

Village of Middlefield Regular Council Minutes
January 9, 2014

Council met in regular session. The Mayor called the meeting to order at 7:00 p.m. with the following members present: Mr. William Blue, Mr. Carl Hofstetter Jr., Mr. Carl Hornung, Mr. Scott Klein, Mr. Richard Seyer, and Mr. Ronald Wiech.

Also present: Dan Weir – Administrator, Tiffany Mekeel – Fiscal Officer, Charles Ehrhart – Director of Streets & Utilities, Arnold Stanko – Chief of Police, Michael Dutton – Recreation Director, Billie Warren – Program Supervisor, Steven Roessner – Foresight Engineering, Village Zoning Inspector, Thomas Lee – Taft Law, Village Solicitor, Paula Shenal – Community Care Ambulance, Lieutenant Ben Reed – Fire Department, Kim Breyley – Middlefield Post, Joan Rusek – MapleLeaf, Kirby Date – CSU Student, Sam Morrow – Resident, Glen Valley, Dan Gyure – Resident, Board of Zoning Appeals committee member, Rob Stanziale – Resident, Board of Zoning Appeals committee member, Sarah Beach – NDCL student and Alex Duncan – Resident.

Opening Ceremony: The Pledge of Allegiance was cited.

Agenda: agenda was accepted as presented.

Approval of Minutes: December 31, 2013 regular meeting – Mr. Hornung moved to approve the minutes, seconded by Mr. Hofstetter; on the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

Payment of Bills: Mr. Wiech moved to authorize payments totaling \$96,278.29, seconded by Mr. Blue; on the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

INCOME TAX REPORT – No Report

DIRECTOR OF STREETS & UTILITIES REPORT – No Report

ORDINANCE 14-101 AN ORDINANCE HIRING JESSICA NEWSOME AS A PART-TIME POLICE OFFICER, CONTINGENT UPON HER COMPLETING THE REQUIREMENTS OF SECTION 139.01 OF THE CODIFIED ORDINANCES, AT PAY RATE OF \$15.30 PER HOUR, AND DECLARING AN EMERGENCY

Mayor Garlich introduced Ordinance 14-101 by title only. Mr. Wiech moved to waive the required readings and declare an emergency. Mr. Hornung seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Ordinance 14-101, Mr. Blue seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

Mayor Garlich swore in Miss Newsome.

Recessed Meeting: At 7:09 p.m., the Mayor announced a recess to welcome the new officer and celebrate her hiring with cake.

Reconvene Meeting: At 7:15 p.m., the Mayor announced the public portion of the meeting reconvened.

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ZONING INSPECTOR'S REPORT – No Report

PARKS & RECREATION REPORT – No Report

FIRE DEPARTMENT REPORT – No Report

AMBULANCE REPORT – No Report

POLICE REPORT – No Report

PUBLIC HEARING

ORDINANCE 13-149 AN ORDINANCE ENACTING NEW SECTIONS 1131.05(a)(93), 1165.02(ii), 1165.05(g) and 1135.04(l) AND AMENDING OF THE CODIFIED ORDINANCES TO AUTHORIZE WALL MURAL SIGNS AS CONDITIONAL USES IN NONRESIDENTIAL ZONING DISTRICTS

Mayor Garlich opened the public hearing at 7:30 p.m. Hearing no comments from those in attendance, Mayor Garlich closed the public hearing at 7:31 p.m.

ORDINANCE 13-150 AN ORDINANCE REPEALING EXISTING CHAPTER 1133 AND AMENDING EXISTING CHAPTER 1101 OF THE CODIFIED ORDINANCES TO TRANSFER THE RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS TO THE PLANNING COMMISSION, AND TO MAKE CERTAIN TECHNICAL AMENDMENTS

Mayor Garlich opened the public hearing at 7:31 p.m. Mr. Gyure stated he is a resident of the Village and is a member of the Board of Zoning Appeals. Mr. Gyure stated that he feels it takes away for residents and possible businesses to make an appeal. If the duties are transferred to the planning and zoning committee; there is no second opinion. It would allow a second set of eyes to review the problem and possibly offer a different solution. The board has been doing this for years with limited issues; and the residents need another avenue. Mayor Garlich stated that the board has done a great job; and he appreciates the board members. If the Village streamlines the process; it will allow the Village to move efficiently for manufactures and bring more businesses to the Village. Mr. Lee stated that the board of zoning appeals is not a second set of eyes. Mr. Lee explained the difference between planning and zoning and the board of zoning appeals. Planning commission cannot issue a variance; and the board of zoning appeals issues the variances. Mr. Seyer asked if planning and zoning still needs to have a public hearing. Mr. Lee stated that a public hearing is required and it encourages businesses to be prepared and streamline the process. Mr. Seyer stated that developers move at their pace. Mayor Garlich closed the public hearing at 7:53 p.m.

PUBLIC PARTICIPATION

Mayor Garlich gave a brief introduction of Ms. Date. Ms. Date thanked Mayor Garlich for his kind words. She proceeds to give a forty-five minute presentation on the Village's retail market study.

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FIRST READING

RESOLUTION 14-01 A RESOLUTION REQUESTING THE GEAUGA COUNTY AUDITOR TO PROVIDE TAX ADVANCES FOR THE 2014 COLLECTION PERIODS, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 14-01 by title only. Mr. Hornung moved to waive the required readings and declare an emergency. Mr. Klein seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hofstetter moved to pass Resolution 14-01, Mr. Blue seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

RESOLUTION 14-02 AUTHORIZING TRANSFER OF FUNDS, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 14-02 by title only. Mr. Hornung moved to waive the required readings and declare an emergency. Mr. Wiech seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hofstetter moved to pass Resolution 14-02, Mr. Klein seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

RESOLUTION 14-03 A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO ACT AS THE DESIGNATED REPRESENTATIVE OF THE MEMBERS OF THE VILLAGE OF MIDDLEFIELD COUNCIL FOR THE PURPOSE OF REQUIRED PUBLIC RECORDS TRAINING, AND DECLARING AN EMERGENCY

Mayor Garlich introduced Resolution 14-03 by title only. Mr. Wiech moved to waive the required readings and declare an emergency. Mr. Hornung seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Resolution 14-03, Mr. Blue seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

RESOLUTION 14-04 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTATOR TO ENTER INTO AN EASEMENT AGREEMENT WITH THE CLEVELAND ELECTRIC ILLUMINATING COMPANY IN ORDER TO PROVIDE ELECTRIC UTILITY SERVICE TO MIDDLEFIELD CHEESE, UTILIZING THE EASEMENT AREA PREVIOUSLY GRANTED TO MIDDLEFIELD CHEESE, AND DECARLING AN EMERGENCY.

Mayor Garlich introduced Resolution 14-04 by title only. Mr. Lee gave a brief overview of the easement. The easement is for CEI; not Middlefield Cheese. Mr. Klein moved to waive the required readings and declare an emergency. Mr. Hornung seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Resolution 14-04, Mr. Wiech seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

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SECOND READING

ORDINANCE 13-158 AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO IMPLEMENT AN INDIGENT BURIAL POLICY FOR THE VILLAGE OF MIDDLEFIELD

Mayor Garlich read Ordinance 13-158 by title only. Mr. Hornung moved to place on second reading; Mr. Blue seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ORDINANCE 13-160 AN ORDINANCE CREATING AN "UNCLAIMED MONIES FUND" PURSUANT TO SECTION 9.39 OF THE REVISED CODE

Mayor Garlich read Ordinance 13-160 by title only. Mr. Klein moved to place on second reading; Mr. Hornung seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

RESOLUTION 13-22 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A CONTRACT WITH THE GEAUGA-TRUMBULL SOLID WASTE MANAGEMENT DISTRICT, FOR THE PROVISION OF SINGLE STREAM RECYCLING DROP-OFF SERVICES

Mayor Garlich read Resolution 13-22 by title only. Mr. Klein moved to place on second reading; Mr. Wiech seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

THIRD READING

ORDINANCE 13-148 AN ORDINANCE ENACTING NEW SECTION 181.20 OF THE CODIFIED ORDINANCES TO UPGRADE THE VILLAGE'S PREVIOUS JOB CREATION INCOME TAX CREDIT PROGRAM

Mayor Garlich read Ordinance 13-148 by title only. Mr. Hornung moved to amend Ordinance 13-148; Mr. Wiech seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Ordinance 13-148 as amended; Mr. Wiech seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ORDINANCE 13-149 AN ORDINANCE ENACTING NEW SECTIONS 1131.05(a)(93), 1165.02(ii), 1165.05(g) and 1135.04(l) AND AMENDING OF THE CODIFIED ORDINANCES TO AUTHORIZE WALL MURAL SIGNS AS CONDITIONAL USES IN NONRESIDENTIAL ZONING DISTRICTS

Mayor Garlich read Ordinance 13-149 by title only. Mr. Wiech moved to pass Ordinance 13-149; Mr. Blue seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

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ORDINANCE 13-150 AN ORDINANCE REPEALING EXISTING CHAPTER 1133 AND AMENDING EXISTING CHAPTER 1101 OF THE CODIFIED ORDINANCES TO TRANSFER THE RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS TO THE PLANNING COMMISSION, AND TO MAKE CERTAIN TECHNICAL AMENDMENTS

Mayor Garlich read Ordinance 13-150 by title only. Mr. Klein moved to pass Ordinance 13-150; Mr. Hornung seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, and Mr. Wiech voted yea; Mr. Seyer voted nay; motion CARRIED.

ORDINANCE 13-151 AN ORDINANCE AMENDING EXISTING SECTION 942.01 OF THE CODIFIED ORDINANCES TO MODIFY THE VILLAGE'S POLICY REGARDING TREE AND BRUSH REMOVAL

Mayor Garlich read Ordinance 13-151 by title only. Mr. Hornung moved to pass Ordinance 13-151; Mr. Blue seconded. Mr. Seyer stated that the ordinance needs to be amended and accepted before it can pass. The motion on the floor was rescind. Mr. Seyer moved to amend Ordinance 13-151; Mr. Hornung seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Ordinance 13-151 as amended; Mr. Blue seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ORDINANCE 13-152 AN ORDINANCE ACCEPTING THE ANNEXATION OF 0.28 ACRES OF LAND IN MIDDLEFIELD TOWNSHIP

Mayor Garlich read Ordinance 13-152 by title only. Mr. Hornung moved to amend Ordinance 13-152 to include a term to tap in to Village utilities on or before June 30, 2014; Mr. Wiech seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Klein moved to pass Ordinance 13-152 as amended; Mr. Wiech seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

UNFINISHED BUSINESS – None

NEW BUSINESS – None

VILLAGE COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

Economic Development (Mayor Garlich/Mr. Blue/Mr. Wiech)

Mayor Garlich announced interviews for the Director of Economic Development will begin on Wednesday, January 22, 2014.

Finance & Ordinance (Mr. Klein/Mr. Hofstetter/Mr. Hornung) – No Report

Streets, Sidewalks, & Utilities (Mr. Hornung/Mr. Klein/Mayor Garlich) – No Report

Parks & Recreation (Mr. Seyer/Mr. Hofstetter/Mayor Garlich) – No Report

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VILLAGE CALENDAR – No changes.

Executive Session: Council convened an Executive Session at 9:10 p.m. to discuss employee benefits. Mr. Blue moved; Mr. Klein seconded. On the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. The Village Administrator, Chief of Police, and Solicitor joined them.

Reconvene Open Meeting: At 9:38 p.m., the Mayor announced the public portion of the meeting reconvened.

Action resulting from Executive Session: The Mayor announced there was no action to take.

ADJOURNMENT

Mr. Klein moved; Mr. Wiech seconded to adjourn the meeting at 9:39 p.m. motion CARRIED.

DATE APPROVED: _____

ATTESTED BY: _____ **Ben Garlich, Mayor**

ATTESTED BY: _____ **Tiffany Mekeel, Fiscal Officer**