

Regular Meeting  
November 15, 2010  
7:00 pm

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

Trustees present: Likley, Oiler, and Harris.

Attendance sign in sheet attached to minutes.

GUESTS

Linda Paulick from the auditor's office:

- Dog contest ended Friday
- Auditor seal contest end November 19, 2010

No resident comments.

FISCAL OFFICER

- ⊥ Checks and invoices in the amount of \$19,632.14 are ready for approval. Trustee Likley asked what all was in the Village Sept. Fire Department invoice. Answer: Regular bills and 3<sup>rd</sup> quarter activities.

**Trustee Oiler moved to pay the bills, seconded by Trustee Harris.**

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

- ⊥ Fund Status: Checking \$320,640.22 Investment \$537,996.62
- ⊥ Correspondence: Letter from Medina Co. Commissioners regarding railroad crossing on Buffham  
Communication from Stan Scheetz regarding fees  
Westfield Twp. BZA recommended approval of Cloverleaf School variances  
E-mail from Ms. Rumburg

RESOLUTIONS

**2010-26 A RESOLUTION TO AMEND RESOLUTION 2010-23 TO AUTHORIZE THE INCREASE OF CHARGES FOR WESTFIELD FIRE AND RESCUE EMERGENCY MEDICAL SERVICES AND TO NOTIFY LIFE FORCE SERVICES OF THE SAME**

This was to correct typos in two areas and delete the address change due to the pharmacy license must be updated to the township's EIN. By the end of the year the pharmacy license will need to be renewed and again if and when the fire district is formed.

**Trustee Oiler offered Resolution 2010-26 and moved the adoption of same which was duly seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.**

**2010-27 A RESOLUTION TO AMEND PERMANENT APPROPRIATIONS FOR FIRE LEVY FUND 2010**

This resolution is to allow more appropriations due to the fact that the township is now paying for all the fire department expenses including payroll and is reimbursed by the Village of Westfield Center for their portion of the expenses.

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Westfield Township Trustees

Regular Meeting  
November 15, 2010

the public hearing would need to be continued because she had 6 additional speakers to come in and speak with the Commission regarding this proposal on October 26<sup>th</sup> at 7:30. Those speakers scheduled to attend are as follows:

**Jim Troike**- M.C. Sanitary Engineers Office

**Debbie Russell**- Muskingum Watershed

**Bethany Dentler**- M.C. Economic and Development Director

**Buck Adams**- Emergency Management

**Sheriff's Office**-to give information on crime rates

**Dawn Roxberry**- ODOT

**Kristin Hildreth**- M.C. Health Department

Public comment, questions.

Announcements:

Special Meeting to be held on October 26<sup>th</sup> at 7:30 of the Z.C. to hear additional Expert Speakers.

Chair Sturdevant made a motion to continue the public hearing on the proposed map and text amendments until Nov. 18<sup>th</sup> at 7:30. It was seconded by Mrs. Kemp and a unanimous vote.

**Charge \$200.00**

**October 26<sup>th</sup>**

**Special Meeting-Informational Meeting**

Guest Speakers:

**Debbie Russell**- Muskingum Watershed Conservancy, Chippewa Sub-District.

**David Straub**- United States Geological Survey Service.

**Kristin Hildreth**- M.C. Health Department, Director of Health Promotions.

Chair Sturdevant stated she provided Ms. Hildreth with a copy of the text and map amendments before the Z.C. and would provide her with information given by the experts at the last meeting as well as those who would be in attendance on the Nov. 18<sup>th</sup>. Ms. Hildreth would then come back on the Nov. 18<sup>th</sup> to discuss some of the issues to be address regarding the application before the board. Ms. Hildreth stated she would also pull the expertise from her own department to address some of the issues that might arise from the proposed amendments.

**Jim Troike**- M.C. Sanitary Engineers Office

He stated the availability of sewer and water for the proposed project would be developer driven. Mr. Troike stated it was the understanding of the County Sanitary Engineer's Office that this project would be similar to Wadsworth Crossings. Mr. Troike continued that the water for this project would come from Westfield Water Plant located in Westfield Center and the Chippewa Water Plant located Lake Road which was now combined in the same district.

Questions, answers, comments and discussion.

Announcements:

Special Meeting/Continuation of the public hearing on the proposed map and text amendments for the proposed General Business District-November 18<sup>th</sup> at 7:30.

Chair Sturdevant stated there would be expert speakers at that meeting as follows:

**Bethany Dentler**- M.C. Economic Development

**Sheriff Dept.**

**Buck Adams**\_ Emergency Management

**Chief Fletcher** Westfield Fire and Rescue

Meeting adjourned 8:49p.m.

**Charge \$200.00**

**November 18<sup>th</sup>  
Special Meeting/Public Hearing Continuation**

**Charge \$200.00**

As stated above the August 10<sup>th</sup> and the September 14<sup>th</sup> meetings should NOT be billed. The applications required Township Boards to have a public hearing thus those two meeting will be covered by the application fee paid.

The succeeding meeting and the minutes from those meeting are clear as to the propose being the application of a text and map amendment submitted by Mr. Scheetz. The Westfield Township Zoning Fee Schedule clearly states the fee for these additional meetings at \$200.00 paid prior to scheduling.

As to the itemization of expenses incurred by the township, for this application or any other application that comes before our boards is irrelevant. The expense of the legal ads, postage, materials copied and Zoning Secretary salary should be covered by the application fee.

That being said and the statements by Mr. Thorne at the November 1<sup>st</sup> Trustees meeting, the Township has a responsibility to keep our residents informed of revisions offered by the applicant to the original application. Several revisions, addendums, additions or corrections have been submitted by the applicant to be considered with the original application. We have a responsibility to provide that information to our residents that exceeds their presence at the meetings. Mr Thorne stated the other option was not to except those revisions until the end of the process, however at this time; all have been received, the latest November 1<sup>st</sup>. The revisions could be valuable information to the boards thru the process, but they do need to be publicly noticed. While these revisions have added information to the board they have also contributed confusion to what is being considered. Not only to board members, but our residents. These revisions to the original application and the subsequent need of public notice are at a cost. Our present Zoning Fee Schedule does not address these costs as being the burden of the applicant. Therefore this at the cost of the township at this time, but should be reviewed by the Trustees for possible amendment.

I would recommend that a public notice be given to inform, that several revisions have been offered by the applicant Mr. Scheetz to be considered with the original Zone Text and Map amendment application for a General Business District. Office hours, additional information as required in our public notice policy.

That billing and payment of past and future meetings scheduled be corrected prior to the continuation of the public hearing of November 18<sup>th</sup>. If not corrected, that this meeting be canceled.

If additional meetings are needed beyond the Nov. 18<sup>th</sup> meeting, the fee should be paid in full prior to any scheduling as stated in the fee schedule.

Respectfully,  
Jim Likley

Trustee Likley disagreed with the fiscal officers accounting based on his research of the zoning commission meeting minutes. Two meetings are in arrears in the amount of \$400 is due to date. Trustee Likley agreed with Mr. Scheetz that some of the costs are not his burden. As revisions come in we have the responsibility to make those revisions, additions, addendums or whatever they are be made public notice in the paper that these revisions are available for review.

Trustee Oiler asked how we get the revisions public noticed. Trustee Likley: we put a notice in the paper the same way we did with the original application and they can be reviewed at the township hall.

Trustee Oiler asked Gary to speak with Kim and Heather that the revisions be noticed.

Trustee Harris questioned if the Sept. 28<sup>th</sup> meeting should be charged. Trustee Likley replied as per our zoning fee schedule any meeting for a continuance is charged.

Trustee Likley stated that at the last meeting Heather Sturdevant reasoned that the information being sought is also for the documentation to provide to the trustees on the boards recommendation for the Updated Comprehensive Plan. I questioned that then and I question that now. October 18<sup>th</sup> is when we sent the comprehensive plan back to the zoning commission. October 12<sup>th</sup> it was stated that there was 6 additional speakers to come and speak to the board regarding this proposal.

Trustee Oiler asked the board of how they wish to proceed. I would suggest that we simply run a tab on this and at the end settle this. Trustee Likley stated again what the fee schedule states. Trustee Oiler asked what the board wants to do this time, just get it settled.

Stan Scheetz representing 23 applicants-

- 1) Read his response to Martha when he received the itemization. Thanks for the update, however I have never been charged for a zoning secretary per meeting for a secretary paid a monthly salary by any other township, city, or village in Medina County.
- 2) I will await the decision of the trustees and Bill Thorne's opinion, as I have not been notified to pay additional fees for the next meeting on Nov. 18<sup>th</sup>, and there is a trustees meeting on the 15<sup>th</sup>. Naturally if I am advised to pay, it will be paid, but under protest as these applications are not a means to supplement your budget for salary paid in the regular course of business.
- 3) I have paid \$1,400 to date (2 \$500 application fees and 2 \$200 separate meeting fees. As it appears to me \$1,400 has been paid toward this application and there should be a \$600 credit.
- 4) I have only submitted one (1) set of actual revisions to the general business district code and to general business district PUD and those I recited at a former meeting. Those were reductions of size from 35 acres to 15 acres and even saying we would go down to 10 acres if that was necessary.
- 5) Reduction of the preliminary plan approval from 5 years to 3 years.
- 6) Reduction of final plan approval from 7 years to 5 years
- 7) Transfer of oversight from conditional to permitted uses as well as site plan approvals to the zoning commission to carry out the intent and purposes of the general business district and the general business district PUD to insure a streamline process is in place for approvals to be made in a timely fashion. This all came out of that work session that had with William Thorne either in September or October.

8) Other letters was solely examples of other means that the zoning could attack this matter if they don't want to pass a general business district or general business district PUD. Those were not suggested as revisions by me, they were simply provided as a curiosity to show alternative ways zoning could be handled IF the zoning commission would end up taking it back to county planning and have them re-write a text. They would have three or four different options they could look at. But I want to make certain that you know that the only thing I have currently pending before the zoning commission and ultimately before the trustees is the consideration of the general business district as revised and the general business district PUD which is part of that original plan. I respectfully request that you look at what has been paid, what has actually been done to date and directly related to my application and then state how much is left before we pay any additional fees. Thank you for the opportunity to address you and I will be glad to answer any questions, either of the three of you would have.

Trustee Likley- As I stated in my statement the revisions or options can be valuable to the board. I don't have a problem with that. My point is that it has added confusion to the board and it unfortunately added confusion to our residents. All I'm saying is: we have a responsibility to let our residents know that the application has come in and I want the opportunity for them to review that. I'm willing to absorb that cost at this point as part of the application fee to put that public notice out there that our residents realize that revisions, options, amendments, alternatives are available and they can come and see it. As far as the additional meeting fees my point is each of the meetings that have been held whether you call them a work session, workshop, informational meeting have all been for the same purpose, to gather information for this application and the process. The application deserves to have a public hearing. An application may have 3 lines as text amendment may only require 1 meeting but an application of this size there is no way that it could addressed in only one (1) public hearing – it's just impossible. So the additional meetings for this purpose have been implemented to realize that a large application of this size is going to warrant additional meetings. It's nothing against you, your applicants, your clients; it's to cover the cost of the township to proceed with a small application or a large application. Each of these meetings was for that purpose. Mr. Scheetz replied, I concur with that. The only difference we have is the interpretation of specific information or general information or me also paying ¼ of the secretary's fee. Trustee Likley: You are not paying for the secretary as far as I am concerned. You heard me read it. Mr. Scheetz: I heard you read it but that was not what was itemized. Trustee Likley: I did not itemize it. I also said that you shouldn't be charged for the Aug. 10<sup>th</sup> meeting, it was 5 minutes nor for the Sept. 14<sup>th</sup> meeting. Additional meetings for additional information do warrant additional fees to cover the cost of the board. Mr. Scheetz: \$1,400 does.

Trustee Likley: \$500 for postage, legal notice, zoning secretary (Text amendment)  
\$500 for postage, legal notice, zoning secretary (Map amendment)

Itemization of the other costs is irrelevant.

Mr. Scheetz: The \$500 is supposedly to cover the process not just the application.

Trustee Likley: There is nothing in the zoning fee schedule that says an itemized list will be provided.

Mr. Scheetz: I don't want to argue with you but it is against the county prosecutor NOT charging for a few of these meetings as they were general information and I know you have conflicting advise of how the question was phased.

Trustee Likley: All my information was not from residents but from meeting minutes.

Mr. Scheetz: And ignoring previous advice from the county prosecutor.

Trustee Likley: If it was for general information of that board; are they writing zoning text for this area? But they are not.

Mr. Scheetz: I have given them opportunity for two years to do so. I invited you to do that while even the other board was here and you chose not to do that.

Matt Witmer: Something that might help the residents and us is the web site. We could use the web site for the changes.

Trustee Likley: That was an option but our public notice policy states the daily newspaper is our official notice.

Trustee Oiler made the statement that it clearly states on the zoning fee schedule \$500 each for the text and map amendment which includes all the property searches that must be done, time involved in holding the meetings, and doing all the things that need to be done for that one public hearing. The zoning fee schedule also clearly states at this time that additional meetings and there is no ifs ands or buts distinction between those additional meetings will cost \$200 each. I have to go with what the actual fee schedule says that was approved in a public meeting.

Trustee Harris asked what does Stan owe.

Trustee Likley: He has paid for 2 additional meetings therefore he owes for 2 additional meetings in the amount of \$400.

**Trustee Likley made a motion to assess Mr. Stanley Scheetz (representative of the text and map amendment) \$400 (Oct. 26<sup>th</sup> & Nov. 18<sup>th</sup> @\$200 each) to be paid before November 18, 2010, seconded by Trustee Oiler. Roll call: Likley, aye; Oiler, aye; Harris, aye.**

#### RECORDS RETENTION SCHEDULE

In reference to the medical records we are unable to proceed because Mr. Thorne was doing some research for the township as to the length of time those must be kept and has been out of town all week. This will be postponed until the information is collected.

#### NEW BUSINESS

Cloverleaf variance requests as per letter from the Westfield Township Board of Zoning Appeals to the board of trustees (attached to the minutes for reference).

Variations:     Section 205.B(1) for 18 feet in height over maximum  
                    Section 205.B(7) that the fence be made of chain link wire mesh or metal pipe materials  
                    Section 205.B(1) for 2 feet in height over maximum

**Trustee Oiler made a motion to accept the BZA's recommendation of approval, seconded by Trustee Harris.** Discussion: Trustee Likley added clarification for the residents by stating: Cloverleaf School District

being a public entity does not pay any fees. The decision of the BZA ultimately comes back to this board for our approval because Cloverleaf Schools can come directly to this board. We have chosen that public entities go through the BZA and the processes to meet those approvals and then we still get the final say. It's a matter of approving the variances offered and approved by the Board of Zoning Appeals.

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

Resident Ken Beckman asked the status of the updated comprehensive plan. Why is it still dragging along? Trustee Oiler: We have sent the Updated Comprehensive Plan back to the Zoning Commission for public hearing and then they will recommend one (1) plan to the Board of Trustees. Then the Board of Trustees will hold a public hearing and then we will vote. The Zoning Commission public hearing on the Updated Comprehensive Plan is scheduled for December 7, 2010 at 7:30 pm. Mr. Beckman asked if there would be public comment at the November 18, 2010 continuation of the public hearing. This board could not answer that question as it will be up to the zoning commission that is holding the public hearing.

**ANNOUNCEMENTS**

Zoning Commission continuation of public hearing	November 18, 2010 @ 7:30 pm
Trustees Regular Meeting (Boy Scouts 100 <sup>th</sup> birthday)	December 6, 2010 @ 7:00 pm

**Trustee Oiler made a motion to adjourn at 8:20 pm, seconded by Trustee Harris. Unanimous  
Approved December 6, 2010**