

# WESTFIELD TOWNSHIP TRUSTEES

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Regular Meeting  
February 7, 2011  
7:00 pm

Trustee Oiler opened the meeting by asking those in attendance to stand and Pledge Allegiance to the Flag.

Trustees present: Gary Harris, Ronald Oiler, and James Likley.

Trustee Oiler welcomed Westfield Center Mayor Horwedel, councilmen Rick Robbs and Terry Bittner as well as the whole audience. (Sign in sheet attached).

Linda Paulick from the auditor's office:

- Winners of the field contest was Jacob Justin (Highland) and Lauren McGraw (Cloverleaf)
- Taxes are due Feb. 11, 2011
- Several residents have gotten a letter from a tax appeal service for a fee. The auditor's office can do that with no fee.

## **Fire Chief, Richard Fletcher**

- ✓ 49 runs in January (a detailed report is attached to minutes in fiscal officer's office)
- ✓ CPR classes at the high school 100 participants
- ✓ Great attendance in training. Began training on the EMS charts program. We will be able to send to the state and to the billing company. There are 3 training sessions for the chief after which he will train personnel. Each person has their own password and that is a way to keep track of who entered the information
- ✓ Called the roofer because we had some water leakage from ice build-up. There was some seepage in the training room on the carpet. There does not seem to be any noticeable damage.
- ✓ Installed the oxygen fill equipment
- ✓ We have decided to apply for a grant to replace the air truck. Repairmen have said it has reached its useful life. We are looking to get an air trailer and a brush truck that can pull the trailer. That will kill two birds with one stone because it will have a serve as a brush truck for grass and agricultural fires as well as pulling the air trailer. We are looking to the Gatchell Grant Resources. They have a 90% success rate in writing the grants and if they don't get this grant, they will write the next one free. The cost is \$600 to write the grant. If you are successful with grant they do get a percentage of the grant.

## **Questions:**

Trustee Likley asked about the mutual aid runs to Lodi. Chief replied he has communicated with the Lodi Chief and he has assured me that he has some individuals that are training to become first responders. Chief is not sure that this will solve the problem. He believes it will work up to the level of working out a plan with the Mayors of Lodi and Westfield Center and the trustees of Harrisville and Westfield Township. *If we transport we will bill patient. Trustee Oiler commented he had a call from Mayor Goodrow which will be addressed later.*

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Fiscal Officer:

- Bills in the amount of \$17,876.96 were presented. We have paid \$27,000 to far this year for salt, 40,000 was spent last year for the whole year. No other questions.

**Trustee Oiler made a motion to pay the bills, seconded by Trustee Harris. Roll call: Harris, aye; Likley, aye; Oiler, aye.**

- Fund status: Checking \$262,275.27 Fund Status \$538,689.82
- Correspondence: Forestry Conference; NEOACA; Dept. of Planning Services yearly calendar; Transcript for IRS as well as Tom Karris. It will be reviewed. Trustee Likley asked if fiscal officer received the questioner concerning Local Gov't funding from the county commissioners. Yes, she had received a copy. The state is looking to reduced the local government funding and what kind of millage it would take to re-coup the loss. Trustee Oiler and Likley will be at the meeting Feb. 23<sup>rd</sup>. E-mail from county engineers concerning the possibility of West Salem purchasing property in Westfield Twp. To drill water well within ½ mile of the county water well. The county will do everything in their power to protect the water field.

## MEETING MINUTES

- ✓ December 30, 2010 Records Commission meeting

**Trustee Harris made a motion to accept the minutes as presented, seconded by Trustee Oiler.**

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

- ✓ December 30, 2010 Trustees Special meeting

**Trustee Likley made a motion to accept the minutes as presented, seconded by Trustee Oiler.**

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

- ✓ January 3, 2011 Trustees Organizational/Regular Meeting Trustee Likley had a correction on page 4; the word recuse was misspelled 3 times

**Trustee Likley made a motion to accept the minutes as corrected, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; Harris, aye.**

- ✓ January 13, 2011 Special meeting/Fire Contract/General Business

**Trustee Likley made a motion to accept January 13, 2011 minutes as presented, seconded by Trustee Oiler. Roll call: Harris, aye; Oiler, aye; Likley, aye.**

- ✓ January 17, 2011 Regular Meeting Trustee Harris asked that **Westfield Road** be added on page 4 for clarification.

**Trustee Oiler made a motion to amend January 17, 2011, seconded by Trustee Harris. Roll call: Oiler, aye; Likley, aye; Harris, aye.**

## CEMETERY AND PARK

Trustee Likley did not have anything to report except there was one burial.

## FIRE

Trustee Oiler reported that Mayor Goodrow of Lodi wants to get have a meeting with Harrisville and Westfield Townships and Mayor Horwedel of Westfield Center and Fire Chief to discuss the mutual aid issue. After Mayor Goodrow speaks with his legal counsel they may possibly want to contract with us or

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pay us do the EMS service to Lodi. Trustee Likley suggested that possibly Chief Fletcher would have some cost factors before a meeting with the other entities and Lodi should come with a proposal. Mayor Horwedel also reiterated that during his conversation with Lodi they need to propose what they believe may solve their problem.

### ROADS

Trustee Oiler commended road crew for their efforts during this winter weather. So far all the trucks are holding up and we are now on our 5<sup>th</sup> blade on the big truck.

Time is now 7:30 pm and the truck bid was opened. There was one bid from Medina Auto Mall in the amount of \$42,032.50 for a 2011 Dodge 5500 chassis. It will be 8-9 weeks to get the chassis. The equipment package from Newell Equipment will be \$38,252.15 which includes a poly plow.

Total amount for the truck and equipment is \$80,285.65. Newell quote is a state bid, therefore it does not need to be advertised.

**Trustee Oiler made a motion to accept the Medina Auto Mall bid of \$42,032.50 for the 2011 Dodge 5500 chassis, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.**

### ZONING

Matt Witmer, zoning inspector reporting (a copy of written report is attached.)

- ✓ Attended trustee, zoning commission meetings
- ✓ Issued 1 permit for a storage barn
- ✓ 2 certified letters sent out.

Heather Sturdevant:

- ✓ Continuation of public hearing for comprehensive land plan Feb. 8, 2011 @ 7:30 pm
- ✓ Work session with Bill Thorne for the current application for text and map amendment that is under review Feb. 10, 2011 @ 7:30. We had to cancel Feb. 1<sup>st</sup> due to the inclement weather and our meeting policy. We will announce our follow up meeting shortly thereafter the work session. Trustee Likley asked if everyone on the zoning commission received information from Mr. Majewski. Heather answered that everyone that has e-mail has received it but the others have the information in the mailbox outside the office.

Matt: There is a BZA hearing for a use variance to store until June 2011 requested by Idle Air Feb. 23, 2011 @ 7:30 pm. There is a possibility that they may request to turn that property into an actual facility for trucks to use.

### OLD BUSINESS

Fire Contract between Village of Westfield Center and Westfield Township beginning January 1, 2011 is now before the board for approval.

**Trustee Oiler made a motion to accept and sign the Fire contract as presented, seconded by Trustee Harris.** Discussion: Trustee Likley, "I still have an issue with the termination clause. I don't approve of the termination clause. I feel that it leaves the township residents and this board, future boards very vulnerable for considerable increases in requests for fire levies to maintain the level of service that we

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presently have. I have been consistent in my concern on that from the beginning, I have offered several options in the termination clause and those were not acceptable to village council as I believe this termination clause is to me. I don't accept the termination clause and will not vote for this contract for that basis. **Roll call: Harris, aye; Likley, no, Oiler, aye. Motion carried 2 ayes 1 nay. The contract was signed.**

Publicize:

Cleaning of the building (there has been a problem with requiring liability insurance)

Limestone bid

Mowing cemetery and complex bid

**Trustee Oiler made a motion to advertise for stone and mowing bids with the bids being opened March 7, 2011 @ 7:30 pm, seconded Trustee Harris. Roll call: Likley, aye; Oiler, aye, Harris, aye.**

### Chippewa Balanced Growth Initiative

Trustee Likley spoke with Gary Norcia and Jeff Van Loon prior to the 27<sup>th</sup> meeting about some of the concerns that I had in the plan that was proposed. I also spoke with some of the members of that committee prior to that meeting and the fact that this board has not had the opportunity to discuss this plan other one date as I recall July 29, 2010 when I questioned some of the criteria and to get some information regarding that criteria. Some of the designations that are in this plan that has been proposed, in my conversation with those committee members as well as with Mr. Oiler on the 27<sup>th</sup> that this board had not had sufficient discussion regarding this committee and the directions they were going. Before they drafted this final step in the draft that this board had an opportunity to discuss and review. Some of the designations that have been identified in this I have some concerns with as identified in their latest drawings and maps. They have shown natural hazard overlay district that was a concern. The PDA (Priority Development Area) that overlaps into the PCA (Priority Conservation Area) also is part of the townships natural hazard overlay district. I think that designation as an overlap is a misrepresentation of our zoning code and should be designated as a PCA. A natural hazard overlay district in our present zoning regulation clearly states those areas. Priority Development Area from this committee is looking at industrial-commercial development that is not permitted in a natural hazard overlay in our zoning resolution. My recommendation would be that overlay covers into the natural hazard overlay district of our zoning resolution be changed to PCA. I will make a motion to be sent to the Upper Chippewa Creek Balanced Growth Initiative.

- 1. Trustee Likley made a motion that all areas designated as a PDA and PCA overlay that are within the natural hazards overlay district as identified in Article III Section 302 of the Westfield Township Zoning Resolution be identified as PCA, seconded by Trustee Oiler. Roll call: Harris, aye; Oiler, aye; Likley, aye.** The committee did designate the 100 year flood plain in their maps.

Trustee Likley speaking: I don't have a question or concern on the criteria that has been established in this process. My concern is that it is a fair representation to not only land owners, developers and potential land owners. I have the meeting minutes from the 27<sup>th</sup> meeting which also other townships

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Lafayette stated some concern in the designation of the PDA's outside of the present zoning boundaries within the township. This is a considerable designation of priority development area; this is beyond our present local commercial, highway commercial and industrial. I recognize those boundaries that meet the criteria that have been established but it should not be a representation of present zoning.

Everything in this process has said that it would not require zoning changes by the boards or the entities but I think it is important that the areas outside of our present zoning match zoning designations be identified as local preference that has been done in other areas (Guilford Township, Hinckley, Medina Township) in their watershed development plans has used local preference areas. I would also offer that as these areas are re-zoned that these PDA's be updated to show those changes but not prior.

Trustee Oiler speaking: In their resolution "The Balanced Growth Plan does not supersede our own local zoning decisions".

Trustee Likley: It also states in Section 4 on the second page "The watershed balanced growth plan will be supported by actions of this jurisdiction to direct local resources planning options, invest local land use practices to encourage protection of priority conservation areas, priority development areas and recognize the priority agricultural areas". By endorsing this I feel that it's anticipating that our present and future zoning boards will also recognize this and support it. I'm not willing to commit any board to that as zoning changes are applied for and come before our present and future zoning boards, this board and future trustees and is approved through the process this map can be updated to reflect those changes. Again I feel that this could be a misrepresentation of our present zoning. These boundaries are our zoning resolution. As applications come before us and they are changed the PDA's can be expanded to reflect that.

- 2. Trustee Likley made a motion that all areas designated as PDA's that are beyond the present district line, Highway Commercial, Local Commercial and/or Industrial district as identified in the present Westfield Township Zoning Map to be identified as Local Preference.** Trustee Oiler: meaning that does not qualify them for any of the incentives within this. Trustee Likley stated once the zoning change has gone through the zoning commission and through this board then you update the PDA's to reflect that zoning change. That's the basis of this motion that those boundary lines should not be drawn and designated as priority development areas until the zoning change has been made. Does that make sense? Trustee Oiler, yes that makes sense. **Trustee Oiler seconded the motion.** Trustee Oiler: This will insure that our zoning stays in tack and stays concrete for us in order to control the PDA's or PCA areas ourselves. Trustee Likley: as those zoning changes are made then you re-submit and the boundary lines are drawn to those PDA's and then they are eligible for those incentives but not until that zoning change has been made. What this is asking is that the boundaries beyond our present zoning local commercial, highway commercial or industrial be shown as a local preference.

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

Trustee Likley: In my first motion I identified the PDA's and PCA's overlays that cover the natural hazard overlay district. I will offer as well all areas designated as PDA's that are within the natural hazard overlay district as identified in our Article III Section 302 Westfield Township Zoning Resolution to be identified as PCA's. This then looks at the PDA designation that is not part of an overlay designation

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from this committee. Does that make sense? The first motion was the overlay PDA and PCA overlay. Where those overlays covered the natural hazard overlay of our zoning; this takes it the next step if you have a PDA that is not an overlay that encroaches into the natural hazard overlay district of the township that it too would be identified as PCA. Trustee Oiler: In order to protect. Trustee Likley answered correct.

- 3. Trustee Likley made a motion all areas designed as PDA's that are within the natural hazard overlay district as identified in our Article III Section 302 of the Westfield Township Zoning Resolution to be identified as PCA's, seconded by Trustee Oiler.** Question by Heather: I was at the 27<sup>th</sup> meeting as well. They didn't make it clear that day but they did throw out the option of a local preference area for areas that you're not sure of but what they didn't say if something that is designated as a local preference area whether it's conservation there is a lot of grant money available for conservation as well as development; so either side if you designated a local preference area will the people in conservation or development still have an opportunity for grant funding or will they not because it's not designated as a PCA or PDA. Trustee Likley: As I mentioned before, as the zoning changes and it's identified as local preference area and some of the areas that are beyond the present zoning code. If those areas get re-zoned to a commercial then that could be submitted to this committee to be designated as a priority development area. At that point they would then have the incentives to pursue. Heather: Didn't they also say at that meeting that they weren't going to be reconvening once they got this done they would only be reconvening 18 months to a couple of years. Trustee Likley: I would offer that it be changed automatically and would be willing to support that. Heather: That's a concern especially with this water situation in West Salem; say something happens with that and we want to do something to preserve the water and protect that and make a conservation area. There is a lot of money available supporting water and things of that nature. Do we want to wait until they reconvene in 18 months? I don't know and that is something you have to ask that board if they could make those changes automatically. IF they can that would be great but I hate to see the township miss out on funding because they clearly didn't designate. Trustee Likley: I have seen in some of their meeting minutes that was a conversation that they could be automatic but I see in their most recent meeting minutes that they would be convening once a year. I think it is a legitimate concern and that those maps should be able to be updated as zoning changes are made and the ORC requirements are met then that should be able to be updated and I would support that and we'll offer a motion if need be so that this board sees that need of timely updates of this map instead of once a year. Heather; I just want to make sure if there is funding out there especially with the well issue that we are dealing with now that we can take advantage of that. Trustee Likley: As I stated as areas are zoned for conservation purposes or for development this process this committee should be able to update those maps in a timely fashion or at least acknowledge that for those incentive opportunities. Willie Carasco part owner of North Coast Soccer came forward with his concerns. Trustee Oiler will meet with Willie after the meeting to explain the Upper Chippewa Creek Balanced Growth Initiative to him.

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

Trustee Likley: One other thing I will add that was stated at the 17<sup>th</sup> meeting is the Fiber Optic Ring and the completion of that at the end of Lake Road to 224. It just makes sense to me that it be a continued ring. The break in the fiber optic ring on Greenwich Road should be continued from west to east and include that intersection. Proximity of the fiber optic to include Lake Road south to US 224

- 4. Trustee Likley made a motion to have the map include the fiber optic ring to include Lake Road south of US 224 to the intersection of Greenwich Road, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye.**

Trustee Likley: As mentioned by Heather Sturdevant the concern of the local preference and the updating of this map I will offer a motion

- 5. Trustee Likley made a motion that any updating to the Upper Chippewa Creek Watershed Balanced Growth Initiative mapping be updated as zoning changes are implemented to reflect those changes in that map in a timely fashion, I'm not going to set that criteria but in a timely fashion and not every 12 months, seconded by Trustee Oiler. Roll call: Oiler, aye; Likley, aye; Harris, aye.**

## Bond Collection

Trustee Oiler reporting: Mr. Karris has agreed to the best of his ability to provide communication on the bond collection but content will be limited because it would become a public record. No meeting is established as of yet.

## Grant for solar powered school signs

The grant has been sent in and they agreed with the changes in the contract.

## Comprehensive Plan

Trustee Likley: Mark Majewski has provided the township zoning commission and members of this board with his latest 2 or 3 pages of information. He has communicated with the steering committee and collectively they offered 4 or 5 pages to be submitted to the zoning commission as requested from this board as an addendum. They will be no additional charge for this package that was presented. In his contact he will be present at the trustees public hearing concerning the Comprehensive Plan.

## NEW BUSINESS

- A new fire levy of 2.5 mills to form the South Central Fire District will be on the ballot May 3, 2011. We put together a committee to help with supplying info to the residents as well as the fire and EMS volunteers will be helping with that endeavor.
- Fire Chief is looking into a 10 year no interest loan in the amount of \$80,000 for a new squad and is asking the village and township to commit to a sum of money to continue with the application. We fully understand that the application can be pulled at any time. The amount the two (2) entities would put up would be \$50,000 making the purchase of the squad \$130,000. The township share would be \$29,500 and the village \$20,500. On line the squad that would be replaced could possibly bring \$30,000-\$35,000 before it too old.

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### Discussion:

- Keeps the rotation of the equipment on a time table which is something that hasn't been done in the past.
- Harris: I think the rotation is very important and the longer we wait the old squad will be worth less and less
- Oiler: No commitment if the levy doesn't pass, the application can be pulled
- Likley: Deadline for application is Jan 28, 2011 and we have missed that mark.
- Oiler: I believe the chief has submitted the paper work on the 28<sup>th</sup>.
- Likley: So the application has been submitted and I will not make a commitment, I am from the old school. I try to not put the cart before the horse. Based on the above info it will be an annual commitment of \$8,000-\$10,000. Take \$8,000-\$10,000 out of our budget that we are presently operating under; we are running in the red. If through the process we can pass the levy in May then I think I would be willing to take on this conversation. I am not willing to put the department, township funding on the line without having it backed up. I understand and appreciate the need to rotate equipment.
- Oiler: We will wait until we know what the levy does.
- Bittner: For clarification on the loan; although the paper work has to go in the loan would not be awarded until the latter part of 2011 and the money would not be available until 2012. That was the reason the Chief applied and he was very aware of the financial concern of the township. There is not a 5% commitment at this time.
- Issue tabled until a later date.
- Likley: If we spend \$8-10,000 annually for a loan that is just that much less we are setting aside for the next purchase which I feel is not healthy.

### North Coast Soccer

Trustee Oiler: e-mail from Mr. Sweeney (copy in file) Willie Carassco and Zoning Inspector present.

Likley: Do we have meeting minutes with the representatives of North Coast Soccer?

Wimer: No we do not because there has not been a meeting since then.

Likley: Asked if all trustees were present at that meeting and all answered, yes they were. What I recall is we have a site plan that was in question and a site plan that has been amended for review. I do not have that to review. I think the question is how best to proceed. What I recall from that meeting is there were discrepancies or an incomplete site plan that was initially accepted by the BZA. The site plan that you were basing your decision on did not indicate all the information that you needed.

Witmer: The original site plan did not include some information like the location of trees in the back parking area. They had port-a-johns in the upper parking area. Those were to 2 major sticky points in the site plan. The other issues that they addressed: 1. there is a 63' drive and parking area. In some areas it is not so they are looking at changing the conditional (I assume) to allow for areas that are 55" wide.

Likley: Is that reflected in the amended site plan drawing?



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Witmer: It is not well, the trees and the port-a-johns are, the width of the driveway is not, it is still at 63'. I believe they are going to try to address that in a conditional, the site plan states this but it also has areas that are going to be less than.

Oiler: Is that because of obstructions?

Witmer: No, it's because - you have a couple areas that have obstruction. It's because of grass and things that grown up through.

Likley: I recall there were pictures available that evening that showed the parking areas, how some of the grass had grown out into the graveled areas and there was some concern and some topics of discussion led to taking round up to maintain those parking areas and the run-off water, contamination. Do you have both maps?

Witmer: Yes.

Likley: I want to see the differences personally.

Carrasco: Mike Sweeney is supposed to be here. I am only here to answer questions just for me. I don't want to get into discussion with him. We also have a lawyer. We were very cooperative in trying to solve the problem. The board told us how to do it and whatever. We do not have the list of variances right now. I just came here to listen.

Likley: We are not going to make a decision on the site but what has come before us is possibly a decision as to the process on your site plan.

Carrasco: Mike and I re-measured everything again and everything is 63 except one or two places. We will fix the one or two places that seem to be a problem.

Likley: As I recall the question that night was these port-a-pots/johns were located in parking spots; by minimizing those parking spots will you not meeting the requirements for your parking? I don't believe those 2 or 3 spots took him below the minimum required for the fields. Do you recall that? I think Bill Thorne was here and he stated that even the back parking lot as a requirement for the parking needed for the operation of the soccer field that parking lot was not even needed that there was sufficient parking as designated on the drawing.

Witmer: That's correct. It's not an issue of the port-a-johns taking away parking spaces. Because parking spaces are marked. They have some that are marked but the majority isn't even marked can you can't tell on the site plan exactly how many are there. The issue was the placement is not on the site plan and the same with the back parking area. It showed complete open parking when the one side was free. It just didn't show what was there. It is a legal document and it has to show what is there.

Likley: I support you in your responsibility to look at the paper that is before you to make your decision to move forward. That's your job. Your job isn't to say this is right or wrong. This is the paper that has been approved by the BZA as a site plan.

Witmer: What was approved is not what is there. That why that meeting was held. In my conversation with Bill Thorne he stated that in the next meeting we have to amend this site plan and any conditionals that may be included with it is a new meeting. The original meeting is done and over with. The meeting that was held the other day (Dec. 28, 2010) was to discuss some issues with the BZA and how they can move forward with them. He said that will be a new meeting and will require a \$300 fee.

Likley: I understand that.

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Carrasco: Another \$300. The thing is that the 28<sup>th</sup> we had to hire a lawyer because it didn't look so good. We spend a lot of money. People got in trouble from where ever they were in tournaments to come to the meeting. The meeting was not official because....not getting into that. We did our job by coming over here. They asked us to be here to answer some questions. If it takes another meeting for you to approve; all we did was put where a tree was, where the port-a-potties are going to be, we made an area. It depends on what fields are going to play.

Likley: These will be designated areas.

Carrasco: The problem that we have is that we pick the best fields, sometimes in the back and sometimes in the front.

Likley: Is all of the parking spaces required? Mr. Thorne even said if the designated areas are not part of the required parking do not label because it is overflow. Mr. Carrasco, zoning inspector, Mr. Witmer is not responsible for this finished product. He doesn't draw it, he doesn't approve it. He only has the responsibility to live by it and enforce. That was where we were at with the previous site plan. This site plan as it is approved that will be what will be required on your site for the conditional use. As long as you understand that this is what it's going to be and look like. The overflow parking should be designated OVERFLOW PARKING. We know people do not park like it is shown, they will run you over just to park close to the door.

Carrasco: Need a few variances.

Oiler asked if everything is understood.

Likley: I left the Dec 28<sup>th</sup> meeting with the understanding that clarification in the site plan as presented was requested not only from the BZA but also from the zoning inspector to review site plan that was previously approved that some of the conditions that were physical were not identified on that site plan. I think the clarification in that site plan was a request of the BZA. I would not support the fee for this update if we are only looking at the location the port-a-pots and the back parking lot area and the trees that are there. If there is something beyond that the 63' requirement for the parking space and the driveway because the grass has overgrown into the gravel, does that need to be round up or week killed so there is a delineation of that parking spot?

Carrasco: According to Mike he called the people from the soil and water and they said it is better to leave it the way it is the grass absorbs more water. Instead of making it 60' I'll make it 63, that is no problem. There is a very few places. My question is do we need another meeting? This was just to clarify what is there.

Likley: I have stated my view. I don't believe that as amended, what I seen here that it warrants an additional fee but it does warrant the board to review and approve it with the support of zoning inspector. The location of the trees and the port-a-pots are acceptable through the course of the season, if there is any more than that then I'm not aware of any.

Witmer: I believe there will probably be some conditions that will be addressed at the same time that they do this.

Likley: Conditions beyond what has been established the 5-year time frame?

Witmer: They are going to re-address some of those conditions maybe a condition one way or the other allowing them to have more leeway in certain areas.

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Carrasco: I'm not going to put people in soccer fields when it is wet, as long as it is dry I'll do it. We should allow to park in grass.

Witmer: I think there are some more conditions than parking in grass. I don't have a list in front of me.

Likley: Is there a meeting scheduled for this?

Witmer: No, there is not a meeting scheduled for this yet. Bill is aware of everything and he said that's what should be done.

Likley: Bill Thorne was present at that meeting and that's my take on it. We can review the information collectively as a board.

Witmer: Presented meeting minutes from May 6, 2010 noting the sections that was in the 5-year conditional use.

Likley: The conditions that were set May 6<sup>th</sup>, 2010 are they expanding those conditions? Is Mr. Carrasco asking to expand those conditions?

Harris: I believe is amending them.

Oiler: I think the conditions may be amended by the BZA to better clarify what they meant.

Witmer: They should say what they mean in the conditions. I do not know for sure whether they are going to expand to allow them to do.

Likley: I am going to play devil's advocate here. Mr. Carrasco, North Coast Soccer, Mr. Sweeney have been brought into this township meeting all too often and I will defend that. Our boards have a responsibility to establish the conditions that you are going to live with. If you are going to live with that Matt, you are going to live with it, accept it. Be sure what you want is what you are asking for; what you accept is what is acceptable. I'm not going to second guess their decisions or their processes, I don't have enough information before me to read this and know what's going on. If Mr. Carrasco is coming before the BZA to expand the conditions of his long-term conditional use, then it warrants an additional fee. If he comes and says I want to expand these uses or conditions.

Carrasco: This is good for 5 years so the problem is that when he saw some grass in the parking lot. We keep coming back to meetings. It's the same plan only just where the trees are and allow parking in the grass.

Oiler: I think you have to be here is in case there are any questions whatsoever and to satisfy that everything is worked out. I agree that they have before our boards quite a number of times, and they are good business men in our township and

**Trustee Oiler made a motion that the trustees should forgive the payment at this time for the next meeting,**

Carrasco: We are not arguing about the \$300, we are arguing about getting a lawyer blablablaa we just want to fix the problem.

Likley: I would ask that the BZA has a scheduled meeting Feb. 23<sup>rd</sup>. at that time if they have not had the opportunity to review the site plan as it has been amended that the BZA deem whether it's necessary to have another meeting at that time. I don't understand if the BZA is expanding the conditions, if Mr.

Carrasco is expanding the conditions. Again I go back to the gravel that has grass growing in it and it is not 63'. I don't believe you need a variance for that but we do need to know the parking spaces

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available. I think it warrants a discussion at the next BZA meeting to review this and base a direction on what they want to do.

Oiler: I think that is fair.

Likley: With the understanding that Mr. Thorne has anticipated that this is an additional site plan review and warrants an additional cost. They're satisfied with what's being proposed from the work session that happened Dec. 28, 2010 that answers their concerns and they can wash their hands and say I accept that and let's move forward.

**Oiler: I'll rescind my motion. I think that is a fair way to do it.**

Likley: From that meeting they should be communicating to you as to what their anticipation is.

### RESIDENT COMMENTS

Stan Scheetz: I am not a resident but I am representing residents.

1. The motions that Jim made tonight affect about 40% of my clients land. I hope you really have a strong look at what you just did but because by designating those areas as primary conservation areas the only incentives available on that land so designated are for conservation purposes. So that puts the individual property owner that I represent 40% of this land at a complete disadvantage to do any type of development on his land because incentives are not going to be available from the state for infrastructure or development purposes only for conservation.
2. I want to clarify what Mr. Oiler said to Mr. Carrasco and to the public that your zoning controls because Jim, one motion that you made was that the designation should follow the zoning or be what the zoning is. Example would be Mr. Carrasco's property that is already designated as commercial however by you placing a primary conservation area by the overlay district on it again it takes away any of his incentives for commercial development. Trustee Likley: And Mr. Carrasco at the time that he changed that zoning from rural residential to local commercial I was on the zoning commission and had through discussion with him and showed him the natural hazard district regulations what is permitted under permitted uses and conditional uses. I explained to Mr. Carrasco that by changing it to local commercial does not necessarily expand the permitted uses within the natural hazard overlay district of this zoning resolution. Scheetz: Correct and most of  
Likley: It does not limit him anymore outside of what is permitted in the natural hazard designation in the zoning resolution. Now if our zoning commission and this board of trustees want to change the natural hazard overlay district designation proceed forward.
3. In 90% of the natural hazard overlay districts residential uses are prohibited and commercial and industrial are permitted. In the Westfield Township natural hazard overlay district you are in reverse in 90% of the code. I would simply suggest that you deal with the county planning to get some input and from the prosecutor's office on why your code was written that way. You are restricting it so people don't get flooded in their homes or have issues with their homes not something that is commercial or industrial. I have looked at all the adjacent jurisdictions, everyone of them Lafayette, Seville all the way around that all of them are totally in reverse to your own zoning code. Likley: I never wrote one word of the natural hazard district. Stan; The

## WESTFIELD TOWNSHIP TRUSTEES

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statement to the public that zoning prevails is a misnomer because the fact that it is local commercial doesn't mean you could put any local commercial uses in it because you have this restriction on the land by the natural overlay district. Likley: Absolutely. In fact I clearly said are you sure this is what you want to do. Stan: I am speaking on just Mr. Carrasco I'm not his attorney. I'm speaking on 40% of the people that you just affected by those motions. It took away from the possibility of their land being developed. Likley: I also offered the motion as zoning changes are made through the process of the ORC and our zoning commission and this board that those changes in zoning be updated in a timely fashion to match this. Stan: Then you trump it by your natural overlay hazard district currently. Likley: That's our zoning resolution as of today. Stan: You are saying one thing and it doesn't accomplish anything is the practical matter. Likley: I won't make recommendations for a priority development area that's in direct violation of my present zoning resolution. Stan: I understand that sir. Likley: That's just not good business for me. Stan; I respect your opinions. Likley: Our zoning resolution is what it is. Stan: That is contrary to 90% of the jurisdictions, that's all I'm asking is to have a hard look at it.

### ANNOUNCMENTS

Zoning Commission (Continuation public hearing comp. plan)	February 8, 2011 @7:30 pm
Zoning Commission Work session w/ Bill Thorne (text/map amend)	Feb. 10, 2011 @7:30 pm
Trustees Regular Meeting	Feb. 21, 2011 @7:00 pm
BZA (Idle Air Variance)	Feb. 23, 2011 @7:30 pm

Trustee Likley asked Trustee Harris if he would communicate with the BZA chairman and to the board as to the North Coast Soccer that they would do that at their 23<sup>rd</sup> meeting and have a basis for the direction that they deem necessary on that site plan review. Fully understanding the recommendation from legal counsel as they move forward whether it be by e-mail or a phone call however so that they are coming in on 23<sup>rd</sup> prepared.

**Trustee Oiler made a motion to adjourn at 9:22 pm, seconded by Trustee Likley.**

**Approved March 7, 2011**

# WESTFIELD TOWNSHIP TRUSTEES

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Special Meeting/Add on Equipment for new truck  
Upper Chippewa Creek Balanced Growth Initiative  
February 14, 2011  
7:00 pm

Trustee Oiler opened the meeting by asking those in attendance to stand and Pledge Allegiance to the Flag. Trustees present: James Likley, Ronald Oiler, and Gary Harris. There is an attendance roster attached of other attendees.

The fire department water bill was paid in the amount of \$16.80.

Newell's quote for the equipment for the new truck that was ordered. It is under the state bid contract number 515/8038. Total for the equipment package is \$38,252.15. The reason I did not bring this up at the last meeting was I needed to discuss a few things with Lee and he assures me everything we have here is what he needs.

**Trustee Oiler made a motion to purchase the equipment package from Newell Equipment in the amount of \$38,252.15 under state bid contract #515/8038, seconded by Trustee Harris.**

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

## UPPER CHIPPEWA CREEK BALANCED GROWTH INITIATIVE

Trustee Harris: (A copy of Mr. Harris' statement is attached.)

At our last trustees' meeting we discussed the Upper Chippewa Creek Watershed Balanced Growth Initiative. The plan was prepared by Medina County Soil and Water, Medina County Economic Development and others. The plan is not mandated and is at no cost to the participants. By adopting the plan it is designed to give the landowners incentives at the time of development. The plan took over 1 year to complete at a cost of about \$90,000. There were five (5) amendments discussed. By approving these and changing PDA & PCA and overlays, landowners could lose these incentives which I don't think is fair to the landowners or the partnership. At this time I cannot support the amendments and at this time I will rescind my yes vote for amendments 1, 2, 3, and 5.

Trustee Oiler: After a lot of thought and consideration for everything that I went through this last week and reviewing all the materials and the private notes that I took while attending these meetings and listening to the experts I feel the very same and I will change my vote on the amendments 1, 2, 3, and 5 at the February 7<sup>th</sup>, 2011 regular meeting to no. Item 4 can remain as it is. A signed statement was presented to the fiscal officer as an attachment to the minutes.

Trustee Likley: I think you are in error in thinking that this takes away the opportunity for any landowner, future landowner, developer whatever as far as these incentives package. The point in the amendments is that those amendments will require that the zoning be implemented, passed and approved by zoning commission and

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Westfield Township Trustees  
Special Meeting/Add on Equipment  
And Upper Chippewa Creek Balanced Growth Initiative  
February 14, 2011

## WESTFIELD TOWNSHIP TRUSTEES

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trustees. Designation of PDA and PCA's are just that. Designations, recommendations from the criteria established from this committee and zoning changes still have to be implemented. This is not a zoning change. All the amendments offered were stating was that prior to that designation of a PDA that it has to go through the zoning steps of our zoning board and the trustees. By the fact that it's established or designated a PDA until that zoning change is in effect they are not eligible to participate or apply for any incentives; still requires a zoning change. The amendment clears that language and the fact that the PDA and PCA overlays are in direct conflict with our zoning regulations regarding the natural hazard overlay. That is our zoning resolution that is our code now unless the two of you are purposing the resolution of amendment to the zoning natural hazard overlay and that text is the zoning regulation that is in force. It is our responsibility to enforce that zoning code It is our zoning code.

Trustee Oiler: I for one am not purposing a change to our zoning code nor does this program propose a change to our zoning code, it's only there as a recommendation if and when sometime in the future our zoning code might change. Our zoning code supersedes anything in this document. It is only for the future if we do any kind of changes in this township and it happens to be within one of those areas anywhere in our township then our residents could apply.

**Trustee Oiler made a motion to rescind motions 1, 2, 3, & 5 made February 7, 2011 regarding the Upper Chippewa Creek Initiative, seconded by Trustee Harris.**

**Roll call: Harris, aye**

An audience attendee asked if there was going to be public comment and Trustee Oiler stated, No.

Likley: You took public comment at the last vote when you voted unanimously.

**Roll call continued: Likley, No; Oiler, aye.**

**Trustee Oiler made a motion to appoint Heather Sturdevant as the chair for the fire levy resident committee, seconded by Trustee Harris. Roll call: Oiler, aye; Likley, aye; Harris, aye.**

Trustee Oiler will be attending the annual Health Dept. Advisory Council meeting Feb. 23, 2011 @ 5:30 pm

Trustee Likley:

- Feb. 10, 2010 Zoning Commission meeting that was cancelled. I have the notice that was sent to the Gazette. Trustees and fiscal officer had not received anything prior to the meeting other than what was presented at the meeting. E-mail Feb. 10, 2011 at 4:30 pm stating Ms. Ferencz could not make the work session that evening because of family obligations. It was sent to Mr. Oiler, Harris and Likley. Likley needs clarification of why the meeting was cancelled on the 9<sup>th</sup> and then on the 10<sup>th</sup> Ms. Ferencz sends an e-mail that she cannot attend. Mr. Harris, can you tell us if the BZA Feb. 23<sup>rd</sup> meeting has been properly noticed and would you confirm that before the 23<sup>rd</sup> so that we have a legal public hearing on the 23<sup>rd</sup>. Kim should be able to send a copy of what was sent to the paper and a confirmation. The zoning commission chair was not notified that the meeting was cancelled. Heather talked to Kim and it

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was a mistake. She was at our meeting, she misunderstood that we were going to hold that meeting even though Bill Thorne could not attend. She noticed to the Gazette not to run that meeting notification. Most of us were not aware of it until we got here that evening and Mr. Miller brought a copy of the e-mail. Why the e-mail wasn't forwarded to all of us I don't really know. We asked Mr. Likley if we could still have the meeting and he said, no. At some point in time, Bill said if it is on the web site and out front that is still good enough to have a meeting.

- Likley suggested that the secretary always copies her notices to the paper to the board that it pertains to.
- Likley requested that Mr. Oiler provide all boards his new e-mail address.
- Likley stated that the Upper Chippewa Creek Balanced Growth Initiative amendments that were voted on unanimously was given to the zoning commission February 8, 2011 and asked that Mr. Oiler do the same with the amendments that were rescinded this evening. Also send to the committee members of the Upper Chippewa Creek Watershed Balanced Growth Initiative Plan Partners.
- Likley requested a copy of the Local Government query that went to the County Commissioners. A copy will be given to the other 2 trustees.
- Likley asked that the letter from the county commissioners be scanned and sent to Don to put on the web site. Apparently some residents are not seeing the electric aggregation value in their bills. This shows a sample bill of what you can be looking for. Fiscal officer will make copies and put on the table in the meeting room.
- Likley: Letter from the county prosecutor's office concerning sheriff's sale on the 7611 Greenwich Road property. This is the property that the township cleaned up at a cost of \$7,062.98 for safety purposes. This was to be put on the tax duplicate for collection. I would ask that this board contacts the county prosecutor's office if the expenses that the township spent will be included in the estimated lowest bid and if we will be recouping those expenses. Is the township interested in the purchase of this property? In a resolution a while back we may have the option to purchase. Trustee Oiler will contact Bill Thorne. The appraisal value is \$18,250.66 our portion is about one-half of that amount. The date of the sale is March 10, 2011.
- Life Force sent a contract. It has been sent to the Fire Advisory Board, Bill Hutson and to the trustees. What they want to know is who would be responsible for writing off on what seems to be non collectible ambulance billings. Heather: Offered the following advice:
  1. It has been the fire chief in the past. If the information is left out of the chief's office that has personal information and it is a public record we could be subject to huge fines. Based on the privacy act it is best to leave this to the fire chief. The trustees agreed. The contract will be offered to our legal counsel for his review before the fiscal officer signs. The chief will review all the collection efforts and then makes a determination.
- The fiscal officer will ask if the village has signed the fire contract.
- Trustee Likley asked for a copy of Exhibit A and B for the fire contract. Exhibit B has been given already and the fire chief is working on Exhibit A.



## WESTFIELD TOWNSHIP TRUSTEES

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- Trustee Likley asked the fiscal officer to update the Roster and e-mail addresses for the boards and for the web site.
- Oiler: Talked with the fire chief today in regards to Lodi Mutual Aid. There hasn't been anything more but we need to be prepared with all the possibilities.
- Likley: The February 23<sup>rd</sup> BZA application is for a use variance. Question: Can a use variance have a time frame set to it? The application says a temporary use variance and does our zoning code refer to a temporary use variance. The board needs to be aware of what they can or can't do. I don't know that we can do that with a use variance.

**Trustee Oiler made a motion to adjourn at 7:55 pm, seconded by Trustee Harris. All signified by saying aye.**

**Approved March 7, 2011**