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Westfield Township Trustees  
Regular Meeting  
December 20, 2010  
7:00 PM

Chairman 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.

Attendance sign-in sheet is attached in fiscal officer's office.

FIRE CHIEF REPORT

- Run report (attached) 29 total runs thus far this month
- Moved a lot of vehicles around and to get 164 inside. The trailer is setting outside.
- Front office is looking good. Westfield Group donated some office furniture and hoping to get some for the back office also. Took delivery on the 2 computers today and should be set up this week.

Trustee Likley asked if the trailer was secured and the chief replied it is not but we will take care of that. Trustee Likley asked about the Knox boxes for the elementary school and stated that we had bought some before and were they used. The chief answered that we will get reimbursed by the school but we had to purchase them. The previous order of Knox boxes were surface mounted and the school wanted recessed mount. The chief explained that the Knox Company has our code and other entities may purchase their own but our code must be in those boxes so we can get in if needed.

- Chief Fletcher introduced his wife, Vicki.
- Recognized and presented Heather Sturdevant with a service award for her service to the fire department during the interim when the department was without a full time fire chief. She kept up the billing for EMS runs. Heather stated we have a great group of professionals down at the fire house and are doing an amazing job and everyone really pulled together in the departments' time of need and now things are going great. It's wonderful and a great feeling. I talked with Buck Adams today and he brought up not only is he extremely pleased with our find with Chief Fletcher but also it wasn't just a good move for the village and the township but it was a great move for the county as well.

RESIDENT COMMENTS

Tom Micklas of 7360 Buffham Rd. (member of Board of Zoning Appeals) comments in brief:

1. Direction or lack of direction that we have gone in the past year particularly considering the Comprehensive Plan, text and map amendment that is facing the zoning commission. Can't see why it has taken almost a year or over a year for the adoption of the comprehensive plan. It's a good plan and what the people want and there seems to be tactics used to delay that plan from being put through the motions. We are now intermingling meetings with text and map

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amendment. I think this has been done on purpose to create confusion to discourage public attendance and participation.

2. Speakers have been scheduled, re-scheduled and cancelled.
3. Speakers were not given topics. I was surprised the December 14<sup>th</sup> meeting that every one of those speakers cancelled. I got curious and contacted some of the people that were supposed to speak at these meetings. Heather had mention Buck Adams. I spoke with Buck Adams; he told me that at no time has he ever been contacted to come to speak before the Zoning Board. I also called Bethany Dentler she stated she was contacted for the November meeting, which was cancelled. She found out on her own that it was rescheduled; she left a message at the township hall that she had a conflict and would not be able to attend. But at no time was she contacted about the re-scheduled date. I also asked what it was that she was supposed to address the board about. She told me that she had not received any information regarding the topic and the only information she's received was from Stan Scheetz.
4. This board needs to address this with the chair of the zoning commission, get some organization and follow through and clean this mess up and proceed in an orderly fashion and be transparent.

John Miller of 6089 Seville Rd. (a copy of the comments that were written is attached to the minutes in the fiscal officer's office)

1. Basically reiterating Mr. Micklas' comments and also called Buck Adams and Bethany Dentler last Friday morning.
2. I had requested audio of the 10-12-2010, one of our residents requested to place their personal recorder up front and was denied. We were told that the audio was working. I emailed Martha for a copy, she responded that the audio was not working that night.

Heather Sturdevant, chair of the zoning commission: Clarify some things that were said tonight that were absolutely false.

- 1) I received an e-mail from Martha from Bethany stating that she had a conflict that night. I left her a message telling her the night of the meeting and officially inviting her to that meeting. I have a copy of that e-mail.
- 2) In speaking with Buck Adams and Bethany stated they didn't need a copy of the application because they were well aware of what was happening with this application. Buck sits on the planning commission and Bethany being the Medina Co Economic Director has been well aware of this starting 4 years up to today. I will drop off that information to them.
- 3) No false information was provided to anyone.
- 4) These speakers were invited because in a work session with Bill Thorne, he stated that we should be inviting these speakers to get information to help us make a good decision.
- 5) Comprehensive Plan has been going on for a year, the reason it is back in front of the zoning commission now is because you guys wanted it there. It came back so don't blame the zoning commission because we are only doing what we were asked to do. There is a work session with the comp plan committee so they have due process and we are hearing them, we didn't have to do that, we could have voted at the last meeting but we chose not to. We chose to sit down

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with them and give them an opportunity to tell us what they wanted done and show us documentation to support what they want done. I have yet to see any documentation collected by the comprehensive plan committee other than they wanted more industrial. We are doing that job in trying to get documentation to support what we choose to do with area and making sure we make the best decision for the **township** not a handful of 28 or 32 residents. It is our job as zoning commission members to open –minded and take our time and do what’s right for this community. That is what my board is trying to do even though they are continuously getting attacked, threatened and slandered by a small group of people in this community trying to keep them from doing their job.

Carolyn Sims: Couple of quick things.

1. A lot of these things are being intermingled and I think it is appropriate for everyone to question how that is happening and the confusion that it has brought. We should adhere to what Bill Thorne had advised the board at a previous meeting to separate the issues and hold the meetings on a topic, especially on a public hearing where Mr. Scheetz had questioned the validity of his zoning fees. So I think it is important to keep the public informed and keep issues separate.
2. Heather was going to ask the trustees for postage money to send the committee members a letter informing them of the meeting and the concerns that we had about an outdated e-mail addresses as well as some of our residents do not have e-mail. I would like to ask Heather what the meeting would entail and that she do an agenda and provide them with the revisions to the work that they worked with a land planner for over a year to do so they can have intelligent comments and come prepared.
3. I was just made aware by Martha Evans that Scott Anderson is up for re-appointment and would be considered at the Jan. 3<sup>rd</sup>, 2011 meeting. Is he seeking re-appointment? Trustee Oiler stated he has no idea.

Sims: Typically someone asks if the person is seeking re-appointment, has anyone done that from the board of trustees?

Trustee Oiler, no I don’t think anyone has.

Sims: The reason I am asking and maybe all of you are aware although I believe Jim was –may not be is that at the public hearing on the development policy you had a resident stand and testify that Mr. Anderson had personally told him that he was in favor of the Greenwich Road re-zoning and spoke favorably on how that would affect his personal property in that vicinity. Were you aware of those comments at the public hearing?

Trustees Harris and Oiler answered, no.

Sims: I would like the board of trustees help me understand what it would take because I am considering according to ORC write charges and bring before the board of trustees and to hold a public hearing on that issue so that all of these comments can be vented at that public hearing in making a determination if Mr. Anderson should actually continue to move forward on the board. Would you explain to me the procedure of what I would need to include in a letter according to the ORC 519.04 and what you would want to see in that letter.

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Trustee Oiler: You have access to that and all citizens in the State of Ohio has access to that, read it, try to understand it, and do what it tells you to do.

Sims: Is that something I would need to bring to you before the January 3<sup>rd</sup> meeting?

Trustee Oiler: You can present it; I don't know if there would be any action taken

Sims: You need to read the ORC yourself then

Trustee Oiler: It will go before our legal counsel and he will let us know the procedure that we have to follow; OK? Resident comments are closed for the evening and the trustees will go about the business of the township.

Trustee Likley: Before we go forward the issue of the missing October 12, 2010 audio of the zoning commission needs to be addressed. Gary was asked to contact Kim and see if we could get a copy of the audio from her lap top. Martha stated Kim never takes the original; it is always on her desk in the zoning office. Trustee Likley: We need to identify the problem.

#### FISCAL OFFICER

- Bills in the amount of \$19,155.34.(copy is attached) **Trustee Oiler made a motion to approve the bills, seconded by Trustee Harris. Roll call: Oiler, aye; Likley, aye; Harris, aye.**
- Fund Status    Checking            \$291,158.27    Investment            \$538,232.50
- Correspondence – Letter from Solid Waste Facility on the disposal of Christmas trees

#### MINUTES

December 2, 2010 – **Trustee Oiler made a motion to accept the December 2, 2010 minutes as presented, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.**

December 6, 2010 – Trustee Likley had one correction- the spelling of the Eagle Scout's name should be *Brian Robbins*. The name occurred several times in the paragraph on page 1. **Trustee Harris made a motion to accept the minutes as corrected, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye.**

#### CEMETERY & PARK

Trustee Likley had written a 2010 cemetery improvements paragraph to be put on the township web site and wanted to run it by the board before placing it on the web site. The other trustees agreed that it was a nice paragraph and appropriate for the web site. Trustee Likley will submit it to the web master to be added to the cemetery page.

#### FIRE LEVY

Trustee Oiler mentioned that the township has received the estimated revenue a new 2.5 mill fire levy would provide annually to replace the 14 year old levy that generates \$78,898 per year. The new levy would create a fire district of the unincorporated area of the township and yield \$170,300 per year. This will enable the township to support the fire department and set aside funds for new equipment when needed because if a district is formed, general fund cannot supplement the fire district.

#### ROADS

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Lee reporting:

- Issues with the small truck
- Copies of quotes and specs for a 2011 truck the estimated cost will be \$82,000-\$85,000 complete.
- 3 weeks ago – 6 injectors \$3,100 and just before the snow storm had to have it towed because it would not run. The dealer warranted the work and it did not cost us anything. We were still without a truck but we got through it all right; luckily it wasn't a big storm. It is time to start to look into a new vehicle. We had money set aside for a truck last year at about \$140,000 so we should have the money available to purchase a smaller one next year because we won't get it that quick. It takes 6-8 weeks for the chassis and 2-3 months to get everything outfitted on it. We really need it before we get into 2011-2012 snow storms.

Trustee Oiler asked the board how they felt about submitting the specs to legal counsel. Lee mentioned that the bidder detail a cost for each item and then if the trustees decide they want to delete something they can and it gives the board the option after you get the quote in to change something. It is not always the low bid. The ad in the paper will also be submitted to legal counsel. Trustee Likley noted the information provided lists a poly blade and asked if that was what is being considered.

Lee: It is a 3/8 poly because the snow does not stick and there is a 60 pound difference between steel and poly. I am keeping my old spreader box.

## ZONING

Matt Witmer, zoning inspector reporting:

- ❖ Sent 3 certified letters: 2 with pools without permits. I had spoken with them back in June or July and they haven't gotten permits. One has come forward and will get his permit tomorrow. I haven't heard from the other one.
- ❖ The 3<sup>rd</sup> was to Morningstar Farms to advise them that they need to cease their advertisement for basically business there because they do not have the proper permits to do so yet. Last time I checked their web site was still up and prices were still there to rent and do things. I have not heard back from him yet.
- ❖ Received application from Idle Aire at the old truck stop at Lake and 224. They have an application from a planner in CA and it is a very professional job. We are waiting for a free slot on the zoning board for a site plan review. There will be BZA issues that need addressed once the site plan review is completed. What they want to do there is not a permitted or conditional use. They are looking to have everything out by June 2011, just a temporary storage place. There are things that they do not want to do as it is temporary like screening, planting of screening material along Lake Rd. things of that nature.
- BZA is having a hearing with North Coast Soccer December 28, 2010 on non-compliance of their conditional use.

Trustee Harris asked if this was the first letter to Morningstar Farms. Matt replied it is the second one.

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This was a follow up letter to the first advising that they need to come to us for a conditional use permit and they had not done that yet and I saw the web site was still up. Trustee Likley asked if he had a return receipt. Matt stated he has not received the return receipt as of today. Trustee Oiler asked if he received a receipt for the first letter and the answer was yes. Trustee Harris asked if he sent it also by regular mail and Matt only sent it certified with return receipt. Trustee Harris suggested you might want to send it both ways to cover ourselves. Matt feels that is a waste. If they don't pick up the certified letter then we can send it via regular mail. Trustee Harris asked Matt if he was in contact with Bill Thorne concerning this. Matt replied, yes. Trustee Harris: after your third letter I believe you could be able to site them.

Heather Sturdevant: Just a few items for you tonight

- At our last meeting it was requested that the zoning commission send out letters to members of the comprehensive plan steering committee inviting them to the work session January 4, 2011. I know Mark Majewski did send e-mail invitations to those members but there are some that do not have e-mail addresses or computers. I don't have a problem of doing that but I just want to request the funds to do it. Heather asked if they had a budget for something like that or do they need to come before the board each time. Martha stated there is an appropriation for postage. Heather will go ahead and tell Kim to send the letters.
- There was a big issue at our last meeting about our meeting cancellation policy. This had come up at a trustees meeting because of the weather. It was stated at that meeting if the schools close and the activities are closed for the evening that we will cancel our meeting. That next day the schools closed but the weather was relatively clear so I called each of you and asked what I should do. It's OK so let's move forward with it and we did. The next meeting we held and once again we had a snow storm and the school closed but it was sunshine by noon and the roads were cleared off so once again we had the meeting. It is my understanding that there were many community members that did not come that night because of the discussion that the schools were closed. I would like clarification of what our meeting cancellation policy is going to be so there is no question and that people know. I received a voice mail from Mr. Miller on Monday regarding the cancellation of this last meeting that if it was up to him we would cancel the meeting. There has been confusion about having meetings with different things together and not separating them. We did have the text and map amendment scheduled for our regular meeting night and Mr. Miller at that point suggested we cancel the meeting and schedule it for its own special date so we can charge the applicant and I still have that voice mail.
- We need a clear definition of what we doing with fees and are we are supposed to schedule these meetings on their own night, on a regular night I don't care either way but there needs to be some clear definition. We need some meeting cancellation policy that we all could adhere to that we and the residents know what that policy is.
- Zoning commission workshop December 21, 2010 at 7:30 pm with Bill Thorne. They will be discussing the Shemo case along with other legal issues that we may be dealing with.

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- Zoning commission workshop January 4, 2011 at 7:30 pm with comprehensive plan steering committee, Mark Majewski and Bill Thorne for an open dialogue and discussion concerning the comprehensive plan before the zoning commission votes on their recommendations.
  - Zoning Commission regular meeting will be January 11, 2011 at 7:30 pm which is the continuation of the public hearing of the comprehensive plan. We are having speakers that evening. We are having EPA come in that evening.

Trustee Likley: In that letter will you have in there what you are looking for?

Heather: We are looking for open dialogue and discussion and we are looking the reasons for the choices that they made when they presented the comprehensive plan to us. They are looking for clear definitions and choices that we made so we can have an open dialogue and discussion.

Trustee Likley: Will you prepare that letter?

Heather: Sure I can.

Trustee Likley: You prepare the letter and she can mail it. Just so the members that haven't been involved in it since it's been disbanded; the more information that you can give them, the more prepared they are.

Heather: We are not against anything necessarily that they recommended, our issues are we need documentation to support it. We have been doing research to try to get documentation to support the decisions we are making. If that documentation is out there, we are happy to receive it, we just don't have it yet. The 11<sup>th</sup> is the zoning commission regular meeting and continuation of the public hearing for the comprehensive plan. So after the work session then we are having a meeting for the zoning commission to discuss it, make any changes and vote if we get to that. EPA will speak that night and they requested more information today. They have to have lot numbers, lot sizes and shapes of the lots, soil density and types, which have been provided. They are looking at hypothetical situations like are you looking at businesses that have more than 26 employees or less than 26 employees. There is a lot of information that they need to complete this. Hopefully the more detail that we give them the better study we can get in the end and we will have better documentation to move forward whatever we decide to do.

January 25, 2011 at 7:30 pm the zoning commission special meeting; which is the continuation of the public hearing for the text and map amendment.

#### MEETING CANCELLATION

Trustee Oiler stated the township spends a lot to keep the roads passable for people to get in and out of the township, for people going to work and getting home and I see no reason for a cancellation policy unless the chairman of the committee or board should decide by 3 pm on the day of that meeting that the meeting should be cancelled because of inclement weather they may have right to do so. I am not going to depend on the schools.

Trustee Likley asked how you propose in letting the residents know the meeting has been cancelled. There was discussion on different ways to announce the cancellation of a meeting but no definitive policy was determined. Each board has their own by-laws and they should individually adopt their own

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policy. A notice on the door has been the announcement in the past and at this time that will remain. Trustee Oiler will look into the capabilities of our phone system if a message can be recorded from another location.

#### CLARIFICATION ON WHEN ZONING COMMITTEE MEETINGS SHOULD BE HELD

Trustee Oiler's opinion: meetings with an applicant should be held on a day specifically set aside for that topic and at the regular meeting should be for working on rules etc.

Trustee Harris asked about the initial review and acceptance

Trustee Likley: he believes that it is stated that it will be received and accepted at a regular meeting.

Legal recommendations were to set a specific date with an applicant to give attention to that topic only.

The regular meeting is for approving meeting minutes, general review of the business that they may have.

#### FIRE CONTRACT

Trustees Oiler and Harris have found the contract as amended is in order.

Trustee Likley asked if the contract had been sent to the village.

Trustee Oiler stated that Bill Thorne asked that this board review the amendments and approve the contract as amended before he would send it to Bill Hutson.

**Trustee Oiler made a motion that the fire contract be forwarded to village and their legal counsel for review and approval, seconded by Trustee Harris.** Trustee Oiler stated he would call Bill tomorrow.

Discussion: Trustee Likley: I will support the motion in spite of the fact I don't support the contract.

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

#### BOND COLLECTION

Trustees Oiler and Harris had not heard anything.

Trustee Likley: I requested that it be on the agenda. We have not heard anything that I was aware of.

We asked to have all communication sent to the township and was curious as to where we were on that.

In your conversation with Bill coming up, follow up on that.

#### NEW BUSINESS

Trustee Likley proposed a zoning text amendment and spoke with Patrice Theiken from planning services last week. She asked before I proceed with it to send it over to planning services for their preliminary review. My initial intent was to move forward with this at this level (trustees) and then to the zoning commission for them to work on. They have a lot on their plate right now and I will hold off on that now. I will hold on to this until I hear back from planning services.

#### ANNOUNCEMENTS

Special trustees meeting (Records Commission) Thursday December 30, 2010 @ 9:55 am

Special trustees meeting (Year-end) Thursday December 30, 2010 @ 10:00 am

Regular trustees meeting Monday January 3, 2011 @ 7:00 pm



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Zoning Commission Workshop Tuesday, December 21, 2010 @ 7:30 pm  
Zoning Commission Workshop Tuesday, January 4, 2011 @ 7:30 pm  
Zoning Commission Regular meeting Tuesday, January 11, 2011 @ 7:30 pm (continuation of Comp Plan public hearing)  
Zoning Commission special meeting Tuesday, January 25, 2011 @ 7:30 pm (continuation of text/map amendment public hearing)  
Board of Zoning Appeals Tuesday, December 28, 2010 @ 7:30 pm

**Trustee Oiler made a motion to adjourn at 8:18 pm, seconded by Trustee Harris. Unanimous**

**Approved with additions and corrections 01-17-2011**