

WESTFIELD TOWNSHIP TRUSTEES

Executive Session with Assistant Prosecutor Tom Karris/Pending Litigation

May 16, 2011

6:30 pm

Trustee Oiler opened the executive session at 6:30 pm. with Assistant Prosecutor Tom Karris present.

Trustees present: James Likley; Ronald Oiler; and Gary Harris

Trustee Oiler made a motion to go into executive session for the purpose of pending litigation, fiscal officer was invited to be present, seconded by Trustee Likley. Roll call: Likley, aye; Oiler, aye; Harris, aye.

Trustee Oiler moved to come out of executive session at 7:10 pm, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.

No decision made.

Regular Meeting

May 16, 2011

7:00 pm

Trustee Oiler opened the regular meeting at 7:15 pm by asking those in attendance to stand and Pledge Allegiance to the Flag.

Trustees present: Likley, Oiler, Harris.

Guests were welcomed.

FIRE CHIEF (copy of report)

- 20 runs so far this month
- May 15-21 is National EMS Week. Our department has 19 members as certified as EMS responders and responded to 330 emergency medical calls & motor vehicle accidents last year
- This week Time Warner Business Class to transfer our land phone lines which will save us about \$100 per month?
- Copies of our new reports
- Currently the department bills for EMS runs only. Life Force has recommended looking into billing for motor vehicle accidents which is covered by most insurance policies. Chief is in the process of looking into this as it could possibly provide additional \$10,000-20,000 annually.
- Ambulance had a battery malfunction and was out of service for 2 days
- Jaws of Life didn't seem to have the strength and they are warranted for life. The unit is being re-built at a cost of \$100 shipping fee one way. The department has a loaner for the time being.
- Fire department is helping with the 5K run that Lodi Hospital is having this week end at the park.
- Trustee Likley asked for the amount that has been billed and what has been received.
- Lodi Hospital is still looking into the ems Charting program and the chief is looking at a grant for the ems Charting program.

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FISCAL OFFICER

- ⊕ Bills to be paid in the amount of \$11,772.97 (copy is attached) **Trustee Likley made a motion to pay the bills, seconded by Trustee Harris. Roll call: Oiler, aye; Likley, aye; Harris, aye.**
- ⊕ Fund Status (copy is attached) Investment \$516,469.81 Checking \$281,963.53
- ⊕ Correspondence:
 - a) Medina County Emergency Management 5 year update of mitigation plan. A CD was provided and 2 dates to discuss this plan. They are asking for at least 1 representative from this board. Trustee Likley will attend June 9th and Trustee Oiler will attend June 6.
 - b) Medina County Commissioners – application for community block grant

RESOLUTION 2011-11 A RESOLUTION REQUESTING THE MEDINA COUNTY AUDITOR'S OFFICE TO ESTIMATE FIRE LEVY REVENUE

Trustee Oiler made a motion to adopt RESOLUTION 2011-11, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.

MINUTES May 2, 2011

Trustee Harris had an addition on page 5 12th line add the word “*think*” after I don’t.

Trustee Likley had additions on page 3 (under topic April 8th minutes) page 7 add his written additions which are attached and reflected in the May 2, 2011 minutes

Trustee Likley made a motion to accept the May 2, 2011 minutes as amended, seconded by Trustee Oiler. Roll call: Harris, aye; Oiler, aye; Likley, aye.

Trustee Likley had a question regarding the April 8, 2011 minutes. He referred to the memo from Bill Thorne as to how the minutes should be amended if they have already been approved. (copy of the memo is attached and in the prosecutors file). Correction was made.

CEMETERY & PARK

Trustee Likley will review the information that was sent to the trustees concerning the scanning of cemetery maps to be on the county engineer’s web site and present information at the next meeting.

ROADS Lee Evans reporting:

- ✓ Quote for upgrades on the roads was given to trustees
- ✓ Level Garman at a cost of approximately \$3,264 and smooth out 2 culverts
- ✓ New truck at Newell’s being outfitted (possibly get it back next month)
- ✓ Started mowing today while weather is cool
- ✓ Crumbley started moving trees at the Buffham Rd Railroad crossing in preparation for gates and lights (if approved) the crossing is opened up quite a bit
- ✓ Discussion on the OPW grant for curve on Buffham Rd. That curve will be super elevated, increase existing pavement and shoulder width, guardrail, enclosing roadside ditches, grading, seeding and stipulated traffic control. Issue I grant is \$91,520 with remaining to be paid out of

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Road and Bridge Fund at an estimated amount of \$35,000. There isn't any hard numbers at this point. The fluctuating oil price is part of the delay. If trustees see that the cost to the township is not in their budget they can forfeit the grant. This is the reason Lee is not moving on the other upgrades until he sees what this project is going to cost. Kennard Road definitely needs to be done this year. It is coming apart.

- ✓ The sealing product used on Buffham and Westfield Valley a few years ago Lee is not impressed with performance. Part of the problem at the time of asphaltting north side of Buffham the plant was having issues with mixing the asphalt.

RESOLUTION 2011-12 A RESOLUTION FINDING THAT PUBLIC CONVENIENCE AND WELFARE AND REQUIRES THE IMPROVEMENT OF BUFFHAM ROAD (T.R. 72) BETWEEN LAKE ROAD (C.H.19) AND BALLASH ROAD (T.R.85) IN WESTFIELD TOWNSHIP BY IMPROVING SAID ROADWAY AS DESCRIBED HEREIN

Trustee Oiler made a motion to adopt RESOLUTION 2011-12, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.

RESOLUTION 2011-13 A RESOLUTION FINDING THAT PUBLIC CONVENIENCE AND WELFARE REQUIRES THE IMPROVEMENT OF BUFFHAM ROAD (T.R.72) BETWEEN LAKE ROAD (C.H.19) AND BALLASH ROAD (T.R.85) IN WESTFIELD TOWNSHIP BY IMPROVING SAID ROADWAY AS DESCRIBED HEREIN AND TO ACCEPT PLANS PREPARED BY MEDINA COUNTY ENGINEER AND AUTHORIZE COMPETITIVE BIDDING AS SOON AS POSSIBLE

Trustee Oiler made a motion to adopt RESOLUTION 2011-13, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.

ZONING

Matt Witmer reporting:

- ❖ Morningstar Farms Ministry had their hearing at the Medina County Health Department this evening. The Medina County Board of Health decided they are a day camp and should be regulated as such. Morningstar Farms Ministry now must get a site plan to health department. Township needs to have health department to say things are looking good before the township BZA hears the conditional use application. The board of health cannot give their full approval until the Township has issued a zoning certificate and then go back to health department for final approval. Day camp definition: any facility which is being primarily utilized for the purpose of camping. Indoor, indoor or outdoor activities, and exists on any tract of land together with any buildings or other structures pertinent to its use but does not require an overnight residence. A day camp does not include the following.....
- ❖ North Coast Soccer-Bill Thorne is coordinating a meeting with Mike Sweeney, Willie, Bill Thorne and zoning inspector. Matt has not heard anything concerning the meeting. North Coast Soccer had a 2 day soccer tournament last week end. During the day there were deputy's there but last

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night I came home and there was still a lot of cars in the parking lot and people were pulling out in front of me.

- ❖ 7552 Seville Road – James Lesiak was present. Mr. Lesiak restores old railroad items and there is what appears to be junk in the yard. Mr. Lesiak is in the process of securing a site in Lodi by the CSX railroad where Medina Supply used to be. He is working on getting a signed lease where he can store equipment and materials. There have been 2 phone calls from neighbors complaining about the yard. Matt stated he is sorry but he has been told that he should not bring this stuff in so that is an issue. It looks like a junk yard right now. A letter that was written to Mr. Lesiak last year is on file. Matt asked the trustees how they want to see him proceed. Mr. Lesiak came forward. A lease was presented to the trustees to look at. It is 5 parcels of property to store equipment and materials. Mr. Lesiak apologized for the mess. When I lost my job I started my own company doing work for Medina County, State of Ohio and CSX. I will 100% guarantee that this material will be removed this year and will be on site on my new location and it will never be an issue ever again. To store a railroad tie I have to get involved with EPA, Homeland Security and including OCEA and FRA. I am contracted to remove this material and I in turn sometimes sell, donate, scrap, and refurbish the material. The items that I take down are antique, the turn of the 20th century items. He hopes to have the 5-year lease signed and have the material moved in a month but requests a time frame of 6 months. I may bring a piece of machinery home to repair it.

Matt: I sent a letter 4-27-10 concerning the zoning violations and he was cleaning it up and I thought he was on the right path. I went by the property May 1, 2011 and it had reverted back to where it was before. I have been in contact with him by phone. He was cooperative in the last endeavor to get things cleaned up.

Mr. Lesiak: I have one full time person and am getting ready to hire 4 more full time people. I was waiting until I had a contract in place and the work. Matt asked that Mr. Lesiak read the zoning code for home occupations as it allows only one full time employee if the work is done on the property. He is not planning to operate the business from the property or residence. Trustee Likley's take on it is: you are aware of the issues and concerns of the township and if you would provide some of your statements that you made this evening, your intent, your direction, give us a time frame and put it writing to this board and to Mr. Witmer. Understand that after the time frame the township will pursue. We might have to address by letter some of the concerns to get the process started so that after the 5-6 months and you still are not moving forward we don't have another 3,4,5 months to see any progress. I think it warrants communication of our concern from Mr. Witmer also from legal counsel to start that ball. As long as you understand that this is a violation and a concern. Communicate with the zoning inspector, Matt Witmer.

Mr. Lesiak: I understand and not a problem. You will have the letter by next Monday.

- ❖ Pool issue at the corner of Buffham and Ballash. Trustee Harris talked with owner and was told he had to either raise the fence up 10 inches or apply for variance. I did not give him a time

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frame. Trustee Harris suggested that Matt Witmer get a letter out to the property owner. The section of fence is about 12-15 feet long. Property owner asked Trustee Harris in March if he could mirror the deck railing and Trustee Harris said yes he could. When he put the railing up he mirrored it in height also and that was when we reminded him it needed to be 48 inches in height.

- ❖ Greenwich Road-agriculture building that is not being used as agriculture: Matt talked with Bill Thorne and he basically said he would have to apply for a variance because there is not a house on the property. Owner stated to Matt whatever I have to do I will do. He does not want to build a house there right now until he knows what will be going on in the area as re-zoning. Also discussed with Bill is the drive that serves both properties. It was in the deed but Bill said just because it is in the deed it does not supersede zoning.
- ❖ Hughes agriculture barn. Nothing has been done about this because Matt has been busy with all the other issues. I am trying not to over load Bill. There is another property owner who wants to build an agricultural building right next to this one and is looking for a variance to be 10 feet off the property line.
- ❖ Idle Aire- Matt has communicated with them on the phone about 3 or 4 times. They were to get back to Matt Friday with an updated site plan. They need to get the site plan to county engineer's office because of the entrance and exit.

Heather Sturdevant reporting:

1. Matt, Kim Ferencz, Ron Oiler and I attended the all day zoning course last Friday. It was a fantastic course. All attendees were provided with a zip drive with all presentations on it. So we can now put on a session for all of our board members so they can meet their training requirement. All the things that were covered is what we are dealing with now in our township.
2. Zoning Commission will have a special meeting tomorrow May 17, 2011 @7:30 pm to discuss the Comprehensive Plan and from there we will be looking at some of the items that was discussed at our last meeting (swimming pool issue, definition for "junk", windmills, internet sweepstakes cafes, and outdoor wood burners).
3. FIRE REPORT We were unable to pass the fire levy, however we have chosen to take a positive approach realizing just a little over 250 out of 1,092 registered voters actually came to the polls. We did not have time to get to the core of the community. We have identified some areas that we can do better and positive we can get this levy passed with different things that we can do. I have been working on this with Chief Fletcher and the fire association. One is to get more people involved. One thing we are lacking is each time the fire department has an event it is always in the village. A lot of people in the unincorporated area of the township don't have the feeling of who our firefighters are. It is a lot easier to support a levy when you feel connected to that department. We will be having a series of events early this summer in the township. We thank all those who helped in promoting this levy.

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BOMBARD LETTER

Trustees received a letter from Mr. Thomas Bombard signed by neighbors the Hights and Campbells. The letter was discussed at the May 2, 2011 meeting and the board decided to table any action until after the November election. Trustee Oiler talked with Mr. Bombard over the weekend and understands where we both stand and why I feel the way I do and I know how he feels. Is there any change in this board's mind based on the decision the board made at the May 2, 2011 meeting?

Trustee Harris would like to move this up from the November date to July because they have raised some legitimate concerns. I would like a little bit more time to think about this and get it handled before November. Trustee Likley asked what the intent of the target in July. Trustee Harris: to make a motion to grant them the zoning change. Trustee Likley: We can't do that.

The initiation of changing Zoning District or text amendment of the Township Zoning Resolution is as follows:

1. Motion of Township Zoning Commission
2. Passage of Resolution by Township Trustees
3. Application filed by Owner/Lessee

Trustee Harris' intent is to have the trustees initiate a zoning change for these four properties and have it implemented prior to the November election in the event the referendum passes possibly re-visit this issue July 5th, 2011. Trustee Harris will work with Mr. Thorne to have the language for a resolution addressing this zoning change. Trustee Oiler will send a letter to the above referenced property owners that Trustee Harris has asked this board to consider initiating a resolution to change their property to Local Commercial as requested at the trustees regular meeting July 5th.

A discussion was held concerning the timing of this zoning change as it could trigger spot zoning.

Trustee Oiler made a motion to move the trustees first meeting in July from July 4th (due to it being a holiday) to Tuesday, July 5, 2011 at 7:00 pm, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.

OLD BUSINESS

Trustee Likley made a motion to allow public comment at the trustees meetings, seconded by Trustee Oiler. Discussion: Trustee Harris: things have settled down since we have not had public comment so I would like to continue the ban. Trustee Likley: Well, if people aren't allowed to say anything there is nothing to hear. When the motion came out to remove public comment from the meeting it was a disservice to our residents, they deserve to have the opportunity to ask questions. I know they can request to be on the agenda. I don't know that our residents have an idea of what is really gonna transpire from the agenda. They should feel free to be acknowledged and address this board respectfully and at least get a response and an answer. It is an important part of the democratic

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process. There has been one person asked to be on the agenda and wasn't given the opportunity – doesn't matter who it is. We can continue by a vote.

Roll call: Harris, no; Oiler, aye; Likley, aye.

Trustee Oiler stated "we can try this again and things have settled down but if it continues as it has in the past we will take care of it again.

NEW BUSINESS – Nothing

ANNOUNCEMENTS

Zoning Commission	Comp Plan	May 17, 2011	7:30 pm
Trustees	Regular Meeting	June 6, 2011	7:00 pm
Zoning Commission	Regular Meeting	June 14, 2011	7:30 pm

Trustee Likley requested to address the memo from Bill Thorne regarding the process or procedure to adjourn a meeting. At the last meeting you stated that it was not necessary for a motion, second and vote for adjournment. Contrary to that statement Mr. Thorne's letter (again the letter is in the file in the fiscal officer's office) stated " if the Board has authorized a trustee to declare a meeting adjourned then he has such authority. If not, the meeting would be closed by motion, second, and vote. How the Board chooses to terminate its meetings is the decision of the Board itself".

Trustee Oiler: Again he has issued a second opinion. To the board and to the residents: in a meeting I had with him when we were discussing all the items that needed to be done properly for the referendum. I did not solicit from him but he told me specifically that you have the right to adjourn the meeting. I questioned that. On a different occasion he had told Martha the same thing. So based on his response to me I conducted myself that way on May 2, 2011. Since then we have a second opinion and the second opinion says we will make a motion, second, and vote and I respect that and we shall do so. I stand corrected and apologize to this board and to the residents of this community.

Trustee Likley: Refers to the authority statement above in Mr. Thorne's letter. If there is a disruptive meeting then that is different.

If there is no other business to come before this board

Trustee Oiler made a motion to adjourn at 9:24 pm, seconded by Trustee Harris. Roll call: Likley, aye; Oiler, aye; Harris, aye.

Approved June 5, 2011