

Trustee Plumer – There will be a zoning appeals meeting here on December 11th at 7:30 p.m. and what the zoning appeals is doing is revisiting two people who after applying for a variance to allow them to build a building on the property prior to building a home did exactly what they thought they would do which was to build the building and then not build the house. So they are bringing these two folks in to show cause and if they have a good cause they will let them go probably but, if not, they may have to take some remedy and that is exactly what the problem is. We have a number of people who want to build their building to store building materials, etc. and then they just never get around to building the house and I think they just approved somebody for that.

Chairman Kratzer – Yea, the guy across from me with the tree farm (agriculture).

Trustee Plumer – Which is fine – he applied for it and told us what he was going to do now and we'll just keep track of these folks and if they don't comply we can bring them in again.

Trustee Plumer – Lee is not here but in my box there were some estimates for some fencing. The only thing I could surmise in that some was chain link fencing and then there was some plastic fencing.

Chairman Kratzer – I think the plastic fencing was around the ...

Trustee Sims – The chain link was around here (fuel tanks) and the plastic fence – we took the fence down at the parking lot at the cemetery to paint the parking and then to keep residents from going over into the ditch we were going to get an estimate to extend the fence the duration. It was nothing pressing.

Trustee Plumer – I got a hold of the people who did the original fence work out at the cemetery so we got estimates from them when we do make a decision. Now the fuel tanks out here, don't they have to be done?

Jack Snoddy – They need to be done. I think Lee already has the automatic shutoff for that part of the building but that should be done.

Trustee Sims – We need to look at restoring that fence and we need a fence that matches the one that we had.

Chairman Kratzer – Any more on zoning? I want to move down to old business. Bill is still here and Lyn Methlie is in the audience. I talked to Lyn Methlie and Joe Grubbis and we need to get this contract drawn up between the Grubbis brothers for Landing Road and the Grubbis brothers have agreed to give us 100% of their profits until the road is paid off but they would like to have three years from the time we start the road to do that due to the fact that we didn't get started on the road this year and they may have lost some sales because we didn't get that road started. So if I could get an approval to accept 100% of the profits from the lot sales until we get the road paid off in a three-year period

I could get Bill to work up a contract with them and proceed to vacate 210' of road that we need to vacate to finish it.

Trustee Plumer – The estimated cost of the road was?

Chairman Kratzer – Around \$150,000.

Trustee Plumer – So who is responsible for the loss of interest on the money for three years – is that our cost then. They pay us back 100% but it's our money that's sitting out there.

Lyn Methlie – Actually the first lot that is in contract you will be holding an overage of their money and they have not asked for interest on the money that you would be holding that you have not yet spent – it's in two parts – the road. The first part would be for in full from the proceeds of the first lot as soon as the road is started so we would be ahead of you.

Chairman Kratzer – As soon as the road is started then they can finish the contract on the lot.

Trustee Plumer – I didn't realize the road was being in two parts. Are you talking about rough grading and finishing.

Chairman Kratzer – Well we were initially going to do the grade work and then chip and seal, two chip and seals. Let the grading settle and then go in and motor pave the next year. Depending on when we start on the road - that was if we did it this fall – that way we could get the road open. Now if we don't get started until next spring we may do it all in one summer but that depends on the highway engineers and how they lay it out. I haven't talked with Fred Boreman lately but they were working on a final figure.

Trustee Plumer – So they are still not ready?

Chairman Kratzer – No, but we need to have this stuff move forward so when they do get those figures to Bill he can put that together and get a contract for us all to approve.

Trustee Plumer – Can we get a letter from you, Lyn, from your clients stating exactly what you said.

Lyn Methlie – Well we pretty much come to an agreement on this and I think the terms and conditions should be in the minutes and my understanding is that then Bill will take that and draw the document. That part is basically done at this point. We would just need Bill to draw the document.

Chairman Kratzer – What he is asking for is something in writing from Joe and his brother like the initial one that you had sent us that you would give us 75% over a period

of time. If they could draft one up saying that they would give us 100% over a three-year period, then we would get that to Bill.

Trustee Plumer – With a notation of what you just said that this is contingent upon first sale and with this first sale we will actually have an overage in payment so that such would be in that document too.

Lyn Methlie – Ok. Now my question to you is – are you interested in paying interest on their money that you will be holding and using?

Trustee Sims – No, but I tell you what I am interested in clarifying a couple of questions here real quick here, Bill, on the whole nonconforming lot issue. Now I know you wrote this letter – number one, Kratzer did not give me any information proving ownership but apparently you had provided him.

Lyn Methlie – Actually...

Trustee Sims – Hold on, I've got to talk to him real quick. The letter responding back here says that you felt the proof of ownership issue was irrelevant whether or not the property is currently in a trust or whether the trust is considered one owner and I'm just trying to help you help me get past our own zoning.

A.P. Thorne – The question of whether it is grandfathered goes back to when the lots were created versus the zoning in place at the time. It has nothing to do with the ownership now. The lots were created when the mother and father were alive. They were arranged alternating lots and based upon that they would be grandfathered.

Trustee Sims – Based on what I have, so Lyn, you provided the county prosecutor with who owned the lots as of 8/10/98.

Lyn Methlie – Yes. Actually their attorney provided that because in the beginning of this we started the parallel case to this is Michelle Ridge in Hinckley – same situation – wherein the township - and that same attorney who discussed it with the prosecutor pointed that out that the township in Hinckley did actually have to improve Michelle Ridge. There was a discussion with their lawyer and the prosecutor that this would be a settlement. That it would be covered by the town and put in by the town and they agreed not to proceed to have the town improve their own road. That was the agreement – that was about a year ago.

Trustee Sims – You're telling me that Bill Thorne has the information that legally on a plat as to who owns the lots as of 98?

Lyn Methlie – That was a year or two ago.

A.P. Thorne – The information I got came from Tim.

Trustee Sims – That’s what I mean – it just goes in a circle. He’s saying he don’t have it.

Lyn Methlie – The prosecutor did discuss that – that was the first step.

Trustee Sims – The prosecutor or who?

Lyn Methlie – I’ll get the name of the attorney.

Trustee Sims – I am not trying to give you a hard time but I am not going to move forward on spending township money interest free on creating a road that should have been abandoned regardless of the discussion on how it got to this point until I know that it minimally satisfies 705 A and B of our zoning code. And I can’t get there for some reason. We talk about getting there but I can’t get the paper on it. So when you leave here I want you to thoroughly understand that what I’m asking for is a layout plat ownership proof of, not anybody’s thought of, or say so and that it be provided to Bill Thorne as of 8/10/98 and we can get you a copy of this particular page.

Trustee Plumer – Why not just give it to you, Bill seems to be convinced that there isn’t a problem.

Trustee Sims – Well Bill hasn’t seen a piece of paper on it. How can Bill be convinced? Bill has been told by Tim Kratzer.

A.P. Thorne – No, they send me documents showing ownership of the lots, the layout.

Trustee Sims – Who owns the lots today, correct?

A.P. Thorne – It was supposedly the layout of the lots at the time they were created – that’s what the representation was. I didn’t go back and check the recorder’s office but it was supposed to be when it was created.

Trustee Sims – So they provided you a plat.

A.P. Thorne – Tim provided me with the information.

Lyn Methlie – And that information was from the title agent who pulled it as of that date I brought those copies around. That was from a title agent.

Trustee Sims – Alright, then just help me get through this so I don’t have to keep talking about it and we can get going with what we need. So you are saying that we can make a nonconforming lot more nonconforming and that according to – you have some information – that there are not two lots in a continuous frontage existing under common ownership as of the date of 8/10/98.

Lyn Methlie – Yes. That’s what I took and had the title company pull that and do that research and then I delivered it.

Trustee Sims – And you delivered it here?

Lyn Methlie – I brought it here. I gave it to Tim and we mailed another copy to the prosecutor.

Trustee Sims – And did you – this is the illusive paper. I will provide you with a business card and you can reach me day or night by cell phone or fax.

Lyn Methlie – So are we held up another month on this thing?

Trustee Sims – No, I don't know what we are doing.

Lyn Methlie – So let me ask you, if I provide to you personally the documentation that everyone has already seen.

Trustee Sims – Have you seen the documentation?

Trustee Plumer – Why don't you listen to the lady?

Trustee Sims – I'm telling you we haven't seen it.

Trustee Plumer – You want it so why don't you let her provide it to you and then you can provide it to Bill.

Trustee Sims – Ok, but have you seen it – the big illusive thing – and I haven't seen it.

Lyn Methlie – We had a meeting here and that was in the meeting minutes and you asked for that and I delivered all the way around. I delivered it here. I am sorry if your representative didn't get it to you but I delivered it here.

Trustee Sims – But I want you to give it to me so I don't have to depend upon anybody else.

Lyn Methlie – Then let me ask you, when I do that, what happens next?

Trustee Sims – Then at that point according to Bill Thorne's letter dated November 9 it looks like choice A is that legally we would be required to either pay you for the loss of one building lot or strike some sort of deal here to build the road but if the lot is going the township \$150,000 – if the road is going to cost \$150,000 I can buy a lot for \$150,000 and not build nothing so I want to make sure that we are doing the right thing the right way and it's documented.

A.P. Thorne – As I say in the letter, there are other options and until they get done with the plan we don't know that they are going to increase any nonconforming at all.

Trustee Sims – Does somebody have a finalized plan?

A.P. Thorne – It hasn't been done yet.

Lyn Methlie – We need what he is going to create to do that.

A.P. Thorne – Before we tell what we are going to have in terms of nonconforming what we need to do is we need to see the final plan.

Trustee Sims – And before I can make that determination I need to see that it complies to 705 A and B. I just have seen no paper and I feel very bad for that because I don't understand how this elusive paper has been here and you have provided it so many times and yet I don't have a copy of it. I just find that bizarre so please bring it. I'll give you my street address, cell phone, email and fax number – give me those papers and then we can move forward but ...

Lyn Methlie – And what does move forward mean – at that point you ask Bill...

Trustee Sims – It depends upon what the paper says.

Lyn Methlie – To draw the document. Everybody who has seen it says it exactly what's is supposed to be.

Trustee Sims – Who has seen the piece of paper? Tim has seen the paper.

Trustee Plumer – Carolyn, just answer her question. She is saying what everybody else is saying, are you prepared to move forward or is there something else that you want, that's all.

Trustee Sims – Well then the letter goes on to say that we should understand the cost of the construction and then weigh the cost of constructing the road versus the cost of buying a lot and whichever is cheaper we would discuss as a board on doing that.

A.P. Thorne – Now are you talking about buying the lot...

Trustee Sims – And that all starts with making sure it doesn't need a variance and knowing that it complies with 705 B. If I would have had 705 B six months ago we would not be having this discussion why I need to know about 705 B. I cannot arbitrarily just tell you that you can make a nonconforming lot more nonconforming, go ahead, and then the next person that comes in.

Lyn Methlie – Don't talk down to me. Everyone else seems to understand this but you so I'm going to have a personal meeting with you and I'm going to explain it to you and I'm going to make you sign for your copy to make sure you understand what everyone else know what's held us up over a year.

A.P. Thorne – We still have to get the highway cost.

Trustee Sims – Yea, I have no paper. I have no paper on this. I hear about it a lot. It's on the agenda a lot but there has not been provided to me anything but letters from the county prosecutor saying Tim says it is good. I want the paper and then I'll say it's good too and then we'll all move forward.

Chairman Kratzer – And I don't think the paper says that Tim says that it's good. It says that the paper that Tim provided the prosecutor was good.

Trustee Sims – How could you provide it to them and not provide it to me?

Chairman Kratzer – And I brought it one night and copies were supposed to have been made and given to you. Our former clerk said there is a copy in the file.

Trustee Sims – Well, the point is to find the copy in the file the night I asked you for the copy.

Chairman Kratzer – But she isn't here to answer.

Trustee Plumer – Excuse me, can we move forward please.

Chairman Kratzer – I sure would like to.

Trustee Sims – Well you are not going to make me look like I'm holding this up when there is no paper here.

Chairman Kratzer – I'm not saying anything. You're the one doing all the talking.

Trustee Sims – Well I'm being accused of holding up a process which I'm not and as soon as there is documented proof then we'll move forward before we spend township funds and I don't mean to put you in the middle of a situation but, yes, please deliver it to my home and I will sign for it and then we can move forward. I would even be willing to have a special meeting because you have been a victim of this whole entire system here of being delayed. As soon as I get that paperwork and review it we can take it from there.

Lyn Methlie – So taking it from there, to go back to my question means – that you will then direct Bill.

Trustee Sims – I don't know what your paper says.

Lyn Methlie – Assuming it's everything you want to see and that you are able to understand it, you will then direct him to proceed with the document that let's us continue the agreement.

Trustee Sims – And putting together a road plan.

Lyn Methlie – And how long will that take?

Trustee Sims – I don't know. I'm not in charge of that.

Lyn Methlie – How long will it take for you to give consent to go forward to create a document?

Trustee Sims – I will make every attempt if there is paper provided to make special consideration to hold special meetings regarding this to move things along expediently as long as there is paper and not opinion. And I would request that you request our acting clerk and then clerk to be notified every time this particular topic is going to be discussed and you can write us a letter and we will send you notification that this topic is yet being discussed again and why. So that you understand what is holding this process up, I have no paper.

Lyn Methlie – I understand that it has been the question of how the lots were held in title. I had a title company do extensive research. I delivered that here.

Trustee Sims – You would have...

Lyn Methlie – Excuse me, let me finish. I delivered them here as were the directions of this board and you tell me for whatever reason you didn't get your copy.

Trustee Sims – Are you telling me that in a public meeting that I attended that you provided me the documentation?

Lyn Methlie – No, you told me what you wanted and I delivered it here 24 hours later.

Trustee Sims – Ok, I'm telling you I didn't get it. Now we do have a clerk issue – but we don't have a chairman issue – he's right here and he appears to have a copy and I don't have a copy of it. I don't know what I have to do to get a copy of it. Do you understand what I am saying? Where's the copy of it?

Lyn Methlie – Probably ask for it.

Trustee Sims – So bring it to my house and I don't want this to cause any bad blood and I will make every consideration to move forward on the issue as soon as I have the papers but I can't just arbitrarily go on sounds good. I need the paper so that I have a clear conscience that we are in compliance with our zoning code and this is not any special consideration regarding the township spending of funds for this. Ok? I'll work with you.

Lyn Methlie – Let's go back to that – there's no spending. In other words when you complete the first part you will be overpaid from the proceeds from the first lot.

Trustee Sims – That’s perception –

Lyn Methlie – You are not lying out funds that won’t be immediately reimbursed.

Trustee Sims – You said you sold a lot without a road? You sold the lot?

Lyn Methlie – No, I have a contract but the lot to close. You can sell a lot without a road, you just can’t build on it.

Trustee Sims – Is this the Willie Carrasco lot?

Lyn Methlie -- I can’t discuss something like that in a public meeting who the buyer is – that’s confidential.

Trustee Sims – Ok, but nothing starts anywhere for me until I get a piece of paper that we are in compliance with the zoning code. And the reason for that and I want you to understand the reasoning, it’s important. I’ve had people call me at home, hey, I want to cut out section of my 10 acres and gift it to my daughter but I only have 250’ of frontage and I need you – just let me make my lot nonconforming so I can get another lot out of it and the answer has to be that you need a variance or no.

Lyn Methlie – I believe the original survey was in the 60’s.

Trustee Sims – But I’m more than willing to provide you with everything that I have here regarding it which states the current ownership and that there are two Gloria lots side-by-side and in the documents that I’m able to pull off the township website and there are two continuous lots and that makes, ah provides, that section should apply more than two lots of continuous frontage.

Chairman Kratzer – More than two.

Trustee Sims – I got you so I’m just asking. If you change the road configuration I don’t have who owns what with the new configuration, I need a piece of paper.

Chairman Kratzer – The lot ownership won’t change. The only thing that is going to change is the road configuration. It isn’t going to change the lots.

Trustee Sims – Don’t try to make me feel dumb. Put it on a piece of paper and then I’ll understand it.

Chairman Kratzer – The fire contract has been delivered to Gloria Glen’s mayor.

Trustee Sims – Yee haw.

Chairman Kratzer -- Yee haw to you too.

Audience Comment – What does that mean, yee haw? Very professional – keep it up.

Trustee Sims – I'm sorry. I'm a little heated and it was signed March 1 and he just received it this week.

Audience Comment – Thank you for your professionalism – that's what yee haw means.

A.P. Thorne – Is there anything else that the board would need.

Chairman Kratzer – Thanks, Bill. Goodnight.

Trustee Sims – Wait, Bill. East Cemetery. Kratzer was going to ask you to write them a letter that they own it.

Chairman Kratzer – I took care of that last night. If you would wait until we got there.

Trustee Sims – Well, Bill was leaving.

Chairman Kratzer – Well, I didn't need Bill.

Trustee Sims – Well, I guess not but you were going to do it in October and I didn't expect you to have done it yesterday, sorry.

Chairman Kratzer – I delivered a letter to the Village council last night telling them, according to the Ohio Revised Code that Bill quoted to us, that the East Cemetery and all cemeteries inside their boundaries belong to them and that as of 1/1/07 they were required to maintain that cemetery.

Trustee Sims – And how did they take that?

Chairman Kratzer – They didn't like it too well but they made a resolution to accept it. We went over post-dated checks, billing for contracts – the new clerk will have to take care of that. We talked about Zuber. We just covered the East Cemetery. You don't have any time next week for a meeting on policy and manual so we will worry about that the next meeting. Can I have a motion to pay the bills?

Trustee Sims – No. Real quick, one final thing. I did meet with Bill Thorne regarding Bruce Broadbridge and his utility. He is going to set up a meeting. The documentation that I was able to get, according to Bill, would support the fact that it is a utility and if it is a utility then we would figure out who is responsible to maintain that utility that is backing the water up on their property and the neighboring property. So Bill will, I'll call him to see if he wants to move forward but I thought that was a positive step forward for Broadbridge.

Trustee Plumer – But it's not ours to maintain.

Trustee Sims – We don't know.

Trustee Plumer – We didn't put in a sewer or water line.

Trustee Sims – We don't know.

Trustee Plumer – I know.

Trustee Sims – I don't know. It was what was called the WPA works program project.

Trustee Plumer – That was in the 1930's. The township wasn't around in the 30's.

Lyn Methlie – That's the Second World War – the WPA is Works Progress Administration. That was the President wanted to give charity and he created jobs so people could work.

Trustee Sims – Doesn't have anything to do with zoning. Not that I want to go into this, I just wanted to tell you.

Chairman Kratzer/Trustee Plumer – No, we don't.

Trustee Sims – No, I want to clarify this that the WPA project gave money in our township to install a drainage line and that drainage line appears to be affected by the construction of another utility and he's in the township as a resident and it was installed in our township.

Trustee Plumer – But we didn't install it.

Trustee Sims – No, the WPA provided funds that installed it.

Trustee Plumer – I so move that we pay the bills.

Chairman Kratzer – I second. All in favor.

Denise Moteleski – I'm an old question – what's happening with the trailer park?

Chairman Kratzer – We have the zoning inspector sending letters about the noxious weeds etc. but we don't get any replies. We turned over your information to the county engineer for his insight on it and we haven't heard anything back.

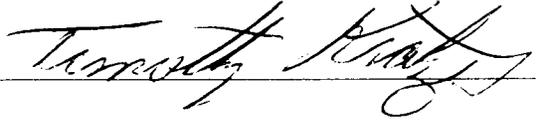
Chairman Kratzer – Anybody want to bring up anything else while we are signing checks? When we get done with checks, we are going home. Thank you for coming.

Meeting adjourned at 9:00 p.m.

Date: 7/16/11

Minutes Approved By Township Trustees

Chairman Timothy Kratzer



Jeffrey Plumer, Vice Chair

Carolyn Sims

Marlene L. Oiler, Certified PP, PLS
Secretary pro tem