

WESTFIELD TOWNSHIP TRUSTEES

Regular Meeting

October 18, 2010

7:00 pm

Chairman Oiler opened the meeting @ 7:00 pm by asking those in attendance to stand and Pledge Allegiance to the Flag.

All 3 trustees present: Likley, Oiler, Harris. Other attendees: a sign in roster is in the fiscal officer's office for the record. Many EMS & fire volunteers were present for the presentation.

GUESTS WERE WELCOMED

Ronald Oiler, James, Likley, Gary Harris, Mayor Tom Horwedel, Council Members Rick Robbs and Anita Weaver presented MARK WILLIAMS, EMS & Fire Volunteer of Westfield Fire & Rescue a check and a plaque in appreciation of his dedicated leadership and outstanding service as Interim Fire Chief.

Also recognized was EMS & Fire Volunteer, Joy Fechko who is retiring as a volunteer. Joy has served Westfield Fire & Rescue since 1985.

FIRE REPORT

Chief Fletcher reporting: (a copy of his report is in the minute file)

- Fire reports are current making the department eligible for grants and the FireProgram software has been updated eliminating duplication of reports.
- 36 runs so far this month. 75 students from Cloverleaf H.S. was instructed on CPR, use of AED and the Heimlich Maneuver .
- Training by touring Westfield Group's main bldg. and CIT bldg.
- Cleaning, painting, changing light bulbs at station. Getting estimates for roof repair.

SPEAKERS FROM AUDIENCE

Carolyn Sims 5570 Mudlake Rd: (Exhibit #1 on file as presented)

- Keep the additional \$200 meeting fee in place
- Given documentation from zoning secretary October 14, 2010 of the application that is being considered by Zoning Commission. Sims opinion based on the above referred documentation, legal ad and the number of meetings that have been held Stan Scheetz owes \$1,100.(Pages 1-3 of exhibit #1)
- Comprehensive Plan not supported by public hearing and public comment at the zoning commission level as stated in The Post (see pages 4&5 of Exhibit #1). Zoning secretary has not been able to provide legal ad for public hearing.

Bill Thombs 8189 Friendsville Rd:

- Concerned about how the comprehensive plan is being considered

- o Suggesting: Trustees should take time to publicly discuss the zoning plan, involve as many as you can, see both sides, need a lot of input, some compromises may be needed and leadership is earned.

Mike Schmidt 7920 Ballash Rd:

- o I agree with Mr. Thombs.
- o There was hundreds of man hours put into this plan and this township is becoming a socialistic community
- o Read the 1995 and 2009 survey results

Leslie Prochaska 5405 Seville Rd: (Exhibit #2 petition is on file in fiscal officer's office)

- o Presented petition to deny rezoning and text and map amendment and held a map (which was not submitted as documentation)

Tom Micklas 7390 Buffham Rd:

- o Zoning commission spent 2 years on signage language and just over 2 months on a revision that has become Tim Kratzer's vision for the township. The public not informed on the drastic change. Need public input, item by item. Survey of 2009 as in the past has not changed.

Larry Bensinger 7403 Greenwich Rd: (Exhibit #3 is on file in the fiscal officer's office)

- o Letter dated December 8, 2009 regarding the comprehensive plan to the Zoning Commission also a letter dated October 18, 2010 to the Westfield Township Trustees. Both letters were read to the audience.
- o Steering committee was an advisory committee-who determined steering committee
- o Zoning commission took responsibilities very seriously.

FISCAL OFFICER

Bills in the amount of \$17,471.42 (a detailed report is attached to minutes) was presented. Clarification: Ohio Job & Family Services unemployment payment for one employee for the period of 3 wks in May, June, July, and August 2010. The agency changed invoicing systems; IRS payment of \$43.71 is amount due with the 3rd qtr. 941 report.

Trustee Likley moved to approve the bills, seconded by Trustee Oiler.

Roll call: Harris, aye; Likley, aye; Oiler, aye.

Fund Status: Checking \$326,521.07 Investment \$537,782.94

Correspondence:

1. Letter from Unison wanting to speak about cell tower site. Trustee Likley will make the phone call and report at the next meeting.
2. Planning & Zoning college certificate program offered at Medina Co. University Center. Cost \$119
3. Statement from Steering Committee with 8 signatures asking the trustees to review and approve the original version of the comprehensive plan update.

Trustee Likley asked about the map/print cabinet that was approved at the last meeting. Fiscal officer related that the cabinet had been sold. A new laptop computer was purchased to read all DVD's and make copies. The old one has many issues.

MINUTES

September 20, 2010 – Trustee Oiler had one addition-page 7, 17th line add the word *of* after part. **Trustee Oiler made a motion to approve the September 20, 2010 minutes as amended, seconded by Trustee Harris.**

Roll call: Oiler, aye; Likley, aye; Harris, aye.

Trustee Likley made a motion to table October 4, 2010 minutes because he and Trustee Oiler just received their copy today and hasn't had a chance to review them and October 13, 2010 has not been completed, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.

CEMETERY AND PARK

Trustee Likley reporting:

- The hillside is completed and the grass is starting to come up
- Talked with Bryon Robbins about the flagpole. He is hoping to have the flagpole set prior to Thanksgiving and will continue to proceed with the bricks until spring.

ROADS

Trustee Oiler reporting:

- Either this week or next the stripping for the roads will be done
- Maintenance is getting ready for winter by servicing and repairing the equipment
- Late October there will be heavy maintenance on the small dump truck to get it through the winter

FIRE

Trustee Likley mentioned to the audience that the trustees had a special meeting with the Mayor of Westfield Center, Rick Robbs and Terry Bittner councilmen, Bill Hutson their law director, and Bill Thorne, Assistant Prosecutor October 13, 2010 to work on the fire contract between the village and township. There is still a couple of points that need to be worked out and not finalized yet.

ZONING

Matt Witmer, Zoning Inspector reporting:

- Past week-end a true mess and major traffic backup at the intersection of 224, Lake Rd and Westfield Valley Road because of the hazardous waste recycling and major soccer games (Cleveland & Columbus).
- Rocko and Willie trying to direct traffic because no traffic control personnel was hired
- Bill Strazinsky at the Recycle Center on a normal Sat. 200-400 cars but this week-end 700-800 cars.
- Last time anyone asked to coordinate dates for soccer and recycling was when Gregoires owned the property
- Jim Troike from Medina Co. Sanitary Eng. is heavily considering they may want to go to the fairground in the future which is unfortunate because the recycle center has been there for 17 years.
- Matt asked the question – “What can be done?” There are so numerous violations of the conditional use that need to be addressed. He will be working to get a list together for the BZA and prosecutor.
- Trustee Likley – possibly soccer & county could share the cost of traffic control, and coordinate dates.
- Trustee Oiler-safety issue

- Matt asked if he enforces deed restrictions. Trustee Harris answered no, that it the Home Owners Association's duty.
- Airport on Seville Rd- Matt will look into the lot split that was done a few years ago
- Morningstar driveway on Friendsville Rd.- Pushed in drive with stone on either side leaving a 20 foot space of dirt level with the ground between the original drive. Matt took pictures and showed Bill Thorne and yes it was a violation of 2 sections of the zoning code. Bower said it was for his workers to park their cars to direct traffic and it was not a drive. Trustee Likley – you have documentation of the violation and it sets a precedent.

Trustee Likley asked for the signature page of the signage amendment to the zoning code. He asked that a signature page be produced as zoning amendments occur.

Trustee Likley – referred to letter from Mike Schmidt asking that the letter of reprimand dated October 5, 2009 be removed from his file. Trustee Likley sent a letter to Bill Thorne concerning recusal if a board member's property is contiguous to an applicant and if a board member's wife works as a bus driver for the school (school is the applicant) asking for a ruling and has not received a written opinion. Trustee Likley feels consistency should be maintained and referred to the prosecutors' letter of August 2008, which addressed recusal (a copy of this letter is on file). Trustee Oiler does not have a problem with Tom Micklas being a contiguous property to the school because his property is across the street and Kevin Daugherty's wife is a school bus driver.

Trustee Likley asked Mike Schmidt (BZA member and school board president) if he was going to rescue himself when the variance coming up is heard. Mike answered, yes. Perception should be 1 person questioning and there shouldn't be a doubt in anyone's mind. Board members are to look at each case and determine if they have a conflict of interest. Residents should not have to question the integrity of the board members. Bill will not give a written response.

Trustee Likley made a motion that the letter of reprimand dated October 5, 2009 be removed from Michael Schmidt's file due to the uncertainty of public perception, seconded by Trustee Oiler.

Roll call: Likley, aye; Oiler, aye; Harris, aye.

Trustee Harris related that Bill Thorne would not send a letter concerning Scott Anderson.

Trustee Harris proposed the following amendments to the zoning fee schedule and recommended a motion for each change:

- ❖ Home occupation sign \$50
- ❖ Home occupation permit \$25
- ❖ Residential house, alteration, accessory building over 200 sq. ft. \$.05 per sq. ft. plus the regular permit fee
- ❖ Additional meeting charge \$225 if caused or requested by the applicant

Discussion points concerning the additional meeting charge:

1. Trustee Oiler does not feel it is fair to the applicant to pay for meetings that the board finds necessary
2. Trustee Likley feels the whole point was to cover the township's cost of the meeting. In 2000 the fee was \$150 for additional meetings for whatever reason. 2008 the fee was changed to \$200 per additional meeting for whatever reason. Township pays board members \$30 each meeting and pays for

them to attend training (some is mandatory). Trustee Likley does not think any of the board members are deliberately dragging their feet just to get another \$30.

Trustee Harris made a motion to have a \$50 fee for a Home Occupation instead of the \$150 minimum for a sign that is currently in place because the maximum area is 12 sq. ft. for home occupation, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; Harris, aye.

Trustee Harris made a motion to establish a \$25 fee for Home Occupation Permit, seconded by Trustee Oiler.
Discussion: Before this becomes effective you need a separate form formulated to support the zoning resolution on home occupation regulations, what date would be satisfactory.

Trustee Harris amended his motion to state: Establish a \$25 fee for Home Occupation Permit effective November 1, 2010, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, NO; Oiler, aye. Motion carried 2 ayes- 1 no.

Trustee Harris made a motion to charge \$.05 per sq. ft. for residential homes, alterations, and accessory buildings over 200 sq. ft., seconded by Trustee Oiler.

Discussion: Trustee Likley- as I stated in the previous meeting, establishing the set backs and determining that the house has the minimum square footage is all the zoning resolution requires of the zoning inspector. (See Trustee Likley's detailed comments October 4, 2010). Trustee Oiler – just trying to recover some of the zoning costs.

Roll call: Likley, NO; Oiler, aye; Harris, aye. Motion carried 2 ayes-1 no.

October 19, 2010 will be the effective date for the above zoning fee changes.

Trustee Harris made a motion to increase the additional meeting fee to \$225 and change the wording to reflect only if the applicant is not prepared or requests the additional meeting, seconded by Trustee Oiler.

Discussion: Trustee Likley asked that the actual language that will be stated in printed form for trustees to review because the motion was not clear.

Trustee Harris withdrew his motion.

Trustee Likley stated his case. In one breath rates are increased and another breath they are taken away.

CAMEL CREEK NAME

Trustee Likley received a letter from the US Geological Society concerning the naming of Camel Creek. They could not find any error or formal change. 1904 and 1961 maps show CAMEL CREEK.

STEPS TO TAKE FOR COMPREHENSIVE PLAN

Trustee Oiler presented and read a written format to achieve the ultimate goal of adopting a comprehensive plan (a copy is in the minute file). Trustee Oiler stated a previous board of trustees should have put something in place even if it is not in the ORC.

Trustee Likley-I think that is a good plan and it mirrors my motion at the last meeting. I appreciate the steps. I agree. Trustee Harris agreed there should be a public hearing.

Trustee Oiler made a motion to adopt:

1. Board of Trustees returns Comprehensive Plan back to the Zoning Commission
2. Zoning Commission schedules at their earliest convenience a public hearing regarding the Comprehensive Plan.
3. At the conclusion of the public hearing the Zoning Commission votes on their decision regarding the Comprehensive Plan.
4. The Zoning Commission prepares a letter to the Board of Trustees on their decision regarding the Comprehensive Plan with any supporting documentation they feel is necessary. Only one (1) plan will be submitted to the Board of Trustees regarding their decision.
5. At a regular Board of Trustees meeting the Board will acknowledge receipt of the Zoning Commissions' letter and will schedule a public hearing regarding the Comprehensive Plan.
6. The Board of Trustees will hold a public hearing regarding the Comprehensive Plan at the conclusion of that public hearing will vote on the acceptance of a Comprehensive Plan for Westfield Township.

Motion seconded by Trustee Likley. Roll call: Likley, aye; Oiler, aye; Harris.

All agreed that Trustee Oiler will sign the letter to the zoning commission notifying them of the steps to be taken to expedite the process.

ANNOUNCEMENTS

Special Zoning Commission meeting	October 26, 2010 @ 7:30 pm	Guest speakers in regard to the Text amendment
Regular Fire Committee Meeting	October 28, 2010 @7:00 pm	
Regular Trustees Meeting	November 1, 2010 @ 7:00 pm	
Zoning Commission Meeting	November 18, 2010 @ 7:00 pm	Continuation of the public Hearing on text amendment And map amendment

Trustee Oiler adjourned the meeting at 9:30 pm; all trustees signified by saying aye.

Approved November 1, 2010