

WESTFIELD TOWNSHIP BOARD OF TRUSTEES
FEBRUARY 2, 2009
SPECIAL MEETING 7:00 P.M.
BZA interviews and General Business

Chairperson Likley called the special meeting of the Westfield Township Trustees to order at 7:00 p.m. for the purpose of BZA member interviews and General Business. Trustees Sims, Likley and Kratzer were present. Those also present at the meeting were as follows: Kim Ferencz, Keith Simmerer, Kathleen LeMar and Dwayne Kramer.

Trustee Sims made a motion to go into executive session for the purpose of conducting BZA interviews. It was seconded by Trustee Likley.
ROLL CALL-Sims-yes, Kratzer-yes, Likley-yes. Motion carried.

Trustee Kratzer made a motion to come out of Executive Session at 8:20 p.m. It was seconded by Trustee Sims.
ROLL CALL-Kratzer-yes, Sims-yes, Likley-yes. Motion carried.

Discussion

Trustee Likley stated we interviewed three potential candidates to sit on the BZA (one permanent position and 2 alternate positions) those being Dwayne Kramer, Keith Simmerer and Kathleen LeMar. An application was received by Russ Zupanic but he was not in attendance at the interview process though he was contacted.

Trustee Kratzer stated all those interviewed were straight-forwarded and seemed to know the basic function of the Board of Zoning Appeals. Mr. Zupanic has sat on the BZA before but did not show this evening. Trustee Sims stated she agreed that all three applicants seemed to have a good understanding as to the role of the BZA. One individual interviewed had experience presenting in front of the BZA board. Trustee Likley stated both Mr. Kramer and Mr. Simmerer have blueprint knowledge and background in drawings and plans. Ms. LeMar was very articulate, has a legal background and understood the quasi-judicial function of the BZA.

Trustee Sims stated there were going to be times when there would not be a full Board on the BZA. There is at least one pending applicant i.e. the Cloverleaf School District where at least one board member would need to recuse himself. Knowing that it was discussed in Executive Session that it would be prudent to name two alternates to the BZA. Trustee Kratzer agreed. Chair Likley stated if that was the case he would like to categorize the alternates as Alternate 1 and Alternate 2 and they would sit as needed accordingly.

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Chair Likley made a motion to appoint Keith Simmerer as a sitting member on the Board of Zoning Appeals. It was seconded by Trustee Sims.

ROLL CALL-Kratzer-yes, Sims-yes, Likley-yes. Motion carried.

Trustee Sims made a motion to appoint Kathleen LeMar as Alternate Board member #1 for the Board of Zoning Appeals. It was seconded by Trustee Kratzer. ROLL CALL-Kratzer-yes, Sims-yes, Likley-yes. Motion carried.

Trustee Kratzer stated he would not make a motion for a 2nd Alternate to the BZA as he knew it would not pass. He added he could not see putting Dwayne Kramer on the BZA but could see putting Russ Zupanic on as he has sat on the Board previously.

Trustee Sims made a motion to appoint Dwayne Kramer as Alternate Board member #2 for the Board of Zoning Appeals. It was seconded by Trustee Likley. ROLL CALL-Kratzer-no, Sims-yes, Likley-yes. Motion carried.

Trustee Sims stated regarding Russ Zupanic, he has put in multiple applications but has failed to come to any of the interviews.

Approval of Outstanding Meeting Minutes

September 5 2008-Special Trustees Meeting
October 6, 2008-Regular Trustees Meeting
December 29, 2008-Records Retention Committee Meeting
December 29 2009-Special Trustees Meeting
January 15, 2009-Regular Trustees Meeting

Kim Ferencz stated that since she was approved to type or retype the Trustees minutes she has typed 15 sets of minutes. Chair Likley thanked Kim Ferencz for her hard work and the ability for anyone who reads a set of minutes to be able to understand what was discussed and the action the Board took. Trustee Sims also thanked Kim Ferencz for her work. Trustee Kratzer stated he would like Kim Ferencz to keep track of the hours she has spent typing minutes at home to get caught up on the backlog of outstanding meeting minutes as he felt Kim should be compensated for such work. Trustee Sims and Likley agreed.

September 5, 2008-Special Trustees Meeting

Trustee Sims made a motion to approve the September 5, 2008 Special Trustees Meeting minutes as amended with the minor grammatical/typo errors to be corrected. It was seconded by Trustee Likley.

ROLL CALL-Kratzer-abstain, as I left the meeting early before it ended. The meeting began at 10:00 a.m. and ended at 1:00 p.m. Sims-yes, Likley-yes. Motion carried.

October 6, 2008 Regular Trustees Meeting

Trustee Kratzer made a motion to approve the October 6, 2008 Regular Trustees Meeting minutes as amended with the minor grammatical/typo errors to be corrected. It was seconded by Sims.

ROLL CALL-Kratzer-no. I feel the original meeting minutes drafted by Fiscal Officer Evans were adequate, Sims-yes, Likley-yes. Motion carried.

December 29, 2008 Records Retention Committee Meeting

Trustee Sims made a motion to approve the December 29, 2008 Records Retention Committee Meeting minutes as written with the attachment of the Open Records Policy to be placed with approved minutes. It was seconded by Kratzer.

ROLL CALL-Sims-yes, Kratzer-yes, Likley-abstain. Motion carried.

December 29, 2008-Special Trustees Meeting

Trustee Kratzer made a motion to approve the December 29, 2008 Special Trustees Meeting minutes as amended with minor grammatical/typo errors corrected. It was seconded by Trustee Sims.

ROLL CALL-Kratzer-yes, Sims-yes, Likley-yes. Motion carried.

January 15, 2009-Regular Trustees Meeting

Trustee Sims made a motion to approve the January 15, 2009 Regular Trustees Meeting minutes as written. It was seconded by Trustee Kratzer.

ROLL CALL-Sims-yes, Kratzer-yes, Likley-yes. Motion carried.

MISC.

Trustee Sims stated the annexation to Seville is back on. Mr. Scheetz in contending that the motions made by Westfield and Seville was for “cooperation”. As you know that was defeated in Seville so Mr. Scheetz was asking for a revote and for Council, in a separate motion, to reconsider the annexation. This will take place on Monday. Trustee Sims stated in light of this, she has previously asked the County Pros. Office to represent Westfield Township’s interests in the annexation. However because it was defeated in Council it seemed like a mute point but now that Mr. Scheetz has asked for a revote this should be asked of the Pros. Office. Once again. Trustee Sims continued that one issue is that when an annexation is filed, Bill Thorne represents the Medina County Commissioners and Bill has been the attorney involved in the Kratzer map amendment process. The result is that Trina Devanney would now represent the Township. Trustee

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Sims stated she spoke to Bill Thorne about Mr. Kratzer's e-mail about a possible meeting on his development proposal and the issues related to the annexation pending as Mr. Kratzer would be a contiguous neighbor to the property proposing to be annexed at this time. She added that this has now become "muddy waters" as to what can be discussed and with what attorney from the Pros. Office it can be discussed with. Trustee Sims added that Bill told her that if she had concerns over the dual representation for the Township that she could write a letter to Dean Holman. (Letter attached to approved meeting minutes) Trustee Sims produced the letter she wrote to Dean Holman and stated the jist of her letter was that Bill Thorne is representing the County Commissioners in the annexation, but has had extensive involvement and background in the annexation and related issues of the Kratzer property and potential litigation. She added that Bill Thorne just rendered a legal opinion to Mr. Kratzer to abstain from voting as a Trustee on the proposed annexation because he is an adjacent property owner. Trustee Sims stated she has not heard back from Dean Holman on this "dual representation" issue.

Trustee Kratzer stated his e-mail was in response to the phone conversation earlier in the day. It was not a statement that we may want to talk again with Westfield Township. That was an email we (Trustee Kratzer and Sims) were discussing regarding the "hand" you (Trustee Sims) put out that you wanted to brainstorm. I told you that the only thing you wanted to brainstorm about was a pedestrian mall and you told me no, that was not what you said. So I went back and looked up that e-mail and you did say you wanted to brainstorm about the Kratzer property and a pedestrian mall. Trustee Kratzer stated that was the only reason he sent Trustee Sims that e-mail was to jog her memory not to open up negotiations with the Township.

Trustee Sims stated she remembered that she wrote she wanted to brainstorm about the Kratzer property and you (Trustee Kratzer) want to build a mall. All she wanted to discuss was future development and where Mr. Kratzer wanted to go from here. Trustee Sims stated she still wanted to reach out and have that discussion in lieu of any annexation. She added the e-mail was sent out the day after the Kratzer map amendment application was turned down and before Stan Scheetz came before the Township and said litigation was an option. Trustee Kratzer stated Bill Thorne told him to abstain as a Trustee from voting on any annexation proposal before the Township.

Trustee Kratzer then asked if Trustee Sims wrote that letter to Dean Holman representing the Board of Trustees or just her as a Trustee? Trustee Sims stated that was an interesting question and until she received a response from Dean Holman on dual representation she did not know if she had an answer because...she voted no on the motion for cooperation Trustee Likley voted yes and Trustee Kratzer had to abstain so she did not know if the Township was giving the Pros. Office a clear direction. Since then Trustee Sims stated

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she spoke with Trina Devanney from the Pros. Office and she would represent the Township in an annexation issue.

Chair Likley stated he called Bill Thorne and Trina Devanney from the Pros. Office today on other Township issues and did not receive a return phone call but he would call them again tomorrow morning. Chair Likley stated he would like a copy of the letter Trustee Sims sent to Dean Holman. Trustee Sims stated that Trina Devanney has been assigned to legally represent Westfield Township and Bill Thorne will represent the County Commissioners. Trustee Sims stated she did copy the letter to the County Commissioners as well.

Chair Likley stated he would like to know what the vote taken in Seville was for. Was it a vote of denial of the annexation or a vote of “non-cooperation”? Trustee Kratzer stated he was of the understanding that the vote was to deny the annexation of the Creco property to Seville. Trustee Sims stated she put in a public records request to Seville to see what was actually voted on that evening but has not been given those records.

Township Laptop Computer

Trustee Sims stated regarding the laptop she knew of a place on the square that the Pros. Office uses that will take a snapshot of the computer, backup documents and hopefully rectify the computer issues.

MISC.

The Final Comp Plan Steering Committee List has been completed. There are 29 people on the final list including 2 students. Chair Likley stated the Trustees do not want to discourage any individual from participating on the Comp Plan but they would then do so as an audience member to keep the Committee number manageable and cost of materials to a minimum.

The Trustees asked that all Comp Plan Meetings be advertised on page 2 in the Medina Gazette. Mr. Majewski from Northstar Planning would be completing a synopsis of what is discussed at the Comp Plan Meetings. Trustee Sims stated that she would contact Mr. Majewski from Northstar to see who will be the interface between himself the Comp Plan Steering Committee and the Township.

Announcements

Steering Committee Meeting-February 12, 2009 @ 7:00 p.m.

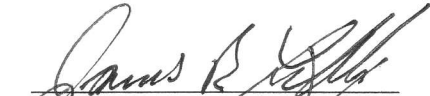
**Trustee Kratzer made a motion to adjourn. It was seconded by Trustee Sims.
ROLL CALL-Kratzer-yes, Sims-yes, Likley-yes. Motion carried.**

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The meeting was officially adjourned at 9:36 p.m.

Respectfully Submitted,

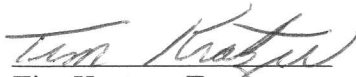
Kim Ferencz-Westfield Township Administrative Ass't.



Jim Likley, Chairperson



Carolyn Sims, Trustee



Tim Kratzer, Trustee