

WESTFIELD TOWNSHIP BOARD OF TRUSTEES
MARCH 5, 2009
REGULAR MEETING

7:00 PM

As amended 3/23/09

Chairperson Jim Likley called to order the regular meeting of the Westfield Township Board of Trustees at 7:00 p.m. Trustee Sims, Likley and Kratzer were present as well as Fiscal Officer Evans. The following were also in attendance: Ron Oiler, Tim Sims, Susan Brewer, Tom Micklas, Stan Scheetz, Mike Schmidt, Carol Rumburg, John Miller, Steve McIlvaine, Margaret and Frank Kerr, Karen Fisher, Mary Steidl, Kevin Daugherty, Frank and Rosemary Galish, Dennis Delagrange and Marlene Hushil Drake.

Annual Report-Judge McIlvaine (Wadsworth Municipal Court)

Judge McIlvaine submitted his annual report. He asked the Trustees to visit the website and make any suggestions to the site to make it more user-friendly. In 2008 we had 10,035 cases filed. That is up 1035 cases from last year. This is the only time we have topped 10,000 cases. DUI's are now referred to as OVI (Operating a Vehicle under the Influence). Last year there were 181 DUI's or OVI cases. That is down from 235 the previous year and is a good trend and hopes it continues. Regarding Receipts and Disbursements, we collected \$1,846,505 last year. That is up by \$309,000 from the year before. The reason that figure is how is due to the increased number of cases and well as our diligence in accounts receivable. We have also incorporated the use of MasterCard and Visa for the acceptance of payments as well in investigating the use of on line payment.

Where does the money go? \$717,000 goes to the City of Wadsworth as they fund the courts. The County received \$243,000 and the State received \$373,000 and the Sheriff received \$21,000. Of the \$1.8 million, \$1.3 million stayed in Medina County.

We have referred 472 individuals to the Public Defenders Office and Judge McIlvaine stated he was pleased with the public defenders services. He added they have collected \$20,900 in restitution and given to victims of crimes. Judge McIlvaine continued that he performed 69 weddings last year as well. There are 700 cases still pending in the courts. There were 9 jury trials last year but he handled 97 non-jury trials.

Community Service-there were 200 individuals who completed 5, 587 hours of community service.

New developments-We are now digitally recording the proceedings in the court room to come up to speed with new technology and archiving records. The clerk's offices were updated with new computers and a Windows based software system. There is also a network being created to link all the Ohio courts together.

Page 2 Westfield Township Trustees Regular Meeting 3/5/09

Auditor's Office

Mr. Mark Goffinet with the Medina County Auditor's Office was not present this evening. Chair Likley stated he asked Kim Ferencz to prepare a letter to Auditor Kovack's Office thanking him and Mark Goffinet for the valuable information that is provided by the Auditor's Office to the Township.

Public Comment

Mr. Delagrange asked when the website would be up and functional? Trustee Kratzer stated the website should be updated and running by the end of the weekend. Kim Ferencz has been forwarding the approved minutes to the webmaster. The calendar of board meeting dates is current.

Fiscal Report

Fiscal Officer Evans stated the bills to be paid this evening are in the amount of \$22,158.70. A running list of the warrants was provided. Trustee Kratzer stated there was a bill from Medina Co. Soil and Water District for two maps and asked if those maps were at the Township office? Fiscal Officer Evans stated no. Trustee Sims stated the maps were given to Mr. Mark Majewski (Northstar Planning) for the Comprehensive Land Use Plan process.

Trustee Sims asked if bill to fix the laptop from Prime 1 PC was a complete invoice? Fiscal Officer Evans stated it is complete from the work he has done but he has to come back tomorrow. Trustee Sims asked if they provided an estimate before they fixed the computer? Fiscal Officer Evans stated she would have to speak with Kim Ferencz or Lee Evans. Trustee Sims stated when she came up to the office when the gentleman was here working on the laptop that there was not money appropriated for this expense. In the past you (Fiscal Officer Evans) paid them cash and submitted for reimbursement. Fiscal Officer Evans stated she paid for the service by cash last time but not this time. Trustee Sims asked how the Township came to hire Prime 1 PC? Fiscal Officer Evans stated the gentleman used to work for Noble Knights on the square in Medina. Trustee Sims stated she wanted the opportunity to appropriate funds for such contracted services before and not after the work is done.

**Trustee Sims made a motion to approve payment of the bills submitted in the amount of \$22,158.70. It was seconded by Chairman Likley.
ROLL CALL-Sims-yes, Kratzer-yes, Likley-yes. Motion carried.**

It was questioned by Mr. Micklas why the Township was paying (\$5.70) for his unemployment. Fiscal Officer Evans stated that the Township had to reimburse a percentage of the unemployment because by law Mr. Micklas was an employee of Westfield Township. Trustee Sims stated in the past she did not think such a matter was

Page 3 Westfield Township Trustees Regular Meeting 3/5/09

defined on the list of bills/warrants as it was this evening for confidentiality purposes; and added that there may be more with the economy in the state that it is in currently.

Fiscal Officer Evans stated the Trustees had a fund status report in front of them. There checking account balance after the payment of the bills is \$255,875.58. The investment balance is \$840,871.33. She added the reason for the large amount of money being shown in Road and Bridge is that the new tractor will be delivered soon and \$95,000 will be used to pay for the tractor.

List of Correspondence

- Assessment of Shared Interests & Records of Westfield Township and the Village of Seville form Northstar Planning
- Letter from Pros. Office regarding Comprehensive Plan Steering Committee Membership
- Copy of Resolution No. 09-0110 from the Board of County Commissioners approving the Road Dedication Plat for Westfield Valley Dr.
- Letter from Stanley Scheetz to the Zoning Commission
- Letter from ODOT regarding Project 349(06) MED 71-6.06 Haul Road Request from Baker Sand
- Letter from the Medina County Engineer's Office that starting March 18, 2009 Greenwich Rd. will be closed between Lake Rd. and Hulbert Road for approximately 42 days.
- Notice from Liquor Control for the Trustees if the Trustees want to request a hearing for TA to renew their liquor license. The request for hearing needs to be postmarked no later than March 23, 2009.

Trustee Kratzer made a motion to not oppose the liquor license for Truck Stop of America. It was seconded by Chair Likley.

ROLL CALL-Kratzer-yes, Sims-yes, but I would have liked a copy of this notice in advance to review to vote upon, Likley-yes. Motion carried.

- Letter from Sheriff's Office that due to budget constraints the litter program has been discontinued as of March 1, 2009. There will be a reduction of the jail beds that are available to the courts and our local policy agencies by seventy-two beds.
- Zoning Inspector Report for February 2009. A total of 3 permits written. Two for accessory buildings and 1 new home permit. 2-Lot splits and 1 variance request which passed.
- Updated Appropriations Status of what was spent this year to date
- Amended Certificate of Estimated Resources from the County Auditor. Fiscal Officer Evans stated she would amend it again adding \$50,000 to Fire. Chair Likley stated a meeting of the Trustees was scheduled for the appropriations for March 2, 2009

Page 4 Westfield Township Trustees Regular Meeting 3/5/09

which was canceled. A new date will have to be set to finalize the appropriations for 2009.

Trustee Sims about lot splits being signed outside a public meeting. There is a resolution that lot splits must be signed in a public meeting. The Resolution is 2008-05. ZI Harris would need to be made aware of this policy.

Trustee Sims stated she also put in a public records request for the IRS file as well as the Prosecutor's letters back on the 13th of February. Fiscal Officer Evans stated she had all the records out and waited for 4 hours but you (Trustee Sims) never came. Trustee Sims stated per her e-mail she did not want to view the records she wanted a copy of the records. Fiscal Officer Evans stated the copies were here for review and Trustee Sims could make copies. Trustee Sims again stated she wanted a copy of the records. Fiscal Officer Evans stated Trustee Sims could make whatever copies she wanted. The IRS file is about 10 inches thick. Some of the info is repeated as she did not throw any information away. Trustee Sims asked that those records be made available to Kim Ferencz so she could come up and make copies. Fiscal Officer Evans stated Trustee Sims could come up at her convenience and she would be present. Trustee Sims stated she did not want to make an appointment she wanted to be able during office hours to make the copies. Trustee Sims stated her request was for a copy of the file. Fiscal Officer Evans stated the file was extensive and the Township would be wasting paper on something that was of no value. Fiscal Officer Evans asked Trustee Sims if she wanted her spreadsheets and everything that has been calculated? She added she did not know what Trustee Sims wanted that is why she wanted Trustee Sims to come and look at the file and then make whatever copies she needed. Trustee Sims stated she has already reviewed the file unless additional information has been added and wanted a copy of the file. The reason for copies is to pursue a defense and needed the copy of the file to reference as an exhibit.

Trustee Kratzer stated the file was available during standard business hours and you can come up during those hours and make copies. Trustee Sims stated she could come up during those hours and use Kim Ferencz assistance in making those copies. He then asked, is the reason for the copies a personal reason or a Township reason? Trustee Kratzer stated the reason he asked had to do with the price of the copies. Trustee Sims stated she was not going to engage in this conversation and added she already stated why she wanted the copies. Trustee Kratzer asked if the Westfield Township Trustees are mounting a defense or is Carolyn Sims mounting a defense. Trustee Sims stated for the Trustees as it does not personally benefit her. Trustee Sims again asked for a copy of the file or during standard business hours she would come up and review the file and make copies of the relevant information.

Fire Dept. Report

Chief Snoddy stated for the month of February there were 6 fire runs, 2 mutual aid runs, 1 mutual aid motor vehicle crash, 5 of our own motor vehicle crashes 11 EMS runs and 1 special detail for a total of 26 incidents.

General Announcement-Road closure on Greenwich Rd. for 42 days. Starting on March 17, 2009 the I-71 northbound ramp to I-76 westbound will be closed for 210 days. Our assistant Fire Chief Mike Karson became a State of Ohio certified paramedic as of today. Chief Snoddy stated he had another student who should become a paramedic at the end of the quarter and two new employees who were EMT intermediates. He added he spent the last 10 days in Fire Instructor School and took the test last night and passed. Chief Snoddy stated he had to complete 10 hours of student teaching and he will be a State certified instructor.

Truck Update-Regarding the new truck the preconstruction documents should be received next week. A meeting with the manufacturer would be then set up in the next 2 wks.

All the fire extinguishers were done at the Fire House, the Village Hall and the Township Hall this month. The reason the bill for the Township Hall is so high was because we are required to have a high flow extinguisher for the fuel tanks. That cost was \$400.00 for that extinguisher. We will store it inside the shop.

The front bay heaters were replaced for a cost of \$1,000.00 as two of the circuit boards were burned out. Air lines were replaced that were snagged off the truck when the fire truck went out.

Fire Chief Snoddy continued that some things that would be done this summer would be fire hydrant flushing and testing. This would have to be done for the entire Village of Westfield Center as well as Gloria Glens. It has to be done during the daytime so it does not disrupt the majority of residents. This will be posted on the roads prior to and we will send out information about the flushing as well. He added he did not know if that would be done via a mailer or a posting in the newspaper.

Fire Chief Snoddy stated the Medina County Emergency Management Agency has offered up to 6 homes for practice burns. They are all in Gloria Glens. There is extensive paperwork that needs to be completed. EMA will pay for all the necessary permits to move forward to do this. It will provide training for search and rescue.

Trustee Kratzer stated he was on the EMA Board and the EMA Board does not have enough money to purchase the last house to be burned in Gloria Glens. The Park Commission and the County Commissioners are going to looking into funding for this. A letter would be sent to the Trustees as well looking at possible funds to help

Page 6 Westfield Township Trustees Regular Meeting 3/5/09

with this undertaking. EMA needs about \$75,000 more dollars to complete the project and that was the reason for contacting multiple entities.

Chief Snoddy stated that the search and rescue practice would be participated by the fire departments of Seville and Lafayette and possible Lodi. The actual burn of the houses would be lead by him. The inspections themselves will run about \$5000 per address for asbestos. If there are abatement issues the cost would be \$1500-\$2000.

The Fire Dept. was drafting a fire levy strategy. A power point presentation would be created so Chief Snoddy could take that information out the community. He added he already had an appointment with Westfield Companies and with Cloverleaf Women's Club. Regarding the levy we have to create a Friends of Westfield Fire Dept.

Committee to raise and spend funds for the levy. A list of registered voters has been received and they were in the process of creating mailing labels for information to be sent out. The cost is a \$.01 a label and they would go door to door to as many people as possible. Chief Snoddy stated they would first make the presentation to the Fire Dept. and Fire Association so they understand what will be done and then bring it to the Trustees, Seville and Gloria Glens.

Equipment Status-All trucks are back in service. The international has to be taken back just to check the fluids from the brake job that was completed and re-tork the wheels.

A question was asked by Mr. Delagrange as to why not just have the houses torn down by an excavator? Chief Snoddy stated any time the Fire Dept. could use a home for a practice burn it is good training experience. Also the permits would be paid for by the EMA for asbestos and abatement if necessary. The Fire Dept. would be responsible for removing the shingles and windows and taking them down to the Recycling Center and as a public entity probably for no cost. But then the windows would need to be boarded up after the fact and that would have to be done by the Fire Dept.

Fire Chief Snoddy stated anyone who wanted to watch the burn could do so within a specific area. The burning would not probably take place until September or October.

Lastly the mount for the defibulator at the Townhall has not been order as yet but Fire Chief Snoddy stated he would do so as soon as possible. It was also discussed that the defribulator should be accessible in the part of the hall that is but there was a concern it would "disappear" if that was done so the most logical thing was to have it accessible but it would have to be part of the check list when the Townhall hall was opened and closed for rental purposes that it was still in the Township's possession.

Page 7 Westfield Township Trustees Regular Meeting 3/5/09

ROAD DEPT.

Mr. Evans stated the tractor and mower is on site and it is scheduled to be put together and delivered in April. Regarding White Rd., Mr. Evans stated he has not heard from Mr. Crumley doing any more work down there but what remains is vegetation so it would have to grow before it could be sprayed.

He added he took the small truck back to Montrose Ford and the hose on the turbo was cracked. That repair was \$184.00.

Stone and Mowing bids have to be advertised for opening. That timing needs to be decided by the Trustees. Mr. Evans asked what was going to be done about the park? Is that going to be discussed with the Village first? Chair Likley stated he thought it was agreed that the Village would continue with that service and has not heard anything different. Trustee Kratzer stated the Village has done a good job in doing so and he would contact them accordingly. Trustee Sims agreed and did not feel the park had to go out to bid. Mr. Evans stated he would get the bids out for the stone and mowing.

Chair Likley asked about the correspondence received from ODOT regarding Project 349(06) MED 71-6.06 Haul Road Request from Baker Sand. Mr. Evans stated that ODOT would video tape the road prior to this use. Basically they would be running County Roads and the only Township road was White Rd. They also mention Garman Rd. but Garman to the west of Friendsville Rd. is a County Rd.

Mr. Evans stated he met with Fred Boreman regarding Resolution No. 09-0110 from the Board of County Commissioners approving the Road Dedication Plat for Westfield Valley Dr. As of February 18, 2009 it was the Township's road. It should be recorded by Monday. Once that is done Fred Boreman would have Mike Salay put the street name up and give it a number. The County would then certify it to be included in the Township's road mileage.

Trustee Sims stated there were some drainage concerns around the corner and with discussions with ODOT the Township was looking to hold its acceptance of the road until that drainage was addressed. Mr. Evans stated he was going to address this with Chair Likley and they were going to view the roads especially Buffham Rd. regarding the Issue 1 money. One of the issues that need to be addressed is digging out and rebasing where some of the mailboxes are located because it would be widened. Mr. Evans stated it was a lot cheaper if he went down and re-dug it and rebased it now and have it packed in before it is paved verses trying to incorporate that in the bid. A letter would be sent out the residents whose mailboxes would have to be moved back.

Page 8 Westfield Township Trustees Regular Meeting 3/5/09

Zoning Report

Mr. Evans added that the clearing has begun for Chippewa Landings Resort. Trustee Sims asked if anyone went to the meeting at Planning Services regarding Chippewa Landings Resort? Mr. Evans stated he did not know if ZI Harris went or not.

Mr. Evans continued that another deadline is shortly coming (March 15, 2009) for the cleanup of another quadrant of the Zuber property. He and ZI Harris would go down and take pictures and do another inspection. Trustee Kratzer stated he saw another load had been removed yesterday.

Regarding Junk Motor Vehicle language, Mr. Evans stated the Township has not received anything back from the Pros. Office. as of this time.

Mr. Evans stated he would speak with Chair Schmidt of the BZA to set up a meeting to approve the minutes from the Tryon variance. Bill Thorne was going to come down Monday to go over this with the Board but that meeting has been canceled due to scheduling conflicts. Mr. Thorne stated he had a BZA training session taking place in York Township on Wednesday March 11, 2009 and suggested Westfield BZA attend. Trustee Sims stated she was in favor of the BZA members attending and the Township would pay for the meeting and mileage if applicable.

There were questions the night of the BZA Tyron variance hearing as to when the decision of the Board was final. According the letter received by the Pros. Office per the 9th District Court, the decision of the BZA is final when notice of Board action is sent to the applicant. He added that he and Kim Ferencz are in the process of drafting a form that could be signed by the Chair, all Board members and the applicant stating the vote of the Board and that the applicant acknowledges the decision so the Township does not have to send out a certified letter.

Regarding the lot split, Mr. Evans stated he gave the papers out as he did not know there was a Resolution by the Trustees that they had to be signed in a public meeting.

Proposed Signage Language and Matrix by the Zoning Commission

Mr. Miller stated at the last meeting of the Zoning Commission the proposed Signage Language and Matrix was being sent to the Dept. of Planning Services for an informal review but has not heard anything else at this time. Chair Likley stated any Zoning Commission member was encouraged to attend the Planning Commission meetings especially when an item pertaining to Westfield Twp. is on the agenda to answer any questions.

Page 9 Westfield Township Trustees Regular Meeting 3/5/09

Cemetery and Parks Report

Trustee Kratzer reiterated the need for the stone and mowing bids and that the Village would be contacted about their continued maintenance of the park. It was decided by the Trustees that stone and mowing bids would be opened at the Trustees first meeting in April 2, 2009 at 7:30.

Comprehensive Land Use Plan Update

Trustee Sims stated attendance is still good. At the last meeting the topic of flood plains was discussed. As was mentioned during the discussion of the bills, Medina County Soil and Water produced maps for ground water pollution potential and aquifer. She handed out a copy to each of the Trustees and left a copy to be attached to the approved meeting minutes.

Trustee Sims stated the annexation was also discussed at the Comp Plan Meeting. She stated she asked Mr. Scheetz if the reduced floodplain regulations for the Village of Seville was an incentive to annexing these flood prone areas to the Village? Mr. Scheetz stated absolutely. The County has the enhanced Floodplain regulations while Seville currently does not. Trustee Sims stated that was a concern for these parcels that are in the floodplains and desire to be annexed. Mr. Scheetz stated after the County Commissioners meeting that if I did not like the annexation pending I was not going to like second one as it would be a Type 1 annexation detaching the land from the Township was consist of 500 acres up to 2000 acres. This was brought up at the Comp Plan Meeting and the Planner was not prepared to discuss this at this time but would put it on the agenda for the next Comp Plan meeting.

Trustee Sims stated the Planner gave everyone a “homework” assignment and went through them and come up with some primary goals for the Township. One of those goals reflected from the homework was that the response was to stay rural. He would compile the rest of the information and include them in the meeting minutes from the Comp Plan meeting.

Trustee Sims stated that Kim Ferencz has requested a Master File of all the documents that have been and will be submitted and used during the Comp Plan Update. The Planner should have that information for the next meeting.

Trustee Sims stated on a related note, the Trustees have hired an attorney in order to defend against these annexations. This week she handed the documents submitted by Mr. Scheetz regarding the proposed annexation to Seville to the attorney. The attorney is reviewing those documents but it was premature to determine the legal basis for these challenges. However there was an error found on our Fiscal Officer’s behalf that the motion made by the Trustees regarding the motion for cooperation on the annexation passed when it failed. This will have to be addressed this evening.

Page 10 Westfield Township Trustees Regular Meeting 3/5/09

Mr. Scheetz stated that he believed it was phrased that there was no recommendation because there was one vote to cooperate, one vote not to cooperate and one abstention. If the document says it passed it is wrong. Trustee Sims stated that was what had to be amended.

The Trustees voted to retain the services of the attorney to review legal basis of challenges to annexation and to consult with the Trustees on other annexation related issues during the February 19, 2009 Trustees meeting. The attorney, Mr. Schrader's legal services will be retained for up to \$5000.00 at \$200.00 per hour for approximately 25 hours. The hourly rate will be subtracted from the retainer fee. Travel expenses will be abated and any residual portion of the retainer fee will be refunded to the Trustees within 30 days of written notice of the conclusion of the legal services. The Trustees approval will be required if they see a need or have a desire to continue with the legal services beyond the retainer amount and or wish to expand the scope of services. Trustee Kratzer is a member of the Board of Trustees but has abstained in retaining these legal services regarding annexations as he may have a separate and personal vested interest in annexation proceedings. (see attached letter from Pros. Office and e-mail from Tim Kratzer). Trustee Kratzer's personal property is contiguous to the pending annexation and his private attorney is Mr. Stanley Scheetz. Mr. Scheetz represents the property owners in the pending annexation in which Mr. Schrader has been retained in part to review.

Mr. Scheetz on behalf of Mr. Kratzer has publically stated that he may pursue annexation, litigation or the creation of a separate new village on behalf of his client. Please correspond with the Board of Trustees accordingly in light of this information that Mr. Kratzer's personal situation may be directly impacted by a favorable annexation decision. Trustee Sims stated Mr. Schrader accepted this position on February 24, 2009. (See attached to approved meeting minutes).

Trustee Sims stated Mr. Schrader provided her with a revised Resolution. It basically states the original Resolution was invalid and the Trustees object to the annexation of approximately 77 acres of land in Westfield Township to the Village of Seville. (See attached to approved meeting minutes). The Westfield Township Trustees will cooperate with Medina County, the Village of Seville, Guilford Township and other adjoining Villages and Townships to promote a regional issues and cooperation in matters that do not involve the annexation of land away from Westfield Township...

The Resolution 21-2008 for cooperation of the type 2 annexation was not passed on December 15, 2008 as written in the Resolution by the Fiscal Officer. The Resolution did not pass and was never adopted. The Westfield Township Trustees request that the Village of Seville reject the annexation of this land from Westfield Township to the Village. The Westfield Township Trustees request the Fiscal Officer to correct the Resolution so it is clear it did not pass on December 15, 2008 and in fact if failed due to the fact of one Trustee voting yes, one Trustee voting no and the other Trustee abstaining.

Page 11 Westfield Township Trustees Regular Meeting 3/5/09

The Westfield Township Trustees are willing to investigate a regional approach to economic development with the Village of Seville and other political subdivisions possibly including a Joint Economic Development District (JEDD) or a Community Economic District Agreement (CEDA) as long as no annexation of the Township land is involved and that a JEDD or CEDA will be mutually beneficial to the Township, the Village and or other involved political subdivisions.

The Westfield Township Board of Trustees specifically order the Fiscal Officer to correct Resolution 21-2008 to specifically state that it failed on December 15, 2008 and to correct her certification that the Resolution is a true and accurate copy adopted by the Westfield Township Board of Trustees on December 15, 2008. For that reason in reality that Resolution failed as it did not obtain the majority of the Board of Trustees voting in favor as only one Trustee voted in favor, one abstained and one voted no.

The Township desire to cooperate with the Village of Seville and Guilford Township and other political subdivisions to promote joint responsibility for regional planning of the Chippewa Creek and the related environmentally sensitive issues. The Trustees vote as follows:

Trustee Sims continued that this should be looked at by the different entities as a regional plan due to the nature of the issues of the flood control measures controlled by Chippewa Creek which are essential to both our communities and many up and down stream as well as well as the ground water quality and quantity that leads to the aquifer the County will be pumping the water from. That water is southern Medina County's economic future so a regional approach should be taken to protect it. Also due to the fact that Mr. Scheetz has stated that the decreased flood plain regulations in the Village are desirable for properties that are flood prone i.e. the Kratzer property, the Campground and Soccer facility, and the sod farm. These properties would potentially be seeking through Mr. Scheetz counsel this second annexation he is proposing in order to get the decreased flood plain regulations that do not require compensatory storage.

Trustee Sims stated she has casually approached some of those in Seville for the regional discussion and she found it was supported through the County and a warm expression of interest from those in Seville if we were to pass this motion and give them this alternative approach to annexation i.e. JEDD or CEDA.

Mr. Scheetz stated his clients were not interested in developing in Westfield Township nor is the developer in developing in your jurisdiction unless there were significant changes to the Zoning Resolution. He handed out documents as to why they were making such a choice. The Westfield Township Zoning Resolution may have been updated in the 1990's but it has language in it from the 1950's and Seville's was updated last year. Chair Likley stated that was a valid point and that was why the Township has decided to update this area in the Comp Plan and through the Steering Committee. The letter received from

Page 12 Westfield Township Trustees Regular Meeting 3/5/09

the Planner (Northstar Planning) looks to be concentrating his efforts and the Committee's efforts into the Greenwich Rd. region. Mr. Scheetz interjected that it is now a year and a half after we have known about this potential development. He added he entered this case in 2007 and advised the Township immediately that we were proposing an industrial park at that time and no overtures in relation to CEDA or JEDD from any of these Trustees during the past 4 yrs. The documents Mr. Scheetz submitted was Westfield's zoning code, Seville's zoning code, an aerial photo of the area and the Seville zoning map. My clients will still be proceeding with their application in tact.

Trustee Sims stated what the Trustees have proposed are separate than Mr. Scheetz's proposals. This is a regional look at the environmental issues and land use issues with the Village. Mr. Scheetz stated it has only been after Monday where he submitted the timelines that the Township is moving forward. Four months has already gone by. I have told you that you have through 2009 to address your Comp Plan and some zoning changes. I would say that is giving the Township adequate time to address this area. I am no longer solely looking at Mr. Kratzer's property but 300 acres in addition west of the Chippewa Creek for Westfield Township's zoning code to deal with that. This has given give you three years to address this and after that we will pursue other annexations which could rise up to 2000 acres but only 499 acres can be done at one time given the current law. There is no attempt with this annexation of 103 acres (77 acres in Westfield Township) to create a land bridge to the Village of Seville with the Kratzer property. The Village of Seville is not interested in servicing the Kratzer property or annexing the Kratzer property. When we address the 350 acres in the future it will be with Medina County, Westfield Center, and Gloria Glens with possible electric from Seville but not sewer and water. They are not interested in crossing the creek and he would be seeking a Resolution from them to that affect.

Mr. Scheetz stated there will be no vote Monday night as it has been wrongly reported in the paper as there can be no vote in the Village of Seville for 60 days after they receive the Medina County Commissioners Resolution approving the annexation. There will be a first reading at Council's March 9, 2009 meeting and a second reading at their April meeting and then a 3rd and final reading most likely in May less they would call a special meeting.

Trustee Sims stated she went to Seville and pulled the meeting minutes all the way back from April and you (Mr. Scheetz) have talked about annexing Mr. Kratzer's property. Mr. Scheetz stated it was information only and before the Village had assessed not having any interest crossing the Chippewa Creek. Trustee Sims stated she was concerned about Mr. Scheetz comments in the Gazette attempting to separate these two issues. You said to me and a room full of 50 people there was going to be a second annexation. Mr. Scheetz interjected he may be coming back with 3 or 4 more. These annexations relate to other villages and not Seville.

Page 13 Westfield Township Trustees Regular Meeting 3/5/09

Trustee Sims stated she had difficulty sitting here with Mr. Kratzer who is your client and a Trustee who is attempting to annex out the economic hub of the Township. Mr. Scheetz stated that was not Mr. Kratzer that was other constituents that have contacted him. Trustee Sims then asked who are the other constituents? Mr. Scheetz stated none of your business. I am not a public entity and I do not have to reveal that. I have at least 20 other of your constituents that have approached me to be creating another jurisdiction or being annexed to other villages.

Wertie Kratzer stated that you (Trustee Sims) voted no so it is a mute point. The Kratzer property is not going to be annexed to the village of Seville so why do you (Trustee Sims) keep pushing the issue.

Trustee Kratzer stated Trustee Sims was putting things in the Resolution that were not true. You are stating that the previous Resolution failed. It did not fail but it did not pass. That was the way the Medina County Pros. interpreted the vote as well. Mr. Karris corrected the vote at the Commissioner's meeting and Commissioner Hambley repeated it.

Trustee Sims stated in Seville back on May 12, 2008 Mr. Scheetz advised the owner of the trailer park on Greenwich Rd. he was told that if he had any interested in purchasing the property they would be willing to consider selling. The property owner was the only one who said no to the development of the Kratzer property.

July 14, 2008 Mr. Scheetz advised that he would be distributing the Kratzer area conceptual maps and asked council to review them.

Aug. 11, 2008 Zoning and Planning. Stan Scheetz gave a presentation on the proposed water and sewer project on the industrial area on the west side.

In November 2008 you came to Westfield and stated you had 9 options. You could create a Village in a 2 square mile radius including the highway district up to Gloria Glens and reconfigure the Township boundaries; or you were discussing with 3-4 attorneys about litigation. You went on to say Mr. Kratzer was exploring his options of creating a Village as well as annexing the land to three villages. Mr. Scheetz interjected that these were options. Trustee Sims asked what villages and Mr. Scheetz responded "it was not rocket science."

Trustee Sims stated originally Morris Stutzman put in an application for the General Business District. It was rejected by Planning Services, the Planning Commission and the Zoning Commission. You then read the writing on the wall that this was not the direction to go and you withdrew the application. However you then threatened litigation on a technicality against the Zoning Commission and forced this Board to waive your zoning fees so your second application did not cost anything. Mr. Scheetz stated he did that successfully. Trustee Sims stated you did that because I was showing good faith at the

Page 14 Westfield Township Trustees Regular Meeting 3/5/09

negotiations as I could have assembled the Commission and rectified the technicality and moved forward, but I was attempting to show you good faith in doing that.

In addition you submitted another application which was rejected from Planning Services and rejected, though confusing by the Zoning Commission. You then submitted a motion for reconsideration with the concept of Covenants and Restrictions. Mr. Scheetz stated those were approved by three entities i.e. County Planning, the Westfield Township Zoning Commission and Pros. Office.

When these were presented to the Zoning Commission we had a workshop and I told you then I was not comfortable with the Covenants and Restrictions. I felt they were unenforceable and unorthodox and left too much to chance for too long of a time. Nonetheless you continued with the Covenants and Restrictions. Mr. Scheetz interjected the Pros. Office felt they were enforceable it was just not what you wanted to do. Trustee Sims stated there seems to be a propaganda machine of where we are today. It is not because we denied the Kratzer application it was because of the Covenants and Restrictions were unorthodox and unenforceable. Trustee Kratzer stated it was because of Mrs. Sims. Trustee Sims stated no it was because Mr. Kratzer the Trustee is the one trying to develop something or annex it out of the Township. Trustee Sims stated she was offended that she had to counter someone and hand them her legal documents for his review.

Chair Likley had to regain order of the meeting.

Ms. Drake addressed the Trustees and asked, if someone else owned Mr. Kratzer's land would you two (Trustee Sims and Likley) feel differently about it or was it just Mr. Kratzer? Trustee Sims stated it was not remotely Mr. Kratzer. She added the day after the public hearing she invited Mr. Scheetz and Mr. Kratzer to the table for a brainstorming meeting to see if there was this common ground. Mr. Scheetz stated-for anything other than what we proposed. Trustee Sims stated that was not it. You (Mr. Scheetz) stated it was going to be anything else on a smaller scale and you decided not to attend the meeting. I have encouraged Mr. Kratzer to come to the table on several occasions to no avail.

Again Mr. Scheetz stated his clients have no desire to develop within this jurisdiction under this current regime. Trustee Kratzer stated, so we let the property owners suffer. Trustee Sims stated that was not the case.

Chair Likley stated he felt this Resolution opens the door for opportunity to look at joint efforts between the Village the Township...Mr. Scheetz interjected it was a little too late. It would be wonderful to look at the westside and I assure you we would do that but not a

Page 15 Westfield Township Trustees Regular Meeting 3/5/09

JEDD only a CEDA and not in Westfield Township Zoning. Chair Likley stated the zoning was proceeding through the Comp Plan Update process and I think we deserve to give that an opportunity. Mr. Scheetz stated the Township had through 2009 to do that. This opportunity is done so at the penalty of 5 other clients who have spent money just has you Trustees have done since last November. One step away from an annexation being completed, one step away from bringing sewer and water to their property.

Trustee Sims stated that she found the correspondence Mr. Scheetz sent to the Planner threatening and that Mr. Scheetz sat at the last Comp Plan meeting with 29 residents in attendance attempting to absorb information and give feedback that was unbiased and uninhibited and I felt your comments were intimidating. Mr. Scheetz stated he felt Trustee Sims comments were intimidating as well and it appeared you (Trustee Sims) were hired to run the meeting.

Trustee Sims stated that water has been important to her for over a decade. Mr. Scheetz stated that Trustee Sims was at the head of the table like she was in charge and not with the rest of the residents at the Comp Plan Meeting. Trustee Sims responded that she was a runner for the Planner as well. Mr. Scheetz stated that you were advised to participate as resident or to speak on behalf of all the Trustees. Trustee Sims stated she clarified her points by saying they were being spoken as a resident as they were when I was doing aquifer protection 7-9 yrs. before she was a Trustee and the Township is better off now that the County has secured the aquifer.

Trustee Sims continued that Mr. Scheetz sent the Chairman of the Zoning commission a letter dated March 2, 2009 again stating you would pursue annexation. Mr. Scheetz stated he put that in writing so the Township could have a document... Trustee Sims stated if Westfield Township does not provide you with the zoning in same way shape or form you are going to annex Mr. Kratzer's property and the surrounding parcels somewhere. Mr. Scheetz stated that is what it says in the letter with specific dates... Trustee Sims interjected that is why she had to hire an annexation attorney.

Chair Likley stated he too approved the retainer for the annexation attorney. We started at the Pros. Office with Bill Thorne, Trina Devanney and Tom Karris. I don't think, with the conversations that I have had with Mr. Thorne that the hiring of an annexation attorney has hurt the Township's relationship with the Pros. Office. They are content to let us hire outside counsel.

Trustee Sims stated she would like attached to the approved meeting minutes, Mr. Scheetz letter dated February 27, 2009 to Northstar Planning. The point noted in the letter states, "I have highlighted the area of 300-400 acres west of Chippewa Creek that would fit in the water and sewer district to be created by either a combination of Medina sanitary or Westfield Center..." Trustee Sims continued that she is aware Mr. Scheetz gave the

Page 16 Westfield Township Trustees Regular Meeting 3/5/09

Planner-Mark Majewski a large packet of information regarding the direction of what you want to do. Trustee Sims stated with all that said she felt it was better if Mr. Scheetz worked with the Township and the surrounding area as the Township looks for cooperation in protecting its environmental resources and economic future.

Mr. Scheetz stated that the County flood plain regulations take 20-30% more of the land available for development which was in conflict with individual private property rights with compensatory storage and 500 yr. flood plain. Trustee Sims stated she would encourage Seville to parallel the County's Flood Plain regulations so mass annexation of property is not desirable. Mr. Scheetz stated Seville's engineer, GPD has advised them against that. Seville could not even expand their own sewer treatment plant if they in fact adopted the County's Flood Plain regs.

Chair Likley stated the County regs on flood control were established for a couple of reasons and I hope it was for the benefit of not only their water resource now that they are drilling in southern Medina County but for those upstream and downstream, and the effect that the Chippewa Creek has. I am not a land engineer but we have all seen the flooding in that area and the impact that it has had. He added he did not believe the county flood plain language is intended to take away private property rights. It gives options; maybe not the same that Seville has but still provides options for people to use their land. Mr. Scheetz interjected, and somebody has to pay for that diminished value...Chair Likley stated that somebody has to pay for that diminished value of the effects if they don't. i.e. those upstream and or downstream.

Mr. Scheetz stated Seville's engineer's stated that FEMA regulations are adequate for an industrial development. The discussion made on behalf of the County did not mention the relation to the aquifer but to drainage itself. Trustee Sims stated that is why she provided the Trustees with the Ground Water Pollution Potential map of Medina County as well as the Ground Water Resource Potential Map of Medina County. There is also a definition of 7D Buried Valley which is dominant in the area of the pending annexation. It says "these washouts, valley trains, deposits are capable of yielding large quantities of ground water. These deposits typically underlay the present day rivers and depth to water varies but is usually 30 ft. to the surface or 15 ft. especially near bogs and modern streams." Mr. Scheetz stated we have imposed a 100 ft. buffer from the banks of a no construction zone to meet the requirements of the Muskingum Watershed District and to the outside of any potential flood way. Trustee Sims stated this water resource and aquifer has been important to her for sometime now and it is our economic future south of the continental divide. These maps are developed by the Ohio Dept. of Natural Resources to aid people in understanding these issues. Mr. Scheetz stated and the developer's feet would be held to the fire to meet every one of those requirements.

Page 17 Westfield Township Trustees Regular Meeting 3/5/09

Trustee Kratzer asked Trustee Sims about the article in the newspaper where she mentioned a survey of the Township and the result was to keep it rural. He stated he

asked because he had a couple people call asking about the survey and would like a copy of those results. Trustee Sims responded if she knew there was going to be so much fishing she would have brought her tackle box. She added the survey is the one she mentioned in the Comp Plan Committee report which was the homework assignment the Planner passed out the Steering Committee Members. Trustee Sims added she could not control what was written in the paper.

Trustee Sims stated she would like discussion by the Trustees to direct Mark Majewski from Northstar to concentrate on the area with the Steering Committee and give direct feedback to the Trustees. Also, as we begin to work with Seville to see if there is a joint economic benefit to working regionally that the Planner be a part of that process as well. Chair Likley stated he felt the Planner and the Steering Committee would move forward accordingly.

The Board then looked at the Resolution prepared by Mr. Schrader. Trustee Kratzer stated that the wording about the previous Resolution failing should be removed as the Resolution did not fail. Trustee Sims stated this is the wording the new attorney has recommended. Mr. Scheetz interjected that two other attorney's advised contrary that being Tom Karris from the Pros. Office and the attorney at the County Commissioners meeting.

The revised Resolution written by Attorney Schrader would be given the number 2009-09. Trustee Sims stated all reference to the documents this evening are numbered and on the desk accordingly to be attached to the meeting minutes.

Mr. Oiler stated he sat on the Steering Committee and they have not even begun to discuss any of the issues addressed this evening. He suggested before the Trustees request the Planner to do anything, maybe the Committee should be informed and be given the opportunity to mull these issues over before the Planner becomes involved. Chair Likley stated the Greenwich Rd./Lake Rd. corridor is the area by the Interstate and has the potential to be serviced by sewer and water it was important to have the concentration of the Comp Plan in this area along with the environmental concerns as well. Therefore the Planner should channel the initial efforts of the committee and ultimately the plan to address this area. Mr. Oiler stated he felt the Committee should be making the recommendations on economic development of the Township and specifically that area. Chair Likley stated precisely. The Committee should focus on this area and bring their recommendations, comments and concerns to light as to the economic feasibility in this

Page 18 Westfield Township Trustees Regular Meeting 3/5/09

area. Trustee Sims stated because we are in an economic lull it was a good time to plan and be prepared when the economy takes an upturn.

Trustee Sims made a motion to adopt Resolution 2009-09 modifying the word to in the title from promote to explore to pursue looking at the area from Westfield Township to Seville from an economic perspective in regards economic development and environmental issues that impact our entities. It was seconded by Chair Likley. ROLL CALL-Sims-yes, Kratzer-abstain, Likley-yes. Motion carried.

John Miller asked if the Steering Committee should not decide if this area should be concentrated on? Trustee Sims stated that the Planner was going to be hired in addition to the general Comp Plan. At the last Steering Committee Mark Majewski stated he would prepare information on the assessment of the Greenwich Rd. /Lake Rd. corridor and bring that back to the Steering Committee. Mr. Miller asked, why have a Steering Committee if that is what you have decided to do? Trustee Sims stated it was just research and reach out to Seville to explore mutual interests i.e. infrastructure, environmental issues and the development pressure Mr. Scheetz has brought to the area and the issue of flood plains in terms of why large parcels are considering annexation.

Trustee Kratzer asked if he was to assume Trustee Sims made the phone call to Mr. Majewski as his letter states though it was addressed to the Trustees? Chair Likley stated he also spoke to Mr. Majewski about these concerns and how the Steering committee was proceeding. Mr. Majewski received info from Mr. Scheetz and has also requested information from Mr. Scheetz as well. Mr. Scheetz stated he has been forthcoming that this is not just one property it is the entire area of the Interstate and Lake Rd. corridor. Trustee Sims stated she did call Mr. Majewski because we needed the land planning information for the attorney and Mr. Majewski is getting it. He would also research the potential shared interests and resources of Westfield and Seville.

Trustee Sims made a motion to accept the proposed modified scope of work submitted by Northstar Planning dated March 5, 2009 of an assessment of shared interests and resources of Westfield Township and the Village of Seville not to exceed \$2,000.00. It was seconded by Chair Likley. ROLL CALL-Kratzer-no, Sims-yes, Likley-yes. Motion carried.

Trustee Kratzer stated it appeared Trustee Sims has a problem with Mr. Scheetz coming to the meetings and communicating with the Planner, Mr. Majewski. Trustee Kratzer stated he had a problem with Trustee Sims sitting on the Comp Plan Committee. He added he did not think she could keep Carolyn Sims landowner separate from Carolyn Sims Trustee. I feel she (Carolyn Sims) will be a bias member of the Committee. Trustee Sims responded that she was offended that she had to sit here with Tim Kratzer Trustee who is trying to annex out the economic hub of the Township in order to escape flood

Page 19 Westfield Township Trustees Regular Meeting 3/5/09

plain regulations for the Emergency Management Board that you just suddenly joined. Trustee Kratzer stated he was elected to the Board. Trustee Sims stated she felt that was conflict of interest and she has no other outside profitable interest except for the genuine understanding how important that aquifer is today and it was previously. That aquifer is southern Medina County's economic future. Trustee Kratzer stated and his land was his economic future and the other people's land around that area is for their economic future.

OLD BUSINESS

SEEK Donation-Trustee Kratzer stated Seville Church did not have the tax exempt status that the Township can give a donation to for their Easter Egg Hunt. Chair Likley stated the Township also received an email from Mike Schmidt for a similar donation. Chair Likley asked that Kim Ferencz notify each of them that due to their tax status per legal counsel the Township could not make a donation.

Website Status

Trustee Kratzer stated he would have that information at the next meeting. The website should be up to date this weekend. Kim Ferencz uploaded all the documents and make changes to the website to reflect the correct Trustee contact to the different departments of the Township and updated the current zoning board members. Trustee Kratzer stated Kim would be working with the webmaster so she can upload minutes and meeting dates from the Townhall. Chair Likley stated that Fire Committee would also like to have their meeting minutes uploaded and placed on the website as well as any other announcements or relevant information.

Office Laptop Status

The Township did not have to buy XP and the laptop is back up and running. Trustee Sims stated last she heard the old UAN Computer was going to become Kim's computer. Chair Likley stated because we did not have to purchase XP at a cost of around \$400.00 that was the deciding factor that the laptop would remain in use.

NEW BUSINESS

Gatchell Grant Resources-Chair Likley stated all the Trustees received an e-mail from Lee Evans. He met with them at OTA in Columbus and they are scheduled to come and speak to the Board of Trustees at our second meeting in April (April 16, 2009) regarding grant writing.

Chair Likley stated there was a County Township Association Meeting scheduled for March 19, 2009. The County Fiber Network meeting is during the day on March 19th and the Health Dept. Meeting is at 5:30 on the 19th as well. Trustee Sims asked the other two Trustees if they would entertain changing the Trustees regular meeting scheduled for March 19th so we could all attend the County Township Association Meeting? The

Page 20 Westfield Township Trustees Regular Meeting 3/5/09

Trustees were also asked to host a County Township Association meeting but that was the same night (Thursday) as regular Trustees meetings.

The Trustees decided to change their March 19, 2009 regular meeting to March 16, 2009 for General Business and Temporary Appropriations at noon pending the Fiscal Officer's availability. The regular Trustees meeting scheduled for March 19, 2009 was canceled.

Approval of Meeting Minutes

August 27, 2008-The Board immediately went into Executive Session. There were was no other audio to transcribe. Trustee Sims stated she did not know who made the motion to go into Executive Session but the minute can reflect that all three Trustees were present. She added she believed she made the motion to go into Executive Session as she was Chair at the time. Therefore, the following is to be added to the August 27, 2009 minutes, "Trustee Sims made a motion to go into Executive Session. It was seconded by Trustee Kratzer.

ROLL CALL-Sims-yes, Kratzer-yes, Likley-yes. Motion carried. The Trustees went into executive session at 7:05 p.m.

Trustee Sims made a motion to come out of Executive Session. It was seconded by Trustee Kratzer.

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

Chair Likley made a motion to approve the August 27, 2008 as amended. It was seconded by Trustee Kratzer.

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

January 5, 2009 Organizational Meeting

Trustee Sims made a motion to approve the January 5, 2009 organizational meeting minutes as amended. It was seconded by Chair Likley.

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

January 5, 2009 Regular Meeting

Trustee Kratzer made a motion to approve the January 5, 2009 regular meeting minutes as amended. It was seconded by Trustee Sims.

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

Chair Likley read the letter received by Kim Ferencz that the Medina Council on Aging was looking for a representative from the southern portion of Medina County. This would be addressed at the next Trustees meeting.

Trustee Sims stated the Resolutions discussed this evening needed to be forwarded to Seville and the County Commissioners. Kim Ferencz will not be back in the office until

Page 21 Westfield Township Trustees Regular Meeting 3/5/09

Monday. She added that the Trustees had Resolutions that were still languishing such as shooting elevations on Westfield Landing Rd. We need to direct Kim as Administrative Assistant to follow through with them.

Minutes received this evening to be reviewed and approved:

February 2, 2009
February 5, 2009
February 16, 2009

Minutes yet to be received:

Sept. 3, 2008
Sept. 12, 2008
October 10, 2008

Announcements

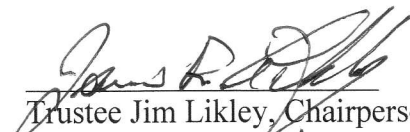
- Westfield Township Zoning Commission regular monthly meeting-March 10, 2009 at 7:30 p.m.
- Comp Plan Steering Committee Meeting-March 12, 2009 at 7:00 p.m.
- Fire Committee Meeting-March 15, 2009 at 7:00 p.m. (Tentative)

Trustee Sims made a motion to adjourn the meeting. It was seconded by Trustee Kratzer.

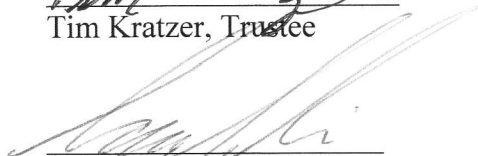
ROLL CALL-Kratzer-yes, Sims-yes, Likley-yes. Motion carried.

The meeting was officially adjourned at 10:05 p.m.

Respectfully Submitted,
Kim Ferencz, Westfield Township Admin. Ass't.


Trustee Jim Likley, Chairperson


Tim Kratzer, Trustee


Carolyn Sims, Trustee