

Westfield Township Trustees
Regular Meeting
July 1, 2013

Trustee Harris opened the meeting at 7:00 pm by asking those in attendance to stand and Pledge Allegiance to the Flag followed by roll call.

Trustees present: Ronald Oiler, Gary Harris, James Likley and Fiscal Officer, Martha Evans. Other guests: Lisa Nichols from the Auditor's office, Mike Schmidt, Bill Thombs and Gayle Foster from The Post.

AUDITOR'S REPORT

Lisa Nichols reporting:

- a) Updated the brochures in the lobby
- b) July 12th the 2nd half property taxes due
- c) A letter with the revised proposed property values will be sent out soon. Property owners will be given an opportunity to challenge the proposed property values by going to the auditor's office or by attending a meeting in the area. The auditor will hold a meeting at the Westfield Township hall Oct. 10th. The hours will be announced at a later date.

FIRE DEPARTMENT

- **Resolution 2013-16 A resolution disposing of 1981 Pierce Pumper that has been decommissioned and for sale by internet auction. Trustee Likley made a motion to adopt Resolution 2013-16 and seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye.**

CEMETERY & PARK Lee reporting:

- The grass seems to be coming up in the park. If there are spots that may need a bit more grass seed, Lee will put the grass seed in. Lee and Trustee Oiler recommended that the 10% balance owed to Premier Concrete be paid.
- There will be a burial Wednesday
- The cemetery is being mowed now
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ROADS Lee reporting:

- ❖ The dump bed will be sold by internet auction
- ❖ Lee has been crack sealing; mowing; and will meet with the engineer on how to attach the spreader on the new bed for the Peterbilt
- ❖ Trustee Likley received a phone call that the engineering firm for Verizon will walk the site Tuesday. There are 9 pages to be completed by someone from the township and sent to the engineering firm.
- ❖ Trustee Oiler announced that the township has received paper work from the Ohio Public Utilities Commission that the railroad lights and gates for Buffham Road will be completed by June 5, 2014. The township's cost is 6%.

- ❖ Lee is pursuing Issue 1 funding for a 54" culvert on Kennard Road. The cost is approximately \$125,000 to \$150,000 and our portion will be 25-26%.
- ❖ **Resolution 2013-15 A RESOLUTION DISPOSING OF DUMP BED BY INTERNET AUCTION** Trustee Oiler made a motion to adopt Resolution 0213-15 with a minimum bids of \$2,000.00, second by Trustee Likley. Roll call: Harris, aye; Oiler, aye; Likley, aye

ZONING Trustee Harris reading Zoning Inspector's report which is attached

- Zoning Inspector, Matt is with his family during a family crisis
- Nothing new on the Lesiak property.
- No work on Hughes letter
- Workshop was held with Zoning Commission and Assistant Prosecutor Bill Thorne.
- Heather reporting: Hoping to have a public hearing July 9th if it's been advertised. (Amendments to the Highway Commercial District (HC). At the July 9th meeting Bill Thorne is scheduled to attend the meeting to discuss the base line site plan for North Coast Soccer front parcel.
- Who does the site plan review (Zoning Inspector or Trustees) Bill used case law either the zoning commission or BZA.
- A letter was received from Timothy Kratzer's attorney, Forrest Thompson asking for a refund of the \$200 paid for the meeting June 18, 2013 and that the \$200 additional meeting fee be waived for the July 16, 2013 and if needed July 17, 2013.
 - ✚ Trustee Harris: I believe we should honor the request
 - ✚ We have not charged North Coast Soccer or Morningstar Ministries
 - ✚ They were ready and the township's BZA continued the meeting due to the time element
 - Trustee Oiler: I believe we should honor the request
 - In the past if it is not the applicant's fault we did not charge. I believe we should refund the \$200 and waive the additional fee.
 - The BZA is doing an excellent job.

Trustee Oiler made a motion to refund the \$200 paid and waive the additional fee for the July 16 and if needed July 17th meeting, seconded by Trustee Harris.

DISCUSSION:

Trustee Likley's reasons for not supporting refunding the \$200 and waiving the additional fee for the July 16 & 17th additional meetings.

- Time table: 1st meeting was continued due to the applicant asking for 2 board members to recuse themselves and legal counsel needed time to review the issue. 2nd meeting was continued due to the hour of the day 9:30 pm. Information provided and gathered. 3rd meeting was 4 hours long and the time should be reasonable and information needed to be reviewed.
- A review of the amending of zoning fees from 2000 to 2010. The additional fee for additional meeting was adopted in 2000 and amended in 2008 to increase from \$150-\$200.
- Reference township special meeting 12-2-2010. According to Mr. Thorne, legal counsel the township has the right to recover expenses and all costs.

- Trustee Likley asked the following question: In review of our fee schedule, is it not fair and equitable?
 - Trustee Oiler answered it is not fair at all
 - Trustee Harris answered not fair at all if applicant is ready
 - Trustee Likley countered by stating if it is unfair, change the fee schedule and not waive the fee. If it is fair and equitable, charge \$250 for one meeting maybe. Acknowledge some of the costs and attempt to cover the township's costs. I will not support the waiver of fees. Trustee Likley stated more than once during the discussion that he feels waiving the fee is an abuse of power.
 - Trustee Oiler countered by stating the applicant deserves due justice.

Roll call: Likley, no; Oiler, yes; Harris, aye. Motion passed 2-1 to refund the \$200 previously paid and to waive the additional fee for the July 16 & 17th meetings.

- Zoning fees will be discussed at the next meeting.
- Trustee Harris reported since he sent out the application information about the demolition grant (Moving Ohio Forward) to 6 residents he had 4 return calls: 2 on Clayton St. have sent applications to Planning Services; 2 do not want the grant. The remaining 2 did not respond.

FISCAL OFFICER

- ✓ Bills in the amount of \$10,496.67 were presented to be paid. **Trustee Harris made a motion to pay the bills as presented, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, aye; Oiler, aye.**
- ✓ Also presented were the following reports: fund status, cash summary by fund and fund status.
- ✓ A \$50,000 CD will mature 7-11-2013. The new rates for a 13 month CD will be .44%; 6 month rate at .25% and a 3 month rate is _____. The checking account at this time is earning .10%. A discussion was held and **Trustee Likley made a motion to go with the 13 month at .44%, seconded by Trustee Oiler. Roll call: Oiler, aye; Harris, aye; Likley, aye.**
- ✓ Correspondence: John Gladden from Cloverleaf sent a notice concerning solicitors that have been canvassing the school district selling educational materials and/or services. These sales representatives have no affiliation with, and do not have the endorsement of Cloverleaf Schools.

June 17, 2013 minutes

Trustee Likley presented written additions to the minutes which are attached to the minutes in the fiscal officer's office as well as e-mails presented for attachment. Fiscal Officer replied that the minutes should be accurate and portray a factual description of the business that is conducted at the meeting. It does not need to be inflammatory, childish or derogatory, therefore she did not agree with the additions.

Trustee Likley made a motion to amend the minutes with the written additions. Motion dies for lack of second.

Trustee Harris made a motion to approve the minutes as presented, seconded by Trustee Oiler. Roll call: Harris, aye; Likley, no; Oiler, aye.

OLD BUSINESS

❖ Barking Dog Resolution 2013-14

1. Trustee Oiler: The resolution addresses the entire township and feels it should be only in the SR (suburban residential) District. We have had only 1 complaint. Trustee Oiler gave 2 amendments to the resolution.
2. Trustee Harris: Right now it gives the sheriff something to use if there is a complaint. It will make dog owners more responsible.
3. Trustee Likley: It is too intrusive and as it is presented I will not support.

Trustee Harris rescinded the motion made June 3, 2013 to adopt Resolution 2013-14 because of a concern that it is township wide, seconded by Trustee Oiler. Roll call: Oiler, aye; Harris, aye; Likley, aye. This issue will be tabled until it comes back from the prosecutor’s review.

- ❖ Trustee Harris referred to the letter from the prosecutor’s officer answering the question if the township had a right to clean up and recover the costs of abatement and cleanup of hazardous conditions and materials resulting from the operating of a clandestine drug lab. (letter is attached to the minutes in the fiscal officer’s office)
- ❖ Trustee Likley reported that Ron Ferguson representing Verizon Wireless stated the written survey was back in the office and we should be seeing a contract within the next 30 days.

NO NEW BUSINESS

ANNOUNCEMENTS

July 1, 2013	Trustees Regular Meeting	7:00 pm
July 9, 2013	Zoning Commission Public Hearing & Regular Meeting	7:30 pm
July 15, 2013	Trustees Regular Meeting	7:00 pm
July 16, 2013	BZA continuation of the Kratzer Use Variance	6:30 pm
	<i>(if needed, may continue July 17, 2013 at 6:30 pm)</i>	

PUBLIC COMMENT

1. Heather Sturdevant resident
 - a) Zoning fee schedule and money refunded. It depends on why the meeting was continued. If it was due to the request of the applicant or the township. You should clarify in the fee schedule and be able to do case by case.
 - b) In reference to the addition to the minutes – Yes, minutes should not be inflammatory but the township should consider lengthen the retention schedule for audios. The board members are elected and the residents have a right to know how their elected officials behave.
2. Trustee Likley – The prosecutor advised not having a public hearing on a regular meeting evening. You can’t charge an applicant for a meeting you are going to have anyways such as a

regular meeting. We were attempting to charge an additional fee for a public hearing and work sessions that were held on regular meeting nights. That's why an additional fee was refunded. Bill's discussion was taken under advisement.

3. Bill Thombs resident – Referring to the refund of zoning fee and waive additional zoning fee.
 - a) Holding a meeting on Saturday for all day is not fair.
 - b) When you have a policy, follow it or you may as well not have a policy. If you don't like it; change it and follow it.

There being no further business to come before the board, **Trustee Harris adjourned the meeting at 8:45 pm seconded by Trustee Oiler. Unanimous**

Approved August 5, 2013