

Village of Middlefield Regular Council Minutes
April 3, 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, Nick Giardina-Fiscal Officer., Charles Ehrhart – Director of Streets & Utilities, Joseph Tucholski-Chief of Police, Michael Dutton – Recreation Director, Billie Warren – Program Supervisor, Steven Roessner – Foresight Engineering, Village Zoning Inspector, Thomas Lee – Taft Law, Village Solicitor, Edna Davis, Tiffany Mekeel, Latisha Stupka, Carrie Ehrhart, Dustin Ehrhart, Mr. & Mrs. Stone, Mr. & Mrs. Hippley, Kim Breyley, Ann Wishart-Maple Leaf, Vanessa Tucholski, Olivia Tucholski, Andrew Tucholski, Mrs. & Mrs. Jackson, Valerie Warner, Miranda Warner, Joseph Jackson, Officer Aveni, Officer Naudad, Officer Thompson, Officer Sustack, Officer Nevison, Sgt. Savage, Officer Thomas, Sam Morrow.

Opening Ceremony: The Pledge of Allegiance was cited.

Agenda: No additions or deletions presented.

Approval of Minutes: March 6, 2014 regular meeting – Mr. Klein moved to approve the minutes as presented, seconded by Mr. Blue. Roll call: Yeas (6).

Minutes of March 20, 2014 Special Council meeting were presented for approval. Mr. Wiech moved to approve the minutes, seconded by Mr. Hornung. Roll call: Yeas (6).

Payment of Bills: Mr. Wiech moved to authorize payments totaling \$162,136.90, seconded by Mr. Hornung. Roll call: Yeas (6). Discussion regarding the purchase of heated wipers on the Service Department trucks.

INCOME TAX REPORT – Report included in packet. Mayor stated that to date the Income Tax Collection has increased from last year.

DIRECTOR OF STREETS & UTILITIES REPORT – Report included in packet. Mr. Ehrhart stated that there was routine maintenance at the plants, equipment repair, sewer main cleaning and snowplowing/salting streets and sidewalks. There was a water leak on Mill Street this last month on a Saturday. Meter reading and meter replacement also took place. Mr. Ehrhart discussed the Northeast Section Ohio Water Environment Association Meeting that was held at the WWTP & WTP; about 90 people attended. Mr. Cipolla did an excellent presentation on the history of the village and the expansion of the plants. Mayor Garlich requested that Mr. Cipolla give the presentation to Council at the next council meeting. Mr. Seyer requested that the Service Department do a leaf clean up this spring due to the early snow fall; looking at the end of April. Wiech inquired how the meter change outs have been progressing. Mr. Ehrhart stated that is has been moving right along.

POLICE REPORT – Report included in packet. Lt. Tucholski reviewed the calls that the department had this last month. The department gave almost three times as many verbal warnings as tickets issued. Officer Gray is doing a great job with the Citizens Academy. Tracy Jordan was the speaker this week, she is the County Victim Advocate. The training for Office Newsome is going very well, she is progressing above average. Seyer inquired about the lockouts. Lt. Tucholski stated that most are car lock outs but

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some are home lockouts. Seyer asked if the person is required to sign a waiver. Lt. Tucholski stated that they do sign a waiver and it frees the department from any damage.

ZONING INSPECTOR'S REPORT – Report included in the packet. Mr. Roessner stated that the Chem Technologies Lot Split was approved at the Planning and Zoning and that is moving forward. Neff Perkins has submitted plans to remove the current office and replace with a larger space. Seyer asked when O'Reilly's Auto Part were going to break ground. Mr. Roessner stated that the last time he had spoken with them O'Reilly's were submitting to the County Building Department sometime this month and do a late spring build.

PARKS & RECREATION REPORT – Report included on packet. Mr. Dutton stated that the Spring Program registration deadline has passed. There will be 7 baseball teams and 2 softball teams; practices will be starting soon. Soccer should be starting practices next week. There are 9 participants registered for the martial arts class. Discussion regarding the softball/baseball clinic, Easter egg hunt, summer camp, coaches background checks and adult softball league. ***Mr. Wiech made a motion to accept the \$20.00 gift card from Giant Eagle, seconded by Mr. Hornung. All in favor: Yeas (6)***

FIRE DEPARTMENT REPORT – Ben Reed was in attendance for the Fire Department. Mr. Reed stated that the calls to date are high than this time last year. The department attend many trainings. The fire department did mutual aid on the Garrettsville fire. The department has received the necessary permits to do live burns and trainings on the Nauvoo Road house.

AMBULANCE REPORT – Report included in packet.

FINANCIALS – Report included in packet

PUBLIC PARTICIPATION

Oath of Office administered to Nick Giardina – Fiscal Officer.

Proclamation read and given to Tiffany Mekeel – Departing Fiscal Officer.

ORDINANCE 14-113 AN ORDINANCE REPEALING SECTION 2 OF ORDINANCE 12-105, AUTHORIZING AN DIRECTING THE VILLAGE ADMINISTRATOR TO ENTER INTO A SERVERANCE AND GENERAL RELEASE AGREEMENT WITH CHIEF ARNOLD STANKO, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Ordinance 14-113 by title only.

Mr. Hornung moved to waive the required reading of Ordinance 14-113 and declare an emergency, seconded by Mr. Blue. Roll call: Yeas (6)

No discussion.

Mr. Hornung moved to **pass** Ordinance 14-113, seconded by Mr. Hofstetter. Roll call: Yeas (6)

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ORDINANCE 14-114 AN ORDINANCE PROMOTING LT. JOSEPH A. TUCHOLSKI, JR. TO CHIEF OF POLICE, COMMENCING APRIL 3, 2014, PROVIDING THE TERMS FOR THAT EMPLOYMENT, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Ordinance 14-114 by title only.

Mr. Wiech moved to waive the required reading of Ordinance 14-114 and declare an emergency, seconded by Mr. Blue. Roll call: Yeas (6)

No discussion.

Mr. Hornung moved to pass Ordinance 14-114, seconded by Mr. Klein. Roll call: Yeas (6)

Oath of Office administered to Chief Joseph A. Tucholski

Mayor Garlich appointed Dan Gyure to the vacant seat on the Planning & Zoning Commission. Mr. Gyure was a long time member of the Board of Zoning Appeals and will be a good addition to the commission. ***Klein made a motion to accept the appointment of Dan Gyure to the Planning & Zoning Commission, seconded by Blue. Roll call: Yeas (6)***

FIRST READING

RESOLUTION 14-05 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A 2 YEAR CONTRACT WITH SS LANDSCAPING FOR THE INITIAL SEASONAL CLEANUP OF LANDSCAPED AREAS, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 14-05 by title only.

Mr. Hornung moved to waive the required readings of Resolution 14-05 and declare an emergency, seconded by Mr. Wiech. Roll call: Yeas (6).

Mr. Hofstetter moved to **pass** Resolution 14-05, seconded by Mr. Hornung. Roll call: Yeas (6).

RESOLUTION 14-06 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A 2 YEAR CONTRACT WITH SS LANDSCAPING FOR LANDSCAPE SERVICES AND LAWN MAINTENANCE, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 14-06 by title only.

Mr. Blue moved to waive the required readings of Resolution 14-06 and declaring an emergency, seconded by Mr. Hofstetter. Roll call/All in favor: Yeas (6)

Mr. Blue moved to **pass** Resolution 14-06, seconded by Mr. Hofstetter. Roll call/All in favor: Yeas (6)

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RESOLUTION 14-07 A RESOLUTION AMENDING RESOLUTION 14-03 TO DESIGNATE THE VILLAGE ADMINISTRATOR TO ACT AS THE DESIGNATED REPRESENTATIVE OF THE MEMBERS OF THE VILLAGE OF MIDDLEFIELD COUNCIL FOR PURPOSE OF REQUIRED PUBLIC RECORDS TRAINING AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 14-07 by title only.

Mr. Hornung moved to waive the required readings of Resolution 14-07 and declaring an emergency, seconded by Mr. Klein. Roll call: Yeas (6).

No discussion.

Mr. Blue moved to **pass** Resolution 14-07, seconded by Mr. Klein. Roll call: Yeas (6)

RESOLUTION 14-08 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN ENERGY MANAGEMENT AGREEMENT WITH ENERNOC FOR PARTICIPATING IN THE EMERGENCY LOAD RESPONSE PROGRAM, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 14-08 by title only.

Discussion regarding the Emergency Load Response Program and what is involved. The Village will receive payment for standby and if the village goes off line the village will be paid so much per kilowatts. Enernoc will install a smart meter and when the village goes off line the village also saves money on the electric bill.

Mr. Klein moved to waive the required reading of Resolution 14-08 and declaring an emergency, seconded by Mr. Wiech. Roll call: Yeas (6)

Mr. Hornung moved to **pass** Resolution 14-08, seconded by Mr. Wiech. Roll call: Yeas (6)

RESOLUTION 14-09 A RESOLUTION REQUESTING THE GEAUGA COUNTY AUDITOR TO CERTIFY THE TOTAL TAX VALUATION OF THE VILLAGE AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A REPLACEMENT OF THE EXISTING TAX LEVY FOR POLICE SERVICES, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 14-09 by title only.

Discussion regarding the current levy amount of collection and the changes that the replacement levy would generate.

Mr. Hornung moved to waive the required reading of Resolution 14-09 and declaring an emergency, seconded by Mr. Wiech. Roll call: Yeas (6).

Mr. Wiech moved to **pass** Resolution 14-09, seconded by Mr. Blue. Roll call: Yeas (6)

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ORDINANCE 14-110 AN ORDINANCE AMENDING EXISTING SECTION 943.23(A) OF THE CODIFIED ORDINANCES TO PROHIBIT THE PLANTING OF TREES ON ANY TREE LAWN IN THE VILLAGE, ABSENT THE SPECIFIC APPROVAL OF COUNCIL.

Mayor Garlich introduced Ordinance 14-110 by title only.

Mr. Seyer stated that the Finance Committee recommends to council to strike the "absent the specific approval of Council". The committee felt that this should not be allowed in any circumstance. Hofstetter stated that in some areas of the Village there are extended tree lawns. Mr. Lee feels that Council should have some discretion in this issue.

Mr. Hornung moved to place Ordinance 14-110 as written on first reading, seconded by Mr. Wiech. Roll call: Yeas (6)

ORDINANCE 14-111 AN ORDINANCE INCREASING THE WAGE RATE FOR TAX ADMINISTRATOR LATISHA STUPKA, EFFECTIVE MARCH 31, 2014, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Ordinance 14-111 by title only.

Mr. Hornung moved to waive the required reading of Ordinance 14-111 and declaring an emergency, seconded by Mr. Wiech. Roll call: Yeas (6).

Mayor Garlich stated that during the performance audit it was noted that the position of Tax Administrator was underpaid and this is another step to bring this position up to a competitive wage.

Mr. Klein moved to **pass** Ordinance 14-111, seconded by Mr. Wiech. Roll call: Yeas (6)

ORDINANCE 14-112 AN ORDINANCE INCREASING THE WAGE RATE FOR THE ADMINISTRATIVE ASSISTANT/BILLING CLERK CARRIE EHRHART, EFFECTIVE MARCH 31, 2014, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Ordinance 14-112 by title only.

Mr. Wiech moved to waive the required reading of Ordinance 14-112 and declare an emergency, seconded by Mr. Hornung. Roll call: Yeas (6).

Discussion regarding the additional duties that Ms. Ehrhart will be required to complete.

Mr. Klein moved to **pass** Ordinance 14-112, seconded by Mr. Hofstetter. Roll call: Yeas (6)

ORDINANCE 14-115 AN ORDINANCE REPEALING SECTIONS 2,3,4 AND 5 OF ORDINANCE 13-116 AND RECIND THE AMENDMENTS TO SECTION 1105.03, 1105.04, 1105.05 AND NEWLY ENACTED SECTIONS 1105.07 AND 1105.08, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Ordinance 14-115 by title only.

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Mr. Lee gave a brief history of this section of the Codified Ordinances and when the Village annexed the property last year, Council amended the CRA to include the new property. These amendments were not needed.

Mr. Klein moved to waive the required reading of Ordinance 14-115 and declare an emergency, seconded by Mr. Hornung. Roll call: Yeas (6)

Mr. Hornung moved to **pass** Ordinance 14-115, seconded by Mr. Klein. Roll call: Yeas (6)

SECOND READING – None before Council

THIRD READING

ORDINANCE 14-104 AN ORDINANCE AUTHORIZING THE GEAUGA COUNTY AUDITOR TO ASSIGN HOUSE NUMBERS AND STREET ADDRESSES WITHIN THE VILLAGE OF MIDDLEFIELD.

Mayor Garlich introduced Ordinance 14-104 by title only.

Mr. Hornung moved to **pass** Ordinance 14-104, seconded by Mr. Klein. Roll call: Yeas (6)

UNFINISHED BUSINESS – NONE

NEW BUSINESS

1. **Web Site Report:** Ms. Breyley stated that the website was reviewed over average; up about 13%. Discussion regarding the webhosting and the new contract.
2. **Letter Agreement for Post-Employment Assistance for New Fiscal Officer:** Mr. Weir stated that Ms. Mekeel is willing to assist the new fiscal officer as needed. Mr. Giardina only had about 2 weeks training before Ms. Mekeel had to leave. When Ms. Mekeel took the job she had about 7 months training with Ms. Osborne. Mr. Hornung made a motion to approve this agreement with Ms. Mekeel, Seconded by Mr. Blue. Roll call: Yeas (6)
3. **Middlefield Cheese Letter-Requesting Permission to Bore Under Village Owned Land:** Mr. Weir stated that Middlefield Cheese drilled a well back by the B & O. Trying to figure out how to get the water from the well to the front property. Would like to bore across the Villages wet land property. Submitted this letter outlining what the proposed bore would entitle. The Village also has a conservation easement. Planning on boring without disturbing the land. Middlefield Cheese would like to get surveyor stated on the project. Suggesting 2 bore pits starting by the access road. Need additional clarification on the depth of the bore. *If is the consensus of Council that more information is needed.*

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VILLAGE COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

Economic Development (Mayor Garlich/Mr. Blue/Mr. Hornung) - Minutes are in the packet. Interviews have been completed. Met with Marban Properties regarding the proposed improvements to the strip center, Dollar General and the car wash.

Finance & Ordinance (Mr. Seyer/Mr. Klein/Mr. Wiech) – Everything discussed has been covered at this meeting with the legislation.

Streets, Sidewalks, & Utilities (Mr. Wiech/Mr. Hornung/Mayor Garlich) – Mr. Wiech stated that the following items were discussed, trees in the tree lawn, streetlight at West High & Woodsong, adjustment journal, landscape proposals, inventory of streets repairs needed, and LED lighting.

Tax Abatement Housing Council - This is a required meeting prior to submitting the yearly report to the State. All current abatements have be inspected for compliance.

Parks & Recreation (Mr. Hofstetter/Mr. Seyer/Mayor Garlich) - Discussed possible expansion of the senior center. Hofstetter would like to see the building an L shape.

Public Safety (Mr. Hornung/Mr. Blue/Mr. Hofstetter) – Discussed the Citizen Academy, turn in policy for officer leaving, clerk training and the police department is now able to monitor school bus radios. Discussed the levy that will be on the ballot.

Planning & Zoning (Mayor Garlich/Mr. Klein/Mr. Linberg/Mr. Giardina/Ms. Davis) – Neff Perkins will be removing the existing office space and will replace with a large space. Walmart was approved for a 2 year open storage permit. Discussed the preliminary plans that were submitted by Chem Technologies.

Mayor Garlich gave his State of the Village presentation.

VILLAGE CALENDAR: No changes

EXECUTIVE SESSION:

At 9:21 pm Mr. Klein moved to adjourn to executive session for personnel, seconded by Mr. Hornung. Roll call/All in favor: Yeas (6)

The meeting reconvened at 9:40 p.m.

There being no further business before Council the meeting adjourned at 9:40 pm.

DATE APPROVED: _____

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

ATTESTED BY: _____ **Carrie Ehrhart, Office Asst.**
(transcribed)