

EDINBURG TOWNSHIP TRUSTEES REGULAR MEETING

Edinburg Townhall

July 11, 2013

Thomas Repcik called the regular meeting of the Edinburg Township Trustees to order at 7:30 p.m. with the Pledge of Allegiance. Roll call shows: Diane Austin, absent; Thomas Repcik, present; Sandra Templeton, present; Judy Repcik, present; Chris Diehl, arrived late; Tim Paulus, present; Tami Scott, present.

RESOLUTION 2013-105: A motion was made by Sandra Templeton to approve the Agenda as presented; this was seconded by Thomas Repcik. Roll call shows: Diane Austin, absent; Thomas Repcik, yes; Sandra Templeton, yes.

COMMENTS OR QUESTIONS FROM PERSON(S) IN ATTENDANCE:

Anthony Lombardo Brent Redeker
Deian Longgood Donnie Burns
David Staulin Elizabeth Bann
Lonnie Scarlett

There were no comments or questions at this time.

RESOLUTION 2013-106: A motion was made by Sandra Templeton to approve the minutes of the June 27, 2013 Regular Meeting as presented; this was seconded by Thomas Repcik. Roll call shows: Diane Austin, absent; Thomas Repcik, yes; Sandra Templeton, yes.

CORRESPONDENCE

--Email from resident Harold Court re: not having a tornado siren warning yesterday
Tim Paulus said the siren on top of the station is still functional but it is not very loud. He was monitoring the weather at that time and there was nothing in the immediate area. Portage County was under a warning but the rotations and heavy storms were not close to Edinburg. He would have blown the siren if he felt the need but he did not.

OLD BUSINESS

--There was no Old Business to discuss at this time.

NEW BUSINESS

--One cemetery deed was signed.

COMMENTS OR QUESTIONS FROM PERSON(S) IN ATTENDANCE: (cont.)

Brent Redeker: My name is Brent Redeker. I live at [stated address] the Highlands of Edinburg and we're having a concern about a zoning certificate that was issued for a pole building/garage and the property front yard setback. Our concern is that was done without a variance and out there at the Highlands the Sales and the property on the corner is the zoning department is our only line of defense now that we don't have a homeowners' association. So with lots selling for \$3,000 and other stuff, as we are heavily reliant upon the zoning department to keep the values of our properties up and to maintain and regulate the zoning laws.

Thomas Repcik: Have you talked to our Zoning Inspector?

Brent Redeker: Yes, I've talked to Tami. This is Don Burns.

Tami Scott: I have a written request here for a copy of the zoning certificate, which I'll give to Mr. Burns since he is here. If they don't agree with it, they can file an appeal with the BZA Board. I have the paperwork that you can file it with.

Ms.Bann: The structure is going up because he got the permit approved.

Tami Scott: Exactly. He did get the approval. His building is actually being built in his side yard. His house sits at a 45-degree angle.

Sandra Templeton: Yes, it's his side. I was there. It's his side yard.

Tami Scott: They see it as his front yard. It is his side yard.

Sandra Templeton: Because of the way the house is setting.

Tami Scott: It's one of the very few that sit in there--actually his front door is facing more towards the back of St. Andrews. He's not faced front on to St. Andrews. His garage is being built in the side.

Brent Redeker: If I may, all I can go by is what is in the zoning regulations and it's a nice 200-page document and the setback is listed as being 90 degrees to the property lines. So the front yard set back has nothing to do with what direction the house is facing.

Tami Scott: [Shows Thomas a map of property] This is the front of his home. Here is to the side where the garage is being built. This is the side. The driveway comes up. The only thing I can tell you guys is to file your appeal.

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Brent Redeker: But for the homeowner, I understand, that from his perspective on a property that he recently purchased is, his house is askew. But as far as the piece of property is concerned, all setbacks in your zoning are listed at right angles to the property line and what I have shaded on that piece of paper is the 100-foot setback there is nothing in the zoning that says that unless your house is turned. The only deviation is if you're on a corner lot; if you are on a corner lot the direction your front door is not facing is considered your side yard. That is the only deviation.

Tami Scott: I can't make the gentleman move his house.

Brent Redeker: No, his house was within code. His house was at the edge of the 100-foot setback. If you want the appeal paperwork I can give it to you. If you want to file your appeal.

Ms. Bann: Okay. That's fine.

Brent Redeker: As I understand he just purchased the property and I understand that he didn't build the house askew and I do not have any objection with him because if I owned the property—where he put it would probably make some sense to him, but I'm speaking as a neighbor and trying to regulate the zoning.

Sandra Templeton: Okay. Does this property have anything to do with any of you guys because that's his property; he bought it; he pays his taxes. I don't understand why you guys are trying to tell him where he's supposed to put his garage when he came to our Zoning Inspector and she gave him a permit to do it.

Brent Redeker: Because it's against your Zoning regulation.

Sandra Templeton: If it was against our Zoning regulation, she wouldn't have done that.

Brent Redeker: That's why we're here. We don't get it.

Tami Scott: Because he's not in the front yard. This is what I can't get through. He is in his side yard.

Sandra Templeton: The way his house is angled.

Brent Redeker: Is there anything in the 200-page zoning which describes his side yard as relationship to the position of his house? The only thing that it says is setbacks are inherent to the property, not the position of the house and they are to be measured at right angles to the property line. I teach at the University; I teach land surveying; I do easements and everything else and setbacks in my life everyday—this is my bread and butter. [I] sent it over to two other Zoning Appeal Board members in other townships in Portage County and everybody is like: this is so open and shut. They can't believe that it's escalated this far—as we brought is to the Zoning's attention before he even started digging.

Tami Scott: No, he had already dug before I was called.

Don Burns: By the time you returned the phone call he had dug.

Tami Scott: Sir, I am entitled to a vacation and you do call every 15 minutes to leave a message.

Brent Redeker: No, that's not true I called for over a week before—

Tami Scott: No, you called on a Thursday. I was gone Thursday, Friday, Saturday and Sunday.

Brent Redeker: --I had to make a more threatening phone call before I would take legal action. You've been a little less than polite. Don't forget you represent everybody in Zoning right?

Tami Scott: Well, you're looking at Zoning.

Brent Redeker: Well, you're one side I'd rather not even talk to you.

Tami Scott: I think the best thing is for them to file their appeal. Mr. Longgood would you mind stop working on the garage until the appeal gets filed? Do you have a problem with that at this time?

Can I ask you to stop? I will get the appeal meeting as soon as possible. Will you just stop construction at this time?

Deian Longgood: [Answers affirmatively.]

Tami Scott: Thank you. I appreciate it.

Sandra Templeton: Who is the homeowner that came over with the wheel and measured off and wanted you to put your building wherever it was supposed to be?

Brent Redeker: It was me.

Sandra Templeton: Why would you do that? Why would you go over and start measuring and tell somebody where to put their building?

Ms. Bann: It does affect the value of every other property owner in there. When we bought with certain deed restrictions.

Tami Scott: I asked; there's no neighborhood development deed restrictions for your neighborhood. I asked you.

Ms. Bann: It shouldn't apply to this because—

Tami Scott: But if you have your own deed restrictions

Ms. Bann: This is the County Board of Zoning—

Tami Scott: No, I'm talking about where you live; if you have your own neighborhood warnings I asked if there were any that had to be followed there. There was none.

Brent Redeker: It's attached to our deeds. They are deed restrictions. They are filed with the County but this is not even this, this is our last line of defense; our most basic rights are Zoning which is you.

Tami Scott: And you file your appeal; we'll have a meeting. Mr. Longgood has agreed to stop his construction until after the appeal meeting. I think that's fair. I think he's being more than fair by not adding any more to what he's already built.

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Brent Redeker: What's not fair is that, he's doing what he needs to do and as a property owner, he was given the rights to go ahead and build so he did, right? Right or wrong he said, "can I do this?" you said "yes". That's not right.

Tami Scott: He is in his rights.

Brent Redeker: You're absolutely right he is. If I was him I would have done the same thing if you told me "yup, I'm Zoning and this is my specialty" then absolutely.

Tami Scott: Yes, he his building. He has agreed to graciously stop until the appeal meeting.

Sandra Templeton: So where did you guys want the building to be put at?

Brent Redeker: Any place but within the setbacks.

Sandra Templeton: So if he would have moved back five feet you guys would have been fine with it?

Brent Redeker: Thirty. He's thirty feet into the front yard setback. If you step out my front door and turn right to left I see nothing but the fronts of houses. It's very nice and organized and that's why we moved into a subdivision; you turn to the right and you see a garage in a front yard.

Tami Scott: We'll just leave it like that. That's fine. If the Board disagrees with me then Mr. Longgood can file for his variance. He'll be granted his variance and his building will still stay. So we'll go through every step of it.

Ms. Bann: So you're saying you'll rubber stamp a variance?

Tami Scott: I can't rubber stamp a variance. But we'll have a variance meeting.

Ms. Bann: You just said he'll be granted a variance.

Tami Scott: Well most likely, I mean—

Brent Redeker: You just said that he would, so okay to Zoning is not standing up for the rights of everybody and we can deal with that.

Sandra Templeton: You have to go through all of the steps—go ahead.

Deian Longgood: I just wish it didn't get this far, you know, before I even started on any of my property I asked the neighbor—I understand what he's saying, but I asked, "do you care if I cut down the trees?" "Do you care if I put my building here." Those were the questions; and then I asked him after the poles were up, I said I can stop right now; I can move it back; we didn't have to make it be this hard. If they would have just came over and talked to me and said no we don't want it here.

Brent Redeker: **Deian,** we don't want us to tell you where to put your stuff, it's up to Zoning to tell you where you can put it.

Sandra Templeton: That's what you're doing.

Brent Redeker: No, I'm not saying anything like that.

Sandra Templeton: He's not in violation. He would've never gotten a zoning certificate if it wasn't correct. She doesn't do that.

Brent Redeker: I can show you four places in your Zoning where it is incorrect.

Sandra Templeton: I'm sure you can go in our Zoning find tons of loopholes if you want to.

Brent Redeker: Can you show me one section where the front yard setback is [undecipherable]?

Sandra Templeton: I'm not the Zoning Inspector, I'm the Trustee. We can have our prosecutor come out and represent and he can explain if you don't believe her. He's the next person that we go to on our Zoning.

Ms. Bann: What's his name?

Sandra Templeton: His name is Chris Meduri.

Ms. Bann: Can you spell the last name for me?

Tami Scott: M-E-D-U-R-I.

Sandra Templeton: And I'm sure you've already talked with him about the whole situation. So file your appeal and go from there.

Thomas Repcik: Tami I have a question: the setback is measured in our book--where is it from? From the property line or the center of the road?

Tami Scott: Right. Are you talking your front yard setback?

Thomas Repcik: Well, whatever this 100—

Tami Scott: We have nothing that says: "side yards", Tom. That's the thing. Their argument is that that is still their front yard. That's where we differ on opinion. They argue that he is in the front yard setback; I argue that that is his side yard.

Brent Redeker: But in your zoning it says that the front yard setback is measured at right angles to the front property line.

Tami Scott: And I was always told that the front property line is basically where the front of the house—the very front—sits so--.

Brent Redeker: The house is at askew and it was built behind the front setback. You can see it clearly that it's an irregular lot and they did everything they could to best situate the house on an irregularly shaped lot but the original house construction was at the 100-foot setback. And the setback says that no building or structure shall be built within the 100-foot setback.

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And the 100-foot setback is measured at any distance across a front property line 100-foot. And the only difference where it negates from that is talking about a corner lot where depending upon what direction your front door faces, that the direction it isn't facing becomes your side yard and then the 20-foot side yard setback rule applies. But this is clearly not a corner lot.

Ms. Bann: The side yard setback rule doesn't apply in this case.

Brent Redeker: Because it is not a corner lot.

Thomas Repcik: Well, we have a procedure. The Trustees, we're not zoning people. We're not permitted by law to do this.

Brent Redeker: Who all is involved in the zoning appeal process?

Sandra Templeton: We have a Board.

Thomas Repcik: We have a separate, five people that listen and weigh the circumstances and they make a decision.

Brent Redeker: Okay. We care about Edinburg. We live here for a reason. We love the schools. We support the Township and you guys are our only protectors. If there was no Zoning, you'd have what Deerfield had, you'd have a junkyard going up on the corner of our entrance. We value this town and the businesses and what is going on here.

Thomas Repcik: Okay. We have a process; let's follow that process and we'll go from there.

Brent Redeker: We appreciate your time.

Tami Scott: File your appeal. Just let me know when you have everything filled out and then I'll give it to the Board of Zoning Appeals.

Deian Longgood: May I ask how long—I mean, all my wood is already—I'm just wondering how long—

Tami Scott: The sooner they file the paperwork--you're only doing that out of the kindness of your heart. I'm asking you not to do it—I can't really make you stop doing it until they file that appeal. That's truly up to you. The quicker they file the appeal—once they file it, you have to automatically stop. You've agreed, graciously to do it. I can't tell you you have to stop right now but –

Ms. Bann: But what he's asking is once the paperwork is filed, how long is the process until we get a meeting?

Tami Scott: I would have the meeting within three weeks.

Deian Longgood: Three weeks? Just from the rain yesterday my sheeting is this thick where it used to be half inch. I just don't want my material to get ruined so now I'm in a bad spot here because this.

Sandra Templeton: How long have you lived up there?

Deian Longgood: Three months.

Sandra Templeton: How do you like the Highlands?

Deian Longgood: We love it.

Brent Redeker: How is that relevant? Is there something going on here? Come on, give me a break!

Sandra Templeton: No, what I asked him is how long he'd lived there. I didn't know if he's lived there maybe a year or so.

Tami Scott: I'm sorry Sandy; he wants to argue.

Sandra Templeton: I'm not going to argue with—there's not going to be any argument.

Brent Redeker: Because you don't know what you're doing. My attorney would have a field day with you.

Sandra Templeton: You need to stop! You need to stop because you'll be removed and we're not putting up with it! End of that. No!

Brent Redeker: I haven't been here for five years.

Sandra Templeton: Not gonna do that.

Brent? Don Burns: The only thing that I'm saying is that you're our enforcement official.

Sandra Templeton: Exactly.

Brent? Don Burns: And if somebody was driving around drunk or something like that—

Tami Scott: I'm helping both sides. He gave a public request; I gave him the paperwork he's asked for.

Brent? Don Burns: Okay.

Tami Scott: Like Mr. Longgood -- he's been very gracious to say he'd stop building. I can't make him do that right now until that appeal is filed. The sooner you file the appeal and then I'll call Mr. Longgood and tell him it's filed.

Brent Redeker: But what I'm saying is, if there's a front driver, I'm not going to take that into my own hands I'm not going to deal directly with that as I'm going to deal with the enforcement official to deal with that. Like I said if I owned his house it makes sense for that garage to be where it's at—it makes sense for him—okay? So I have nothing against what he did and I did talk to him and said, "wow, if you're in the front yard setback, you'll have to go get a variance." He said, "yah, that makes sense to me" so he went to you to talk about it.

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Tami Scott: And I did come up. I understand. You don't agree with me, I don't agree with you. I understand that.

Brent Redeker: But you are here to protect us.

Tami Scott: I am. That's why I said file your appeal. I could see if he was trying to do something totally destructive to the property but he's trying to improve his property too.

Ms. Bann: Right. But it devalues our property when people drive down the street and now there's a structure literally in the front yard.

Sandra Templeton: It's not in the front yard. It's in the side yard.

Ms. Bann: It's within the 100-foot setback of the property--because his house was built at an angle.

Sandra Templeton: Okay I'm not going to argue with you either. File your appeal and go through with it because we're going to move on here.

Deian Longgood: I guess what I was saying I said I loved it. I just wish whenever I talked with you guys I wish you would have told me that "we wish you wouldn't put it there". I asked him a hundred times, even after I had poles up I said, "do you want me to move it? I'll move it. "No it's fine. Leave it there." He told me that after my poles were in.

Sandra Templeton: The thing of it is, is, it's a garage. It's not like you've gone out there and built some horrible looking monstrosity. It matches your house.

Brent Redeker: My only concern is if things don't get pushed through that deserve variances without variances because if we went through the variance process, it would not have been a big deal but now we've set precedence that you do not need a variance to build in your front your setback if it is deemed that it's a side yard. That's a concern.

Tami Scott: That's what we can let our Board decide. We can all agree on that: we can let our Board decide.

Ms. Bann: All those other lots that went out in auction got sold for a lower price and we're concerned about the zoning being followed on every other lot.

Tami Scott: I understand. You guy's property values I'm sure are down just like everybody else's. Especially with the Highlands being in the shape it was with them [lots] going up at auction. I understand but when you say you're going to drive up the road and see the back of a garage --the house when you drive straight up and the first house you see there on that corner, what do you see when you drive up? a back of a garage.

Brent Redeker: But that's a corner house.

Tami Scott: I'm just saying that was one of the biggest complaints from Mr. Burns was he didn't want to see a back of a garage. He didn't want the garage there because it was going to lower his property value and he wants to sell it in one year. I can't make somebody—I feel I've done the right thing issuing the permit. From what I've done before, and I've issued other permits in the same situation on side yards that I've done-- but his complaint was he didn't want to look at the back of a garage it would lower it's resale value. Nothing else, that's what I was told.

Brent Redeker: My concern is that zoning, as your 200-page document is written, is a _____.

Tami Scott: I didn't write your 200-page document to begin with, I only follow what it says.

Brent Redeker: Your job is to follow—

Tami Scott: This is where we agree to disagree. You don't think I'm following, I think I'm following.

Brent Redeker: We've got three or four sections that show that—

Tami Scott: Sir, we've been over this-- just file--let's move on and file the appeal and go through there.

Sandra Templeton: Okay that's what we're gonna do. We've got to move on here. Thank you. Thanks for coming.

--Resolution to Proceed with a 2Mil Fire Replacement Levy

RESOLUTION 2013-107: A motion was made by Thomas Repcik to approve the resolution to proceed with the 2 mil levy; this was seconded by Sandra Templeton. Roll call shows: Diane Austin, absent; Thomas Repcik, yes; Sandra Templeton, yes.

--Continuing flooding problem, lower bay of the Fire Department

Thomas stated that it is time to move forward with a solution to this problem. Over the years different drawings have been made but pricing has never been acquired. He and Tim will work on this including financing and applying for grants for this. It will not be fancy, it will be a functional place to put the trucks without having two-feet of water in the bay.

DEPARTMENT REPORTS

Tami Scott - Zoning Inspector, Zoning Secretary, Administrative Secretary & Parade

--She made/received 15 phone calls.

--She issued one permit.

--The issue on St. Andrews Way has been discussed.

--She will be off July 25 through July 30.

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Chris Diehl - Roads, Buildings, Cemetery and Park

--He's been dealing with the bad weather. They're hoping to start chipping and sealing next week--The end is rusting out on the culvert that was replaced a long time ago (10 years or more). He repaired it and waiting to see how it will hold up. It may be all right to wait until next year but he will reevaluate it to see if it needs to be replaced this fall.

--**Ms. Bann:** asked about the area at the Highlands where the top soil is being stripped off. Is the man doing it responsible for the repair? Chris told her yes, we were given the money to repair it. Chris is just waiting for him to finish the project so the repair can be made.

Tim Paulus - Fire Department Report

Alarms

--There were 10 EMS and 2 fire alarms for a total of 12 alarms.

--There were 2 M/A given and 0 used.

Station

He reported that the lower bay has taken in water four times in the past seven days. After the May 30th Trustee meeting he met with Sheriff Doak and Major Missimi about the possibility of the Sheriff's office moving back to Edinburg if an addition to the station included office space for them. He stated Saturday that he has not given it any thought as of yet. He is concerned that NEOMED will begin operating their own police department and the Sheriff's office will lose their current office space.

He presented pictures of the severe flooding. They are still working on clean up and disassembly of small power tools to de-water. The washing machine control board and motor shorted out and the parts (less than \$200) are on order. The dryer seems to be ok and is currently working. Based on the depth of the water (11") and the amount of time it took to pump out (3 hours) there was about 21,000 gallons of water in the lower bay and approach apron. There was also water in the restrooms and kitchen. A huge thank you to Nick, Bob, Shannon and Adam for their help with clean up which he expects will take a couple more days.

FM Global Grant

The Fire Department has received a \$2,000 grant from FM Global (one of the world's largest insurance companies) to go towards the purchase of a Sparky the Fire Dog costume. He is actively seeking other sponsors to complete the purchase. The total costume including animated head with blinking eyes and moving mouth, voice modifier, cooling down kit and storage case is \$4,645. He will be working with them to schedule a presentation of the check at an upcoming Trustee meeting. He presented a copy of the award letter to the Trustees. He will keep them posted.

Employee

--He is recommending that the Trustees hire Anthony Lombardo to the Fire Department staff pending favorable results from physical, drug test and background check.

RESOLUTION 2013-108: A motion was made by Thomas Repcik to accept Tim's recommendation to rehire Anthony Lombardo as a Firefighter/Paramedic pending favorable results of physical, drug test and background check; this was seconded by Sandra Templeton. Roll call shows: Diane Austin, absent; Thomas Repcik, yes; Sandra Templeton, yes.

DEPARTMENT REPORTS

Judy Repcik - Fiscal Officer Report

She presented the following:

--Year-to-Date Cash Summary

--Departmental Statements

--June Monthly Financial Statement

--BWC rebate check received: \$6,830.00. This is a surplus from 2011.

--Tim asked Judy to watch for an EMS grant reimbursement check.

--The grant money for the 1,256 smoke detectors was received and they were paid for the very next day.

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TRUSTEE REPORTS

Sandra Templeton

She had nothing further to report.

Thomas Repcik

He handed out copies of the 2014-15 State Budget, which includes issues that pertain to townships all over the state.

Diane Austin

She was not present to give her report

RESOLUTION 2013-109: A motion was made by Sandra Templeton to approve the payment of the bills; this was seconded by Thomas Repcik. Roll call shows: Diane Austin, absent; Thomas Repcik, yes; Sandra Templeton, yes.

RESOLUTION 2013-110: A motion was made by Thomas Repcik that the meeting be adjourned at 8:12 p.m. this was seconded by Sandra Templeton. Roll call shows: Diane Austin, absent; Thomas Repcik, yes; Sandra Templeton, yes.

Diane Hargett Austin, Chairperson

Thomas Repcik, Vice Chair

Sandra Templeton, Trustee

Judy Repcik, Fiscal Officer