

WESTFIELD TOWNSHIP
JUNE 2, 2006 MINUTES
BOARD OF TRUSTEES

RECORD OF PROCEEDINGS
MINUTES OF THE WESTFIELD TOWNSHIP BOARD OF TRUSTEES
SPECIAL MEETING HELD JUNE 2, 2006, @ 1:00 P.M.

Chairman Tim Kratzer called the meeting to order at 1:00 p.m. Roll call indicated all trustees were present: Jeff Plumer, Carolyn Sims and Tim Kratzer. Board of Zoning Appeals member Ron Oiler was also in attendance. Marlene Oiler was acting as secretary pro tem for this meeting. Chief Assistant Prosecutor William L. Thorne came at approximately 1:15 p.m.

ODOT Informational Meeting

Carolyn Sims presented her draft of the ODOT meeting invitation for Tim and Jeff to review. The ODOT informational meeting is scheduled for Tuesday, June 27, 2006.

Service Road/Mike Salay

Chairman Kratzer stated that the initial reason for the special meeting was to meet with Mike Salay about the service road that they were going to build but Salay found out that he had another commitment and cannot attend.

Westfield Landing Road

Trustee Kratzer stated the reason for the meeting today was that he wanted to propose that the township trustees petition the Medina County Commissioners to vacate a portion of Westfield Landing Road that is approximately 210' from the end of the cul-de-sac bulb proposed for the upgrade to the end of the road right-of-way at Chippewa Lake. He got that figure from the Medina County Engineer's Office. He has talked to Assistant Prosecutor Thorne and Thorne said that since the trustees are proposing this vacation that these three lots which it affects can still be grandfathered as non-conforming lots and that we would be able to allow the property owner to attach this 60' right-of-way to this lot along the lake and make it a rear lot conforming to our zoning and bringing the 60' out to the cul-de-sac bulb. That way it would also help when the road was built as it would stop people from coming down to the lake because this would be a private access and he could gate the right-of-way because now he's telling me there are people going back there and launching boats on the lake and they don't have lake rights. Grubbis's are going to pay for the upgrade of the road and they have verbally agreed to do that but we need it in writing before we do the upgrade and there is no sense in vacating this road if they are not going to agree to it. We need to get Bill to write up a contract/agreement so when the vacation takes place they will know they are tied into continuing on with it and that way we are covering all bases.

Jeff asked about a timetable as to when would the construction of the road start and when would the reimbursement to the township be made. Joe Grubbis told Tim that he had contracts on two of the lots now and once the road is started the contracts will be signed and money will exchange so that money should be forthcoming at the beginning of the road construction.

Carolyn had zoning concerns as to non-conforming lots (Section 203 street frontage and also 303 H. 4.) as to physical barriers or typographical complications in fulfilling this access drive requirements for the back lot.

There was discussion and review of the property maps.

Trustee Kratzer made a motion to petition the Medina County Commissioners to vacate 210' of the North end of Westfield Landing Road with the contingency that we get the ruling in writing from Assistant Prosecutor William Thorne and that Assistant Prosecutor Thorne get with the Grubbis brothers and get the agreement in writing to upgrade the road and reimburse the cost of the road upgrade to the township.

Jeff Plumer moved to amend the motion by adding "and to get in writing from the Grubbis's of what is and was the ownership of the whole subdivision lots as of 8/10/98."

Carolyn Sims seconded the amended motion.

Roll Call Vote:	Jeff Plumer	Yes
	Carolyn Sims	Yes
	Tim Kratzer	No

ODOT Staging Area

There was discussion about the ODOT staging area for all necessary services for the State and the improvement of the intersection. Assistant Prosecutor Thorne stated that when the State or any political subdivision is going into another political subdivision, the general rule is that you are supposed to attempt to comply with local zoning but they don't need to get variances or make an application. If there are limitations or restrictions in your code they are supposed to try to meet those. If they cannot, the court expects them to come and discuss it with the board so hopefully the two groups can decide where the best public interest lies for a temporary time. If not resolved, you can go to court. You're supposed to try to work it out. If the State is ripping up this whole area where they are dumping the dirt there is nothing you can do about that. First of all it doesn't bother the zoning code to fill up land. It may violate Stormwater, Corp of Engineers or something but not zoning. Each one depends on whether it benefits the State or if it benefits the individual contractor.

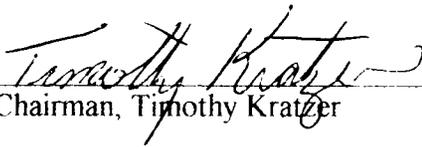
Cemetery Properties Legal Status

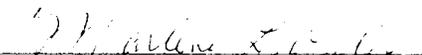
There was also discussion with Assistant Prosecutor Thorne relative to the legal status of the two cemetery properties that are located in the Village of Westfield Center. It would

be up to the township and/or village to determine if a deed would be prepared to transfer the properties to the proper entity but there already may be in existence an agreement regarding the upkeep of the cemeteries. Assistant Prosecutor Thorne had faxed information earlier to the township about this matter but Trustee Sims had been expecting some additional information in writing from the Prosecutor's Office.

Adjournment

The meeting was adjourned at 2:30 p.m.

x 
Chairman, Timothy Kratzer

x 
Marlene L. Oiler
Secretary pro tem