lake Township Trustees for an amount not to exceed \$150.00 for labor, material and equipment, to cut or destroy said noxious weeds, and that a written report be made by this Board to the auditor of Stark County of the cost of the labor, material and equipment and a proper description of the premises, as provided in Section 5579.06, 5579.07 and other provisions of the Revised Code of Ohio. The payment of said labor, material and equipment shall, upon approval of this Board, be paid out of the township general funds.

And

WHEREAS, it appearing to the Board of Lake Township Trustees that the notice heretofore provided for by Resolution No. 10-260 (Parcel #2000948 Cleveland Ave. NW) adopted June 28, 2010, has been duly served by certified mail or by publication once in the a newspaper of general circulation in Stark County, Ohio, upon the person therein named, and that he has failed to cut or destroy the noxious weeds or show this Board cause why there is no need for doing so as required under Section 5579.05 of the Ohio Revised Code, by July 8, 2010.

THEREFORE, BE IT RESOLVED that Vaughn's Refuse Inc. whose address is P.O. Box 894, Hartville, Ohio be employed by Lake Township Trustees for an amount not to exceed \$75.00 for labor, material and equipment, to cut or destroy said noxious weeds, and that a written report be made by this Board to the auditor of Stark County of the cost of the labor, material and equipment and a proper description of the premises, as provided in Section 5579.06, 5579.07 and other provisions of the Revised Code of Ohio. The payment of said labor, material and equipment shall, upon approval of this Board, be paid out of the township general funds.

Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

NEW BUSINESS:

10-275 A resolution was made by John Arnold approving the request from Lake Local Schools as owner and the Lake Community YMCA as occupant to waive the zoning permit fee of \$185.00 for the expansion/renovation of the YMCA facility. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

10-276 A resolution was made by John Arnold rescinding Resolution No. 09-369 which was passed on September 28, 2009. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

MEETING REPORTS/MISCELLANEOUS

- Ellis Erb and Galen Stoll attend the Stark County Regional Planning meeting where they approved the plans for the new Hartville Hardware and the new allotment HRM Estates with conditions.

FISCAL OFFICER'S REPORT

10-277 A resolution was made by John Arnold authorizing the Board and Fiscal Officer to sign all Purchase Orders and Vouchers. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

- The Board acknowledged the following Transfer Within a Fund in accordance with Res. #10-025:

<u>DATE</u>	<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
6/28/09	\$5,000.00	2-A-7 (Maintenance of Equip)	2-A-6 (Repairs)

Purpose: To set a Repair P.O.

PUBLIC SPEAKS

Allen Harold, 2635 Darlington NW, Canton; Mr. Harold introduced himself to the Board as a candidate for Stark County Auditor.

10-278 A resolution was made by John Arnold accepting the bid of Central Allied Enterprises, Inc., P.O. Box 80449, Canton, Ohio 44708 for a total project cost of \$758,766.99 for the 2010 Paving Project. In addition, the Board authorizes legal counsel to prepare a contract for said project and further authorizes the Board to execute said contract. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

10-279 A resolution was made by John Arnold accepting the bid of Bochert Excavting, Inc., 563 Old Forge Rd., Kent, Ohio 44240 for a total project cost of \$69,589.00 for the 2010 Curb and Catch Basin Project. In addition, the Board authorizes legal Counsel to prepare a contract for said project and further authorizes the Board to execute said contract. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

10-280 A resolution was made by John Arnold adjourning the meeting at 6:50p.m. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Ellis Erb yes

Christy Bresson, Acting Clerk

John Arnold, President

Ellis Erb, Vice President

- Absent -
Galen Stoll, Member

