

WESTFIELD TOWNSHIP ZONING COMMISSION
Special Meeting – May 21, 2007 @ 7:30 p.m.

Chairman Russ Zupanic called the meeting to order at 7:30 p.m. Roll call indicated five members of the Zoning Commission were present: Russ Zupanic, Jill Kemp, James Likley, Scott Anderson and Wayne Brezina. John Miller (alternate) was absent.

Chairman Zupanic indicated that the purpose of this special meeting was to ascertain from the Township Trustees the reason that Trustee Sims had requested that the Zoning Commission workshop minutes and regular meeting minutes from April 10, 2007, be tabled as she requested at our regular meeting on May 15, 2007. Vice Chair Jill Kemp indicated that in her discussion with A.P. Thorne on May 15th, he stated that if such a request to table the minutes was made by a Trustee then the Zoning Commission needed to schedule a special meeting with the Trustees to determine what the factual reason was for the request. The Trustees and the Zoning Commission members agreed on May 15th that the meeting date for such a meeting would be May 21, 2007, at 7:30 p.m.

Chairman Zupanic further indicated that upon learning mid-morning today that the Trustees wanted to cancel tonight's Zoning Commission meeting he had contacted the Prosecutor's Office and spoke with A.P. James Bennett. A.P. Bennett advised that the Trustees do not have the authority to cancel a meeting of the Zoning Commission and if the Zoning Commission wanted to cancel the meeting, it would have to be rescheduled. A.P. Bennett further indicated that if the Trustees cancel their joint meeting with the Zoning Commission, the Zoning Commission may still have the meeting and approve the minutes if they are complete and accurate. (See 5/21/07 letter from A.P. Bennett).

Upon further discussion it was decided that the Zoning Commission would go into the Trustees meeting (Trustees meeting convened at 7:00 p.m. on 5/21/07), wait to be recognized and then ask the reason for the request that the minutes be tabled. Per the letter from A.P. Bennett if there were no factual errors, the minutes could be approved. Chairman Zupanic indicated if there were a question regarding the factual nature of the minutes, it would need to be addressed. However, if we as a group believe that the minutes are factual the board can vote on them.

There was discussion relative to the taping of the meetings and how long the audiotape should be kept. The tape is for the secretary's purpose in preparing the minutes. The consensus of the board was that the current wording in the Westfield Township Zoning Commission Bylaws adopted 11/29/05 was adequate as stated, to-wit: "The written minutes shall be the official record of the Zoning Commission. Any audio/video records of the meeting shall be kept only until the minutes are approved and/or in the case of a timely filed appeal, for the duration of that appeal."

(Zoning Commission members went into the Trustees' meeting.)

Upon being recognized by Trustee Chairman Jeff Plumer, Chairman Zupanic inquired as to the specific reason for the tabling of the approval of the April 10, 2007, minutes. Both

Trustee Plumer and Trustee Kratzer indicated they did not request the tabling of the minutes. Trustee Sims indicated there was a reason (some inaccuracies) and she had wanted the full board of trustees to discuss the matter but to date the full board had not been able to have that discussion. Trustee Sims further indicated that she had asked that tonight's Zoning Commission meeting be cancelled. Trustee Sims requested that the Zoning Commission continue to table the minutes until such time as all three Trustees could meet to discuss them. Chairman Zupanic indicated that per the 5/21/07 letter from A.P. James Bennett the trustees did not have the authority to cancel the Zoning Commission meeting and, under advice of counsel, the board will decide whether to approve or disapprove the minutes at this point of time. (Note: None of the trustees gave any factual reason for the request to table approval of the minutes).

The Zoning Commission members left the trustees' meeting and continued its' meeting in the office area of the township hall.

At this time others in attendance included Mike Schmidt (7920 Ballash Road) and Tom Micklas (7360 Buffham Road).

Chairman Zupanic provided a brief synopsis of the advice of legal counsel and how that related to what just transpired when the board questioned the Trustees. He further indicated that he wants to do what is legally correct and suggested that the board take counsel's opinion and timely approve the minutes if we believe they are factually correct and it is an accurate representation of what is on the tape. There was brief discussion relative to the minutes and the procedure.

Minutes

The secretary indicated two corrections to the April 10, 2007, regular meeting minutes: (1) add the name of Tim Kratzer as being in attendance in the first paragraph; (2) delete the fifth paragraph (...a condensed summary of tonight's meeting...). Russ Zupanic made a motion to approve the minutes as corrected. Jill Kemp seconded the motion.

Roll Call Vote: Wayne Brezina – abstain (wasn't present at the 4/10/07 meeting)
Scott Anderson – abstain (wasn't present at the 4/10/07 meeting)
Jim Likley – yes to approve
Jill Kemp – yes to approve
Russ Zupanic – yes to approve

MOTION CARRIED.

Jill Kemp made a motion to approve the April 10, 2007, workshop minutes. Jim Likley seconded the motion.

Roll Call Vote: Wayne Brezina – abstain (wasn't present at the 4/10/07 workshop)
Scott Anderson – abstain (wasn't present at the 4/10/07 workshop)
Jim Likley – yes to approve
Jill Kemp – yes to approve
Russ Zupanic – abstain (wasn't present at the 4/10/07 workshop)

Note: Only three members attended the 4/10/07 workshop: Jill Kemp, Jim Likley and John Miller (alternate) and approval is subject to opinion of legal counsel as to legality.

Chairman Zupanic made a motion to adjourn the meeting, duly seconded by Jill Kemp; adjourned at 8:02 p.m. Almost immediately thereafter, upon consensus of the Zoning Commission members, Chairman Zupanic reconvened the meeting as he stated he overlooked one topic for discussion, which was the request for Comprehensive Plan Grant Funds. Chairman Zupanic and Board of Zoning Appeals Chairman Mike Schmidt discussed the reasoning behind the request for funds from the Trustees and offered some explanation as to how Planning Consultant Bob Arnold was facilitating the comprehensive plan review for Lafayette Township. Comprehensive Plan discussion issues related to:

- Proposing a citizen forum;
- Proposal indicates a different approach from the one 12 years ago done by the Medina County Planning Commission;
- NorthStar Planning did the zoning book update a few years ago;
- Application deadline for matching funds is May 25, 2007;
- Application is only an intent to pursue;
- Need to get application in to start process;
- Have over a year to start the plan;
- Not all funds have to be available now;
- Want to be proactive rather than reactive;
- Would be a tremendous value to the community;
- Fire Department is looking at building expansion, a new truck and equipment that will be costly, but necessary for the community;
- A resolution by the Zoning Commission and a resolution by the Board of Zoning Appeals to encourage trustees to pursue an update.

After discussion Chairman Zupanic offered the following resolution and moved adoption of same, which was duly seconded by Jill Kemp:

RESOLUTION

RESOLVED that the Zoning Commission of Westfield Township encourage the Township Trustees to allocate funds of \$5,000.00 in order to get matching funds under the Comprehensive Plan Grant Program of the Medina County Commissioners to pursue the update of the Westfield Township Comprehensive Plan.

Roll Call Vote: Jim Likley – yes
 Scott Anderson – yes
 Wayne Brezina – yes
 Jill Kemp – yes
 Russ Zupanic – yes

Some others joining the meeting while in progress were Zoning Inspector Gary Harris, Ron Oiler (6969 Buffham Road), Karen Micklas (7360 Buffham Road) and Joel Sech (5905 Seville Road).

There was further discussion about the application for grant funds for the update of the comprehensive plan. The consensus of the board was that the application should be completed so it can be filed by the deadline. Since the Zoning Commission is taking the initiative in this process, Chairman Zupanic and Vice Chair Kemp will sign the application.

There was discussion relative to inquiries being made for development in the Lake Road and Greenwich Road areas, one of which related to a planned housing development.

Announcement

The special meeting scheduled for Tuesday, May 29, 2007, at 7:30 p.m. is cancelled due to the approval of the minutes tonight.

The next regular meeting is scheduled for Tuesday, June 12, 2007, at 7:30 p.m.

Adjournment

Upon motion by Russ Zupanic, duly seconded by Jill Kemp, and unanimously passed, the meeting adjourned at 8:30 p.m.

Marlene L. Oiler, Certified PP, PLS
Westfield Township Zoning Commission Secretary

(Minutes approved 6/12/07.)