

Village of Middlefield Regular Council Minutes
May 1, 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, Dick Stone, Judy Stone, Kelli Lillash, Byron Childs, Donna Anderson, Joan Ray, Karen Blue, Alissa Arndt-Nona-Truman, Jordan Blue, Amana Brewster, Edna Davis, Sam Morrow, Chris Hippley, James Carroll, Sam Miller-Middlefield Cheese, Stephanie Dulka, Gary Schoenwald-Middlefield Cheese, Susan Leng, Scott Hill and Alex Duncan.

Opening Ceremony: The Pledge of Allegiance was recited.

Agenda: No additions or deletions presented.

Approval of Minutes: April 3, 2014 regular meeting – Mr. Klein moved to approve the minutes as presented, seconded by Mr. Hornung. Roll call: Yeas (6). Minor correction to the Pledge of Allegiance.

Payment of Bills: Mr. Blue moved to authorize payments totaling \$163,569.85, seconded by Mr. Hornung. Roll call: Yeas (6).

INCOME TAX REPORT – Trailing last year by a few thousand dollars.

DIRECTOR OF STREETS & UTILITIES REPORT – Report included in packet. Mr. Ehrhart stated that they department did routine maintenance at the Water and Wastewater Treatment plants, meter replacement and parks are open and worked on cleaning them up. Sports fields have been cleaned up and painted. Discussion regarding park openings. Streets sweeping, chipping and leaf pickup; ended up with 2 loads of leaves. The department put in 200 fish into Mineral Lake. Repair to the traffic light at Giant Eagle; the loop needed to be reset. Mayor Garlich complimented Ehrhart on his control of the overtime.

POLICE REPORT – Report included in packet. Chief Tucholski went over the calls that the department had in April. The next couple months the officer will be attending a lot of training. Officers have been eating lunch at school with the kids. Will be starting bike patrol as soon as the weather breaks. Might have to buy some new bikes, the one the village owns is out of date. Discussion regarding the Citizens Police Academy and they will graduate on May 7th. Will look at holding another academy in September. Discussion regarding the program “Hidden in Plain Site” that the school hosted and the poor attendance by the parents.

ZONING INSPECTOR’S REPORT – Mr. Roessner stated that most everything that has been submitted will be discussed later. Received phone calls about remodeling and trees in neighbor’s yards.

PARKS & RECREATION REPORT – Report included on packet. Mr. Dutton stated that the spring programs are all up and running. Coaches meeting have been held. Have 6 teams for the Friday Night Men’s League. Held a clinic by Otto Orf for the soccer

Village of Middlefield Regular Council Minutes
May 1, 2014

players. The martial arts program is running strong. The Easter Egg hunt was well attended and the weather was great. There are a few things that need to be fine-tuned. The next community event will be the Cops' N' Kids fishing. Received a grant to help with the cost of the t-shirts and prizes. Discussion regarding creating a group of parents the can help and volunteer with the community events. Developed new programs such as an aerobic kick boxing class and an adult self-defense class.

FIRE DEPARTMENT REPORT – Ben Reed was in attendance to represent the fire department. Mr. Reed gave an overview of the calls to date for the department. Call volume is still running about a month ahead of last year's totals. Will be holding a fill the boot in August in support of Muscular Dystrophy.

AMBULANCE REPORT – Nothing submitted

FINANCIALS – Report included in packet

PUBLIC PARTICIPATION

ORDINANCE 14-116 AN ORDINANCE PROMOTING JESSICA NEWSOME FROM A PART-TIME POLICE OFFICER TO FULL-TIME POLICE OFFICER, ESTABLISHING COMPENSATION, AND DECLARING AN EMERGENCY.

Mayor Garlich Introduced Ordinance 14-116 by title only.

Mr. Wiech made a motion to waive the required readings and declare an emergency, seconded by Mr. Hofstetter. Roll call: Yeas (6)

No discussion held.

Mr. Hornung made a motion to **pass** Ordinance 14-116, seconded by Mr. Wiech. Roll call: Yeas (6). MOTION PASSED

ORDINANCE 14-117 AN ORDINANCE AUTHORIZING THE HIRING OF TIMOTHY BREWSTER TO THE FULL-TIME POSITION OF POLICE OFFICER, ESTABLISHING COMPENSATION, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Ordinance 14-117 by title only.

Tim Brewster gave a brief introduction of himself.

Mr. Blue made a motion to waive the required reading and declare an emergency, seconded by Mr. Wiech. Roll call: Yeas (6).

Mr. Seyer made a motion to **pass** Ordinance 14-117, seconded by Mr. Hornung. Roll call: Yeas (6). MOTION PASSED.

Mayor Garlich administered the Oath of Office to Officer Newsome and Officer Brewster.

Presentation by WWTP Operator Mike Cipolla on the history of the plants and how and why this presentation was created. Discussion regarding the reclaiming of water and the

Village of Middlefield Regular Council Minutes
May 1, 2014

process. Mayor Garlich compliments Mr. Cipolla on the great job that he does at the plants.

FIRST READING

RESOLUTION 14-10 A RESOLUTION ADOPTED PURSUANT TO REVISED CODE SECTION 5521, CONSENTING TO THE COMPLETION OF THE SR-608 RESURFACING PROJECT, AGREEING TO COOPERATE WITH ODOT, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 14-10 by title only.

Mr. Weir stated that the project is on SR-608 to SR 528 beginning from the area in front of Marathon out to SR 528. The only costs to the Village would be if ADA sidewalk ramps were needed or if the street would need widening which is not anticipated on the project.

Mr. Wiech made a motion to waive the required readings and declare an emergency, seconded by Mr. Blue. Roll call: Yeas (6)

Mr. Hornung made a motion to **pass** Resolution 14-10, seconded by Mr. Klein Roll call: Yeas (6)

RESOLUTION 14-11 A RESOLUTION DIRECTING THE FISCAL OFFICER TO TAKE STEPS TO PLACE ON THE NOVEMBER, 2014 GENERAL ELECTION BALLOT A REPLACEMENT OF THE EXISTING 2.0 MILL LEVY FOR POLICE SERVICES.

Mayor Garlich introduced Resolution 14-11 by title only.

Police Chief Tucholski expressed the importance of the levy and that the levy would cost \$70.00 per \$100,000 valuation.

Mr. Hornung made a motion to place Resolution 14-11 on first reading, seconded by Mr. Hofstetter. Roll call: Yeas (6).

RESOLUTION 14-12 A RESOLUTION CONSENTING TO THE ODOT BRIDGE INSPECTION PROGRAM SERVICES, AUTHORIZING COOPERATION, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 14-12 by title only.

Mr. Weir stated that the Village has three bridges that it is responsible to inspect annually. The village has hired engineers for the inspections and have paid fees. ODOT will inspect the bridges at no cost to the village. The village would be responsible for any repairs needed after inspection.

Mr. Wiech made a motion to waive the required readings and declare an emergency, seconded by Mr. Klein. Roll call: Yeas (6)

Mr. Blue made a motion to **pass** Resolution 14-12, seconded by Mr. Hofstetter. Roll call: Yeas (6)

ORDINANCE 14-118 AN ORDINANCE AUTHORIZING SAH CONSULTANTS TO TEMPORARILY INSTALL A SAMPLE LOG CABIN KIT AT THE GREAT LAKES OUTDOOR SUPPLY COMMERCIAL PROPERTY, IMPOSING CONDITIONS, AND DECLARING AN EMERGENCY.

Tabled in committee.

Representative from Great Lakes Outdoor Supply were in attendance. Mayor Garlich stated that Council will not have Ordinance 14-118 under consideration at this evening meeting due to the location now being proposed by SAH Consultants differing from the location discussed and approved by the Planning Commission just the week before. Mayor Garlich said the Finance committee tabled the ordinance and the discussion will have to return to the planning commission for review. Mayor Garlich suggested that a special Planning Commission Meeting can be arranged for the first part of next week to expedite the review process.

ORDINANCE 14-119 AN ORDINANCE AUTHORIZING URBAN GROWERS GREENHOUSE TO INSTALL AND OPERATE A TEMPORARY GREENHOUSE AT THE HARRINGTON SQUARE COMMERCIAL PROPERTY, IMPOSING CONDITIONS, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Ordinance 14-119 by title only.

Discussion held on the location at Harrington Square, will be open from May to July. Mr. Urbanwicz was in attendance for discussion.

Mr. Klein made a motion to waive the required readings and declare an emergency, seconded by Mr. Blue. Roll call/All in favor: Yeas (6)

Mr. Wiech made a motion to **pass** Ordinance 14-119, seconded by Mr. Hornung. Roll call: Yeas (6)

SECOND READING

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 stated that Mr. Hofstetter found an ordinance that already prohibits the planting of trees on village tree lawns. Mayor Garlich and Council decided Ordinance 14-110 was not needed and removed it from the agenda.

THIRD READING

UNFINISHED BUSINESS

1. **Request from Middlefield Cheese to do a Boundary Survey for Bore Under Village Property for Water Line:** Gary Schoenwald from Middlefield Cheese and their engineers were in attendance. Solicitor Lee suggested that it is likely

Village of Middlefield Regular Council Minutes
May 1, 2014

that the EPA will require permits to allow any boring under wetlands. Mr. Lee expressed the need that Middlefield Cheese obtain all necessary permits along with an agreement that Middlefield Cheese will indemnify and hold harmless the Village from any claims or damages. Middlefield cheese will also need to name the Village of Middlefield as additionally insured on any insurance policy issued. Discussion was held regarding which side of SR-608 the water line would be installed. Council preferred that the waterline be installed on the east side of SR-608 due to the fact that the Village has two water mains on the west side of the road. Mr. Klein made a motion to permit Middlefield Cheese to bore under the wetlands as proposed with the following contingencies, that Middlefield Cheese acquires all necessary permits, that Middlefield Cheese provide in written form an agreement to indemnify and hold harmless the village from any claims or damages, that Middlefield Cheese and its contractors name the village as an additional insured on any policy of insurance that is issued, that Middlefield Cheese will install the water line on the eastside of SR-608, seconded by Seyer. Roll call: Yeas (6)

NEW BUSINESS

1. **Web Site Report:** Ms. Breyley gave a brief overview of the website activities.
2. **Proposal from Miller Curbing & Paving, Inc. – Concrete Replacement on Glen Valley Drive:** Mr. Seyer stated that the proposal is to replace 73 feet of concrete roadway and base. The proposal from Miller is for labor and the material is to be purchased by the Village. Mayor Garlich prefers to get a price for labor and materials. Solicitor Lee mentioned that a three year bond is required. Mr. Klein made a motion to hire Miller Curbing to replace 73 feet of concrete roadway not to exceed \$32,000.00 including materials, seconded by Wiech. Roll call: Yeas (6)
3. **Proposal to Asphalt Pave Lenny Drive:** Mr. Weir stated that the total length of the paving is 725 feet and the cost is \$24,865.00. Discussion pursued regarding the need to pave the street. Mr. Wiech made a motion to pave Lenny Drive per the proposal received from Town-n-Country Pavers, seconded by Mr. Klein. Roll call: Yeas (6)
4. **Review of Performance Audit Accomplishments:** Tabled until June Council Meeting.

VILLAGE COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

Economic Development (Mayor Garlich/Mr. Blue/Mr. Hornung) – In packet

Finance & Ordinance (Mr. Seyer/Mr. Klein/Mr. Wiech) – In packet

Streets, Sidewalks, & Utilities (Mr. Wiech/Mr. Hornung/Mayor Garlich) – In packet

Tax Abatement Housing Council – In packet

Parks & Recreation (Mr. Hofstetter/Mr. Seyer/Mayor Garlich) – In packet

Village of Middlefield Regular Council Minutes
May 1, 2014

Public Safety (Mr. Hornung/Mr. Blue/Mr. Hofstetter) – In packet

Planning & Zoning (Mayor Garlich/Mr. Klein/Mr. Linberg/Mr. Gyure/Ms. Davis) – In packet

VILLAGE CALENDAR: No changes

Ralph Spidalieri: Mayor Garlich acknowledged Commissioner Spidalieri in attendance and opened the floor to him. Discussion was held regarding the structure in the parking lot of Great Lakes Outdoors Supply. Commissioner Spidalieri was miffed over approval not being given for the structure. Mayor Garlich explained the circumstance that prevented approval and that the delay for approval was due to the changes proposed. Further discussion was held regarding the fact that no permits have been issued for the structure. A debate ensued over the structure, the lack of permit for the structure and the Commissioners lack of knowledge that a permit is required in the municipality. Commissioner Spidalieri promptly made the decision to dismantle the structure and remove it from the property.

EXECUTIVE SESSION:

At 9:00 pm Mr. Klein moved to adjourn to executive session for personnel/litigation/land acquisition, seconded by Mr. Hornung. Roll call: Yeas (6)

The meeting reconvened at 9:20 p.m.

Mr. Klein made a motion to hire Horvencek & Associates as the Village Zoning Inspector at a cost of \$80.00 per hour, seconded by Mr. Hornung. All in favor: Yeas (6)

There being no further business before Council the meeting adjourned at 9:30 pm.

DATE APPROVED: _____

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

ATTESTED BY: _____ **Nick Giardina, Fiscal Officer**
(Transcribed by Carrie Ehrhart)