

The Board of Lake Township Trustees met in regular session at 6:30 p.m. at 12360 Market Avenue North, Hartville, Ohio with the following members present:

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

Also Present:

Ben Sommers	Steve Lacey
Joy Dingman	Michael Wilt
Sam Miller	David Poling
Jeff Dutton	Daniel R. Kameron
Pat Faulhaber	

Galen Stoll called the regular meeting to order.

### **PUBLIC SPEAKS**

Charles Hall, Lake Township Legal Counsel: Mr. Hall explained Tax Increment Financing (TIF). With a TIF the Board is able to utilize money that does not currently exist to make public infrastructure improvements. The way it works is right now you have a property that has a minimum tax value and is generating minimum tax dollars, but a developer may see that property and recognize that it has potential to be developed; that is going to greatly increase the value of the property and proportionately the tax dollar generated from that property. The problem is the developer also recognizes that based on the current infrastructure it is difficult to make the investment to maximize the potential of the property. The developer approaches the political entity asking them to help him by improving the infrastructure, so he may in turn help them once the improvements have been made by returning monies through tax dollars.

The problem in Lake Township is that the development in question is located on State Route 619 and the township cannot take general fund dollars and use them for state route improvements. They cannot pass a road levy and use those funds for state route improvements. They would have to partner with O.D.O.T., which does not have a lot of money for development.

The state legislature created Tax Increment Financing which recognized the ability to increase the tax base and to decrease the burden on residential and existing commercial tax payers; let those who are going to benefit the most pay to help them raise the level of all. If the developer will continue to pay the full share of the tax burden both now and as it is developed in turn the government will take that increase in tax dollars to use to improve the infrastructure. The legislature also recognizing that there is a funding problem with education in the state has set aside 25% of the increase tax to be reserved for the schools, unless the school waives that.

The Township's current TIF agreement and the ones they are considering tonight also provide that if the tax base rises rapidly enough so the projects are paid for before the 10 year time limit is reached, 100% of tax will be portioned according to the state and county distribution formula.

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Dave Poling, Lake Local School Board President, 3354 Linden St., Uniontown: Mr. Poling stated that he does feel the TIF is on the backs of the students. He stated he would like to see economic growth and development in the community but he asked the Board to strongly reconsider the TIF and consider alternate financing methods such as a bond issue.

Sam Miller, 412 Jerome Ave. SW, Hartville: Mr. Miller asked the Board if there are other communities that have implemented a TIF and how that has worked for them? The Board responded that the City of Green has approximately 20 TIF's and most of their infrastructure improvements have been funded this exact way. Their school board supports this as a way of improving the infrastructure. It is for a finite period of time and as the infrastructure improves it will attract more business thus reducing the tax burden of the homeowner as it is shared with the businesses.

Ellis Erb stated that the Board did look into passing a bond levy because it is a state route. There may be more TIF's as the area is developed, but there will also be more construction and commercial as time goes on. The township is not funding the whole project, the county, state and federal agencies are also participating.

Galen Stoll closed the public speaks portion of the meeting.

13-213 A resolution was made by Galen Stoll approving the minutes of May 28, 2013 as submitted. Seconded John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-214 A resolution was made by Galen Stoll approving the minutes of June 10, 2013 as submitted. Seconded Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-215 A resolution was made by Galen Stoll authorizing payment of payroll for June 28, 2013 in the amount of \$11,905.69. Seconded John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-216 A resolution was made by Galen Stoll authorizing payment of payroll for July 5, 2013 in the amount of \$443,662.61. Seconded Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

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13-217 A resolution was made by Galen Stoll accepting/approving the Financial Report as of June 24, 2013, as submitted by the Lake Township Fiscal Officer. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-218 A resolution was made by Galen Stoll authorizing payment of bills as of June 24, 2013 in the amount of \$48,216.70. Seconded by Ellis Erb. Roll call votes were

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

### CORRESPONDENCE

1. Stark County Regional Planning Commission – Notice of July 8, 2013 Stark County RPC meeting
  2. Bob Feinman – inquiry regarding weeds behind the Dutch Heritage model home
  3. Stark County Transportation Improvement District – June 17, 2013 Meeting Agenda and May 13, 2013 Meeting Minutes
  4. Ohio Department of Public Safety – Tax Distribution Reports
  5. Chesapeake Energy – Weekly Activity Report (06-10-2013)
  6. The Gothams – concerns about vacant property on Lela
  7. Ohio Township Association – legislative alerts and information
  8. NEFCO – June 19, 2013 Meeting Agenda
  9. Everence – notice of June 27, 2013 luncheon meeting “Navigating Health Care Reform”
  10. Ohio Division of Liquor Control – notice of application filed for Speedway LLC
  11. Stark County Regional Planning Commission – Notice of Subdivision Review
  12. Northeast Ohio Sustainable Communities Consortium – information regarding ImagineMyNEO program
  13. Jim Hegidus – concerns about paving on Cleveland Avenue at Heckman
  14. Doug Smith – questions about Joint Economic Development Zoning (JEDZ) or Joint Economic Development District (JEDD)
  15. Stark County Commissioners – new liquor license request for Speedway LLC
  16. Stark County Prosecutor’s Office – copy of “Voice for Victims” Newsletter
  17. Whitaker Myers – Policy renewal information
- In regards to Correspondence No.’s 2 & 6 – Steve Lacey, Zoning Administrator is addressing these.

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**DEPARTMENT REPORTS**

**Police Department**

13-219 A resolution was made by Galen Stoll hiring Vincent Romanin as a part-time Reserve Officer for the Uniontown Police Department, subject to the provisions of the Lake Township Board of Trustee and the Lake Township Employee Handbook. The Board further acknowledges that Mr. Romanin has successfully completed and passed all testing as required. Seconded Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

**Road Department**

13-220 A resolution was made by Galen Stoll accepting the 2013 Paving Plan. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-221 A resolution was made by Galen Stoll authorizing publication of notice for bids for the 2013 Paving Project. Bids will be opened Monday, July 22, 2013 at 6:30 p.m. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

**Zoning Department**

- None

**Fire Departments/Fire Prevention Office**

- None

**OLD BUSINESS:**

13-222 Trustee Stoll moved the adoption of the following resolution:

**WHEREAS**, Ohio Revised Code Sections 5709.73 (B), 5709.74 and 5709.75 (collectively, the “Tax Increment Financing or TIF Statutes”) authorize a board of township trustees of a township, by resolution, to declare the improvement to each parcel of real property located within the unincorporated area of the township to be a public purpose and exempt from taxation, to require the owner of each parcel to make service

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payments in lieu of taxes, to provide for the distribution of the applicable portion of such service payments to the city, local or exempted village school district, to establish a township public improvement tax increment equivalent fund for the deposit of the remainder of such service payments and to specify public infrastructure improvements made or to be made that directly benefit those parcels; and

**WHEREAS**, RC 5709.73 (B) specifically provides that a board of township trustees may, by unanimous vote, adopt a resolution that declares to be public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated areas of the township. The board's resolution may exempt from real property taxation not more than seventy-five per cent (75%) of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten (10) years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption.

**WHEREAS**, RC 5709.73 (A) (2) defined "Further improvements" or "improvements" as the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution.

**WHEREAS**, RC 5709.73 (D) provides that "Improvements with respect to a parcel may be exempted from taxation under division (B) of RC 5709.73 for up to ten years." . . . If the board of township trustees is not required by division (D) of this section to notify the board of education of the board of township trustees' intent to declare improvements to be a public purpose, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to notice."

**WHEREAS**, RC 5709.73 (G) provides "An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of the real and public utility property and that commences after the effective date of the resolution."

**WHEREAS**, RC 5709.73 (H) provides that a board of township trustees may issue notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements made pursuant to this section.

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**WHEREAS**, RC 5709.73 (I) provides that a township, not later than fifteen days after the adoption of a resolution under this section shall submit to the director of development a copy of the resolution and on or before March 31 or each year shall submit a status report to the director of development.

**WHEREAS**, this Board has determined to declare the improvements to the parcels of real property identified and depicted in Exhibit A attached hereto (each, individually, a "Parcel" and collectively, the "Parcels") to be a public purpose; and

**WHEREAS**, the Board expects that the owners of the Parcels (each, individually, an "Owner" and collectively, the "Owners") will make or cause to be made certain improvements to the Parcels as described in Exhibit B attached hereto (collectively, the "Project"); and

**WHEREAS**, the Board expects to make or cause to be made certain public infrastructure improvements as described in Exhibit C attached hereto (collectively, the "Public Infrastructure Improvements"), that once made, will directly benefit the Parcels; and

**WHEREAS**, notice of this proposed Resolution has been delivered to the board of education of each affected school district in accordance with and within the time periods prescribed in Ohio Revised Code Sections 5709.73 (B) and 5709.83; and

**WHEREAS**, the Board of Education for the Lake Local School District, after receiving notice of the proposed Tax Increment Financing Agreement on June 5 and June 7, 2013, has expressed certain concerns regarding the proposed Tax Increment Financing Agreement through correspondence and statements to the Board of Trustees from the School's Superintendent and a School Board Member at the Board of Trustee's June 10, 2013 regular meeting; and,

**WHEREAS**, in consideration of the comments and concerns brought to this Board by the representatives of the Lake Local School District Board of Education, this Board tabled any formal action until after the fourteen day notice period as required by Ohio Revised Code Section 5709.83 has passed, and amended the language of the original proposal to address certain concerns as brought to this Board by the representatives of the Lake Local School District Board of Education; and

**WHEREAS**, this Board has determined to provide for the execution and delivery of one or more Tax Increment Financing Agreements to provide for the development of the Parcels;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF LAKE TOWNSHIP, STARK COUNTY, OHIO, THAT:**

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**Section 1.** Authorization of Tax Exemption. This Board hereby finds and determines that Seventy-five per cent (75%) of the increase in assessed value of each Parcel subsequent to the effective date of this Resolution (which increase in assessed value is hereinafter referred to as the "Improvement" as defined in Ohio Revised Code Section 5709.73 (A)) is hereby declared to be a public purpose and shall be exempt from taxation for a period commencing with the tax year 2013 or that begins after the effective date of this Resolution and in which an Improvement attributable to a Project structure on such Parcel first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) ten (10) years after the commencement of the exemption period for such Improvement or (b) the date on which the Township can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes.

**Section 2.** Service Payments and Property Tax Rollback Payments. As provided in Ohio Revised Code Section 5709.74, the Owner of each Parcel is hereby required to and shall make service payments in lieu of taxes with respect to the Improvements allocable thereto to the Treasurer of Stark County, Ohio (the "Stark County Treasurer") on or before the final dates for payment of real property taxes in each of the years during which such Parcel is exempt from taxation in accordance with this Resolution. Each service payment in lieu of taxes shall be charged and payable in the same manner and in the same amount as the real property taxes that would have been charged and payable against that Parcel if it were not exempt from taxation pursuant to Section 1 of this Resolution, including any penalties and interest (collectively, the "Service Payments"). The Service Payments, and any other payments with respect to each Parcel that are received by the Stark County Treasurer in connection with the reduction required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 3 of this Resolution.

**Section 3.** Distribution of Funds. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute all Service Payments and the Property Tax Rollback Payments to the Township, at the same time and in the same manner as real property tax distributions. The Township acknowledges that Service Payments and Property Tax Rollback Payments, once received by the Township in accordance with this Section, shall be used in the manner and for the stated purposes, including but not limited to, the payment of costs of the Public Infrastructure Improvements.

**Section 4.** Tax Increment Equivalent Fund. This Board hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.75, the **Lake Township 619 Corridor Improvement Project Number 2, Lake Township Public Improvement Tax Increment Equivalent Fund** (the "Fund"). The Fund shall be maintained in the custody of the Township and all distributions received by the Township pursuant to Section 3 of this Resolution shall be deposited into the Fund. Those Service Payments and Property Tax Rollback Payments received by the Township with respect to

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the Improvement of each Parcel and so deposited pursuant to Ohio Revised Code Section 5709.75 shall be used solely for the purposes authorized in the TIF Statutes. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved and any surplus funds remaining therein transferred to the Township's General Fund, all in accordance with Ohio Revised Code Section 5709.75.

**Section 5.** *Public Infrastructure Improvements.* This Board hereby designates the public infrastructure improvements described in Exhibit C attached hereto as public infrastructure improvements made, to be made or in the process of being made by the Township that directly benefit, or that once made will directly benefit, the Parcels.

**Section 6.** *Tax Increment Financing Agreements.* The form of Tax Increment Financing Agreement (the "TIF Agreement") to be created and kept on file with the Township Fiscal Officer, providing for, among other things, the construction of the Project and the payment of the Service Payments and Property Tax Rollback Payments, shall be hereby approved and authorized along with such changes therein and amendments thereto as are consistent with this Resolution and not substantially adverse to Lake Township and which shall be approved by the Board President or Township Fiscal Officer. The Board President and the Township Fiscal Officer, for and in the name of this Township, alone or together, are hereby authorized to execute one or more TIF Agreements with one or more Owners in substantially the statutory form along with any amendments thereto, provided that the approval of such changes and amendments thereto by the Board President and or the Township Fiscal, and the character of those changes and amendments as not being substantially adverse to Lake Township, shall be evidenced conclusively by the Township Fiscal Officer's certification thereof.

**Section 7.** *Further Authorizations.* This Board hereby authorizes and directs that the Board President, the Township Fiscal Officer, or other appropriate officers of the Township, to make such arrangements as are necessary and proper for collection of the Service Payments and the Property Tax Rollback Payments from the Owners. This Board further hereby authorizes and directs the Board President, the Township Fiscal Officer or other appropriate officers of the Township to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement the provisions this Resolution.

**Section 8.** *Filings with Ohio Department of Development.* Pursuant to Ohio Revised Code Section 5709.73 (G), the Township Fiscal Officer is hereby directed to deliver a copy of this Resolution to the Director of the Ohio Development Services Agency, formerly known as the Ohio Department of Development of the State of Ohio, within fifteen days after its effective date. Further, and on or before March 31 of each year that the Exemption set forth in this Resolution remains in effect, the Clerk or other authorized officer of the Township shall prepare and submit to the Director of

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Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.73 (G).

**Section 9.** *Open Meetings.* This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board or its committees, and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

**Section 10.** *Effective Date.* This Resolution shall take effect at the earliest opportunity allowed by law.

Trustee Arnold seconded the motion and upon a roll call the vote resulted as follows:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-223 Trustee Stoll moved the adoption of the following resolution:

**WHEREAS**, Ohio Revised Code Sections 5709.73 (B), 5709.74 and 5709.75 (collectively, the "Tax Increment Financing or TIF Statutes") authorize a board of township trustees of a township, by resolution, to declare the improvement to each parcel of real property located within the unincorporated area of the township to be a public purpose and exempt from taxation, to require the owner of each parcel to make service payments in lieu of taxes, to provide for the distribution of the applicable portion of such service payments to the city, local or exempted village school district, to establish a township public improvement tax increment equivalent fund for the deposit of the remainder of such service payments and to specify public infrastructure improvements made or to be made that directly benefit those parcels; and

**WHEREAS**, RC 5709.73 (B) specifically provides that a board of township trustees may, by unanimous vote, adopt a resolution that declares to be public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated areas of the township. The board's resolution may exempt from real property taxation not more than seventy-five per cent (75%) of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten (10) years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption.

**WHEREAS**, RC 5709.73 (A) (2) defined "Further improvements" or "improvements" as the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective

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date of a resolution adopted under this section were it not for the exemption granted by that resolution.

**WHEREAS**, RC 5709.73 (D) provides that "Improvements with respect to a parcel may be exempted from taxation under division (B) of RC 5709.73 for up to ten years." . . . If the board of township trustees is not required by division (D) of this section to notify the board of education of the board of township trustees' intent to declare improvements to be a public purpose, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to notice."

**WHEREAS**, RC 5709.73 (G) provides "An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of the real and public utility property and that commences after the effective date of the resolution."

**WHEREAS**, RC 5709.73 (H) provides that a board of township trustees may issue notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements made pursuant to this section.

**WHEREAS**, RC 5709.73 (I) provides that a township, not later than fifteen days after the adoption of a resolution under this section shall submit to the director of development a copy of the resolution and on or before March 31 or each year shall submit a status report to the director of development.

**WHEREAS**, this Board has determined to declare the improvements to the parcels of real property identified and depicted in Exhibit A attached hereto (each, individually, a "Parcel" and collectively, the "Parcels") to be a public purpose; and

**WHEREAS**, the Board expects that the owners of the Parcels (each, individually, an "Owner" and collectively, the "Owners") will make or cause to be made certain improvements to the Parcels as described in Exhibit B attached hereto (collectively, the "Project"); and

**WHEREAS**, the Board expects to make or cause to be made certain public infrastructure improvements as described in Exhibit C attached hereto (collectively, the "Public Infrastructure Improvements"), that once made, will directly benefit the Parcels; and

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**WHEREAS**, notice of this proposed Resolution has been delivered to the board of education of each affected school district in accordance with and within the time periods prescribed in Ohio Revised Code Sections 5709.73 (B) and 5709.83; and

**WHEREAS**, the Board of Education for the Lake Local School District, after receiving notice of the proposed Tax Increment Financing Agreement on June 5 and June 7, 2013, has expressed certain concerns regarding the proposed Tax Increment Financing Agreement through correspondence and statements to the Board of Trustees from the School's Superintendent and a School Board Member at the Board of Trustee's June 10, 2013 regular meeting; and,

**WHEREAS**, in consideration of the comments and concerns brought to this Board by the representatives of the Lake Local School District Board of Education, this Board tabled any formal action until after the fourteen day notice period as required by Ohio Revised Code Section 5709.83 has passed, and amended the language of the original proposal to address certain concerns as brought to this Board by the representatives of the Lake Local School District Board of Education; and

**WHEREAS**, this Board has determined to provide for the execution and delivery of one or more Tax Increment Financing Agreements to provide for the development of the Parcels;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF LAKE TOWNSHIP, STARK COUNTY, OHIO, THAT:**

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real property taxes that would have been charged and payable against that Parcel if it were not exempt from taxation pursuant to Section 1 of this Resolution, including any penalties and interest (collectively, the "Service Payments"). The Service Payments, and any other payments with respect to each Parcel that are received by the Stark County Treasurer in connection with the reduction required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 3 of this Resolution.

**Section 3.** *Distribution of Funds.* Pursuant to the TIF Statutes, the County Treasurer is requested to distribute all Service Payments and the Property Tax Rollback Payments to the Township, at the same time and in the same manner as real property tax distributions. The Township acknowledges that Service Payments and Property Tax Rollback Payments, once received by the Township in accordance with this Section, shall be used in the manner and for the stated purposes, including but not limited to, the payment of costs of the Public Infrastructure Improvements.

**Section 4.** *Tax Increment Equivalent Fund.* This Board hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.75, the **Lake Township 619 Corridor Improvement Project Number 3, Lake Township Public Improvement Tax Increment Equivalent Fund** (the "Fund"). The Fund shall be maintained in the custody of the Township and all distributions received by the Township pursuant to Section 3 of this Resolution shall be deposited into the Fund. Those Service Payments and Property Tax Rollback Payments received by the Township with respect to the Improvement of each Parcel and so deposited pursuant to Ohio Revised Code Section 5709.75 shall be used solely for the purposes authorized in the TIF Statutes. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved and any surplus funds remaining therein transferred to the Township's General Fund, all in accordance with Ohio Revised Code Section 5709.75.

**Section 5.** *Public Infrastructure Improvements.* This Board hereby designates the public infrastructure improvements described in Exhibit C attached hereto as public infrastructure improvements made, to be made or in the process of being made by the Township that directly benefit, or that once made will directly benefit, the Parcels.

**Section 6.** *Tax Increment Financing Agreements.* The form of Tax Increment Financing Agreement (the "TIF Agreement") to be created and kept on file with the Township Fiscal Officer, providing for, among other things, the construction of the Project and the payment of the Service Payments and Property Tax Rollback Payments, shall be hereby approved and authorized along with such changes therein and amendments thereto as are consistent with this Resolution and not substantially adverse to Lake Township and which shall be approved by the Board President or Township Fiscal

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Officer. The Board President and the Township Fiscal Officer, for and in the name of this Township, alone or together, are hereby authorized to execute one or more TIF Agreements with one or more Owners in substantially the statutory form along with any amendments thereto, provided that the approval of such changes and amendments thereto by the Board President and or the Township Fiscal, and the character of those changes and amendments as not being substantially adverse to Lake Township, shall be evidenced conclusively by the Township Fiscal Officer's certification thereof.

**Section 7. *Further Authorizations.*** This Board hereby authorizes and directs that the Board President, the Township Fiscal Officer, or other appropriate officers of the Township, to make such arrangements as are necessary and proper for collection of the Service Payments and the Property Tax Rollback Payments from the Owners. This Board further hereby authorizes and directs the Board President, the Township Fiscal Officer or other appropriate officers of the Township to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement the provisions this Resolution.

**Section 8. *Filings with Ohio Department of Development.*** Pursuant to Ohio Revised Code Section 5709.73 (G), the Township Fiscal Officer is hereby directed to deliver a copy of this Resolution to the Director of the Ohio Development Services Agency formerly known as the Ohio Department of Development of the State of Ohio within fifteen days after its effective date. Further, and on or before March 31 of each year that the Exemption set forth in this Resolution remains in effect, the Clerk or other authorized officer of the Township shall prepare and submit to the Director of Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.73 (G).

**Section 9. *Open Meetings.*** This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board or its committees, and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

**Section 10. *Effective Date.*** This Resolution shall take effect at the earliest opportunity allowed by law.

Trustee Erb seconded the motion and upon a roll call the vote resulted as follows:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

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13-224 Trustee Stoll moved the adoption of the following resolution:

WHEREAS, the Board of Lake Township Trustees, at their June 10, 2013 Regular Board Meeting, accepted and opened bids for the "Salt Storage Building for Lake Township". Pursuant to Resolution No. 13-193, the Board of Lake Township Trustees tabled their award of contract pending review by legal counsel, the Township Administrator, a Board representative and the Road Superintendent.

WHEREAS, Lake Township Board of Trustees now desire to award said contract for the "Salt Storage Building for Lake Township".

NOW, THEREFORE, be it resolved by the Lake Township Board of Trustees to accept the bid of Miller Builders for a total project non-prevailing wage rate combined-bid of \$198,780.00 for the Salt Storage Building for Lake Township. In addition, the Board authorizes legal counsel to prepare a contract for said project and further authorizes the Board to execute said contract.

Trustee Arnold seconded the motion and upon a roll call the vote resulted as follows:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

**NEW BUSINESS:**

13-225 A resolution was made by Galen Stoll authorizing the Board to execute the following Cemetery Deeds:

- Mt. Peace Cemetery - Section 2, Lot 306, Grave 1
- Uniontown Greenlawn Cemetery -- Section P, Lot 19, Grave 4
- Uniontown Greenlawn Cemetery -- Section P, Lot 99, Grave 2
- Uniontown Greenlawn Cemetery -- Section P, Lots 13, 14, 23 & 24 as follows:  
Lot 13 -- Graves 1, 2, 3 & 4; Lot 14 -- Graves 1, 2, 3 & 4; Lot 23 -- Graves 1, 2, 3 & 4; Lot 24 -- Graves 1, 2, 3 & 4

Seconded John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-226 Trustee Stoll moved the adoption of the following resolution:

WHEREAS, 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 Lake Township Road District, Stark County, Ohio, for the next five (5) years will be insufficient

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to provide an adequate amount for the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in Lake Township Road District, Stark County, Ohio; and

WHEREAS, by reason thereof, this board has determined that it will be necessary to levy a renewal of a tax levy of one and one quarter (1.25) mills, which is in excess of the limitation, for a period of five (5) years for the for the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in Lake Township Road District, Stark County, Ohio; and

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 Lake Township Road District, Stark County, Ohio, at the general election to be held November 5, 2013, the question of levying a renewal of a tax outside the ten (10) mill limitation for the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in Lake Township Road District, Stark County, Ohio, for a period of five (5) years, being tax years 2014, 2015, 2016, 2017 and 2018.

NOW, THEREFORE, BE IT RESOLVED that there shall be submitted to the electors of Lake Township Road District, Stark County, Ohio, at the general election on November 5, 2013, the question of the renewal of a tax levy outside the ten (10) mill limitation in and for Lake Township Road District, Stark County, Ohio, in the amount of one and one quarter (1.25) mills for the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in Lake Township Road District, Stark County, Ohio, and that said renewal tax of one and one-quarter (1.25) mills shall be levied for a period of five (5) years, being tax years 2014, 2015, 2016, 2017 and 2018.

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 (G), 5705.191, 5705.192 and 5705.25 and other related Sections of the Revised Code of Ohio and in accordance with the statutes in such cases made and provided; and

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

**PROPOSED TAX LEVY – (RENEWAL TAX)  
LAKE TOWNSHIP ROAD DISTRICT**

A majority Affirmative Vote is Necessary for Passage.

A renewal of a tax for the benefit of Lake Township Road District, Stark County, Ohio, for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges at a rate not exceeding one and one-quarter (1.25) mills for each one dollar of valuation, which amounts to twelve and one-half cents (\$0.125) for each one

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hundred dollars of valuation, for five (5) years, commencing in 2014, first due in calendar year 2015.

<u><b>FOR THE TAX LEVY</b></u>	
<u><b>AGAINST THE TAX LEVY</b></u>	

BE IT FURTHER RESOLVED that pursuant to Revised Code Section 5705.03(B) that this Resolution was certified to the Stark County Auditor for the Stark County Auditor to tabulate the monies generated by the current levy, the monies to be generated by the proposed renewal levy, and the monies to be generated by the renewal levy after rescission of the current levy. A copy of the Stark County Auditor's Certification is attached and incorporated by reference.

BE IT FURTHER RESOLVED that the Fiscal Officer and 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(G), 5705.191, 5705.192, 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 Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-227 A resolution was made by Galen Stoll authorizing the Board to execute the following Road Open Permits:

- D-13-24: Dominion East Ohio Gas -- 8691 Witney Avenue (new service line)
- D-13-25: Dominion East Ohio Gas -- 10670 Mogadore Ave NW (new service line)
- D-13-26: Dominion East Ohio Gas -- 12428 Cantburg Ave NW (tie-in new svc line)
- D-13-27: Dominion East Ohio Gas -- 12607 Estate Ave (tie-in new service line)
- D-13-28: Dominion East Ohio Gas -- 12522 Estate Ave NW (new service line)
- D-13-29: Dominion East Ohio Gas -- 3945 Witney Avenue (new service line)

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

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13-228 Trustee Stoll moved the adoption of the following resolution:

WHEREAS, The Board of Lake Township Trustees, having been informed in writing that Canada Thistle are growing on the lands in charge of Edward T. Kiss in this township, described as follows: 3662 Edison St. NW Uniontown, OH 44685.

THEREFORE, BE IT RESOLVED that said Edward T. Kiss whose address is 3662 Edison St. NW Uniontown, OH 44685 be notified by serving on him/her/them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is not need for doing so under Section 5579.05 of the Ohio Revised Code.

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-229 A resolution was made by Galen Stoll authorizing the Board to execute and agreement with Carol Brown DBA Carol Brown Cleaning Services commencing July 1, 2013 an continuing through June 30, 2014 with no price increase. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-230 Trustee Stoll moved the adoption of the following resolution:

**WHEREAS**, the Patient Protection and Affordable Care Act (hereinafter PPACA) commonly referred to as "Obamacare" will become effective January 1, 2014, and;

**WHEREAS**, the Board has been informed by Additional Legal Counsel that it is determined that as of January 1, 2014, the Board will employ fifty (50) full-time *equivalent* employees, as defined by the Internal Revenue Code, so as to be required to comply with the PPACA, and;

**WHEREAS**, the Board has been informed by Additional Legal Counsel that it is necessary to comply with certain mandates of the PPACA including the requirement to establish an "Initial Measurement Period" of not less than three (3) months and not more than twelve (12) months following the hiring of any new part-time, part-time seasonal or other variable hour employee who is initially hired with an expectation of not working more than 28.8 hours per week and not more than 1,500 hours per calendar year, and;

**WHEREAS**, the Board has been informed by Additional Legal Counsel that it is

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necessary to comply with certain mandates of the PPACA including the requirement to establish a "Standard Measurement Period" of not less than three (3) months and not more than twelve (12) months following the hiring of any new part-time, part-time seasonal or variable hour employee who is initially hired with an expectation of not working more than 28.8 hours per week and not more than 1,500 hours per calendar year, and;

**WHEREAS**, the Board has been informed by Additional Legal Counsel that it is necessary to establish a "Stability Period", equal to the "Standard Measurement Period", wherein any full-time employee, who falls below thirty (30) hours per week must continue to be offered healthcare benefits, and;

**NOW, THEREFORE, BE IT RESOLVED**, that upon the recommendation of Additional Legal Counsel, and as required by the PPACA the Board of Trustees for Lake Township Stark County, Ohio does hereby establish:

**"Part-time, Part-time Seasonal or Other Variable Hour Employee"** - an employee hired or appointed by the Lake Township Board of Trustees with an expectation of working not more than 28.8 hours during the work week, not more than 1500 hours per calendar year and/or not more than 120 work days during any calendar year.

**"Initial Measurement Period"** - a period of six (6) months following the hiring of any new part-time, part-time seasonal or other variable hour employee. The "Initial Measurement Period" shall commence on the day following the completion of any "Probationary Period", not to exceed ninety (90) days, and as established at the initial hire or appointment of the employee. The "Initial Measurement Period" shall be the period commencing six (6) months from the date of the newly hired employees appointment and completion of any established Probationary Period.

**"Standard Measurement Period"** - a period of six (6) months for every currently employed or appointed part-time, seasonal or variable hour employee who was initially hired with an expectation of not working more than 28.8 hours per week and not more than 1,500 hours per calendar year. The "Standard Measurement Period" for currently employed or appointed part-time, part-time seasonal or variable hour employees shall begin July 1, 2013 and end on December 31, 2013. The "Standard Measurement Period" shall renew with each consecutive, successive six (6) months period commencing January 1, 2014 and ending June 30, 2014; July 1, 2014 and ending on December 31, 2014, and thereafter.

**BE IT FURTHER RESOLVED**, that effective with the payroll period commencing immediately following the adoption of this Resolution, that any current or future Part-time, Part-time Seasonal or other Variable hour employee shall be limited by their

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Department Head or department Supervisor to average not more than 28.8 hours of service, including all hours actually worked and any paid leave, during any work week, and within any Initial Measurement Period or any subsequent Standard Measurement Period.

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

13-231 Trustee Stoll moved the adoption of the following resolution:

**WHEREAS** the Hoover Vikings Girls Softball Team, under the direction of Head Coach, Jerry Goodpasture, won the State of Ohio 2013 Ohio Girls Softball State Championship in Division I for the 3<sup>rd</sup> year in a row for a total of 7 State Championships, and

**WHEREAS** the Hoover High School Girls Softball Team finished the 2013 season with a 34 and 0 record; and

**WHEREAS** the Lake Township citizens, Trustees and students of the Hoover High School community will never forget the accomplishments of the 2013 Hoover High School Girls Softball Team and their Head Coach, Jerry Goodpasture and their entire coaching staff on their many accomplishments this year in winning the Division I state Championship and for their outstanding representation of all the students of Hoover High School and of all members of the Lake Township community, and the Lake Township Board of Trustees commends them for a job well done.

Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

### **MEETING REPORTS/MISCELLANEOUS**

- The New Recycle Area has been open for two months and we are still receiving commercial waste. This is a reminder that there is **No Commercial Dumping** allowed.

### **FISCAL OFFICER'S REPORT**

13-232 A resolution was made by Galen Stoll authorizing the Board and Fiscal Officer to sign all Purchase Orders and Vouchers. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

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Galen Stoll called for public speaks again. No one came forward.

13-233 A resolution was made by Galen Stoll adjourning the meeting at 7:08 p.m. Seconded by John Arnold. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

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Ben Sommers, Fiscal Officer

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Galen Stoll, President

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John Arnold, Vice President

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Ellis Erb, Member

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