

RECORD OF PROCEEDINGS

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BOWLING GREEN TOWNSHIP

BOARD OF TRUSTEES

Held July 17, 2013

Bowling Green Township Board of trustees opened this special meeting at 7pm with roll call. All trustees and Fiscal Officer were present. The reason for this special meeting is to review a request to remove an appeals board member.

VISITORS: Jack Hedges, Dave Skinner, Patricia Volland, Mike Zinsmeister, Tim May, Lee Rathburn, Mark Caudell,

Trustee Hupp read the letter presented to the board at the last meeting. The letter was presented by appeals board chair Patricia Volland. The letter requests the removal of the clerk of the appeals board, Mike Zinsmeister for 3 reasons. The letter states that while handling the Wess appeal, Mr. Zinsmeister 1) sent out letters to the property owner neighbors in envelopes with a school as the return address 2) received 2 letters from neighbors and did not present them to the board 3) scheduled the meeting date without discussing it with the chair or the co-chair. Trustee Chorpenning states that this process of removal is outlined in ORC 519.04 Members of the zoning commission shall be removable for nonperformance of duty, misconduct in office, or other cause by the board, upon written charges being filed with the board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten days prior to the hearing, either personally, by registered mail, or by leaving such copy at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Trustee Chorpenning asked Mrs. Volland which reason of the reasons do the alleged violations falls under? Mrs. Volland said the other category.

Mr. Zinsmeister stated he did receive certified letter from the fiscal officer notifying him of the complaint and the hearing. All other appeals board members were also notified. All are in attendance except Dustin Levingston.

Trustee Hupp addressed each item individually. Mr. Zinsmeister said the reason the letters were sent out in the school envelopes, was because he asked his wife to mail the letters and she used the envelopes from her work. After Mrs. Volland told him he shouldn't use envelopes with return address other than the township, he didn't do it again. Mrs. Volland said some of the neighbors thought it was junk mail. Trustee Hupp discussed this with the assistant prosecutor. She said the board doesn't have guidelines set up on how correspondence to go out and the board should consider setting guidelines for this in the future. Trustee Chorpenning asked if everyone received the letters. As far as Mr. Zinsmeister is aware, everyone received the letters. Trustee Chorpenning asked Mrs. Volland which reason does the first item fall under. Mrs. Volland said she feels it falls under other cause by the board. Trustee Chorpenning doesn't see any probable cause for removal for item #1. Trustee Chorpenning moved that #1 doesn't rise to the occasion of probable cause to remove a member from the board. There is no second to the motion. Trustee Hupp would like to discuss all of the issues before a motion is made. Trustee Chorpenning would like to hear any input from the other board members. Dave Skinner feels it was just an accident and when it was brought to his attention, he didn't do it again. Also, most of the board members are new to the board.

Item 2: Mr. Zinsmeister said he didn't receive any letters from neighbors. Mrs. Volland said she received phone calls from Don Moody, Jim Whited and Harold Collins saying they sent letters to Mr. Zinsmeister. Mrs. Volland said she had an email from Mr. Zinsmeister stating if it was important to them, they would attend the meeting. The residents were not able to attend the meeting, which is the reason they sent letters. After the meeting Mrs. Volland received several calls from unhappy residents that felt their opinion didn't matter. Mr. Zinsmeister said he didn't

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receive a letter. He received a couple of phone calls from neighbors that couldn't attend the meeting. He requested they send an affidavit but didn't receive any. Trustee Hupp talked to Mr. Whited, and he said he did send a letter. Trustee Chorpenning asked where the letters were sent. Mrs. Volland wasn't sure where the letters were sent. Trustee Chorpenning doesn't feel there is anything else to discuss unless the board members have anything to add. Mr. Skinner never saw any letters and asked if the residents that sent the letters saved a copy. No one has any letters.

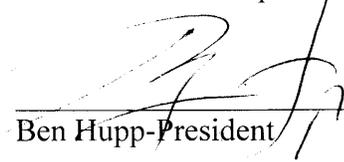
Item 3: Mr. Zinesmeister said when he tried to schedule the first meeting, the first date that was picked wouldn't work because it wasn't enough time to get it in the newspaper, so he picked the next day that made since and then checked with all the board members to make sure it would work for everyone. On the second meeting that was scheduled, he was in contact with the co-chair, David Skinner, and together, they picked a date. Trustee Chorpenning doesn't feel there is any issue of non performance or misconduct for item #3. Mr. Skinner said he wasn't aware he was the co-chair until he walked into the first meeting so Mr. Zinsmeister presented the information. Mr. Zinsmeister also stated that the assistant prosecutor said that the 30 days is just a guideline. The meeting was 31 days after they received the paperwork and she said that was acceptable.

Trustee Hupp made a motion to go into executive session. Trustee Chorpenning questioned if this was an appropriate reason to go into executive session. Trustee Hupp stated he checked the code before the meeting. Trustee Hupp again made the motion for the 3 trustees and the fiscal officer to go into executive session for approximately 20 minutes to discuss only the items discussed at this meeting. Trustee Chorpenning reminded the board there can't be any notes taken or votes made in executive session. Trustee VanBuren seconded the motion to go into executive session. Roll Call vote: Hupp yes, Chorpenning yes, VanBuren yes.

Trustee Hupp called the meeting back to order after executive session at 7:44. Roll call Hupp yes, VanBuren yes, Chorpenning yes.

Trustee Hupp made a motion that no further action be taken based on no probable cause. Trustee Chorpenning seconded the motion. Roll Call: Hupp yes, VanBuren yes, Chorpenning yes.

Trustee Chorpenning made a motion to adjourn the meeting. Motion seconded by Hupp. With business complete the board adjourned at 8:47pm.

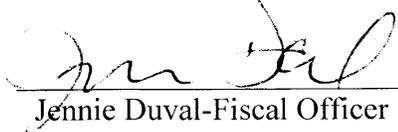


Ben Hupp-President



Daniel VanBuren- Vice President

Jeff Chorpenning- Trustee



Jennie Duval-Fiscal Officer