

**Village of Middlefield Regular Council Minutes**  
**September 4, 2014**

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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, Mark Longrich, Dick Stone, Judy Stone, Ann Wishart-Maple Leaf, Edna Davis, Scott J. Hunt, Gene L. Saraney, Christine Saraney, Chris Hippely, Alex Duncan, Sam Morrow-Glen Valley Farms.

**Opening Ceremony:** The Pledge of Allegiance was recited.

**Agenda:** No additions or deletions to the agenda.

**Approval of Minutes:** August 7, 2014 regular meeting – Mr. Klein moved to approve the minutes as presented, seconded by Mr. Blue. Roll call: Yeas (6).

**Payment of Bills:** *Mr. Blue moved to authorize payments totaling \$264,468.98 seconded by Mr. Wiech. Roll call Yeas (6).* Mr. Klein questions a bill to Metropolitan for valves and wear plates. Mr. Ehrhart stated those were for the pump station downtown. Question the UV Light for the WWTP.

**INCOME TAX REPORT** – Report included in the packet. The income tax is tracking ahead of 2013 and 2012.

**ECONOMIC DEVELOPMENT REPORT** – Report in the packet. Ms. Gambosi stated that the Natureworks Grant has been submitted; should get a decision by year end. The USDA Grant has been submitted for the revolving loan fund. Discussion with Briar Hill regarding their proposed addition. Sent out several retail marketing packets.

**ZONING INSPECTOR'S REPORT** – Report included in the packet. Ms. Gambosi stated that she issues a few permits one for a deck and one for a driveway variance. Discussion regarding the violations that have issues and the progress that has been made.

**DIRECTOR OF STREETS & UTILITIES REPORT** – Report included in the packet. Mr. Ehrhart stated that the department did routine maintenance at the WTP and the WWTP. Street repair on Johnson Street, grass mowing, baseball & field maintenance & prep, monthly chipping, streets sweeping and water of flowers. The park district will have the bike trail closed next week for repair work to the bridge. The trail will be blocked at Tare Creek. Mr. Ehrhart was complimented on no overtime. Mayor Garlich stated that this shows great management of the department.

**POLICE REPORT** – Report included in packet. Chief Tucholski gave the stats for the month of August. The department was very busy. Year to date the department is up about 1,011 calls. Mr. Seyer asked if the department is tracking call differently this year. Chief Tucholski stated that the department is just busier with calls. Mayor Garlich asked if the fall Citizens Police Academy has started. Chief Tucholski stated that it will begin the end of September and run for 10 weeks. Chief Tucholski stated that he may have had about 2 hours of overtime for the last month.

**Village of Middlefield Regular Council Minutes**  
**September 4, 2014**

---

**PARKS & RECREATION REPORT** – Report included in the packet. Mr. Detweiler stated that tackle football is currently running; first games will be this weekend at Ledgeмонт. The Cheerleaders have been working hard and will be cheering the football players this weekend. The flag football program was canceled. Most of the kids that participated last year have signed up for tackle this year. Attended a volleyball league meeting to discuss rules. Signups end on September 12<sup>th</sup>. Attended a basketball league meeting with all the participating communities. Looking at upgrade to the George Knox Park. Mayor Garlich asked about online registration. Mr. Detweiler stated that there are a few registrants that are utilizing this tool. Discussion regarding the community gardens.

**FIRE DEPARTMENT REPORT** – Nothing submitted. No representative in attendance.

**AMBULANCE REPORT** – No representative in attendance.

**FINANCIALS** – Report included in packet. Mr. Giardina stated that income tax has increased from 2012 and 2013. Water and sewer also have increased. Monies are holding steady.

**PUBLIC PARTICIPATION**

1. **TRANSITIONAL HOUSING** – Ms. Cheryle McCourt: Not in attendance.
2. **HUSKY NATION STADIUM** – Mr. Gary Cox and Osborn Corp. Representative: Mayor Garlich introduced Gary Cox-President of Huskie Nation. Mr. Cox stated that the goal of Huskie nation is to fund and build a sports complex for the community. Proposed state of the art 8 lane track, artificial turf, concession stand, new lighting and new sound system. The entrance will have a donor wall to high light all those that supported this project. The track team will be able to host district and regional track meets. The band will be able to hold concerts. The soccer teams will be able to host events. The recreation program will be able to use the fields. Planning on breaking ground in the spring of 2015. Mr. Mike Turner of O Sports gave a lengthy presentation of other projects that the company has designed. Discussed the project and the design steps for the proposed stadium. Dr. Hunt, Cardinal School Superintendent; need to bring the community back to the school. The project is not a school project, it is Huskie Nation project. Discussion regarding the current contract for the facility use fee is about \$10,000.00 per year. Proposed a 15 year contract at the current cost so the school can use the money for maintance and upkeep. Discussed balloon payments. Discussion regarding Cardinal and Ledgeмонт consolidation and how this could effect this agreement. Mayor Garlich stated that there is an element of risk and is concerned about spending tax payer's monies upfront. This is a great project and is a benefit to all of the communities that are involved. Mr. Klein stated that he is 100% for this project and feels this project would benefit the village. Mr. Hornung agrees. Discussion regarding the options for payment that were submitted from the schools. Mr. Lee verified that the Village will pay the money to the school and the school would use the money for capital improvements and maintenance.
3. **Linda & Jerry Jacobs**- From Parkman, have rental property on Grove Street. Have a huge concern regarding an ash tree that in on the neighbor's property. If

**Village of Middlefield Regular Council Minutes**  
**September 4, 2014**

---

this tree would come down it will cause damage to the Jacobs property and the Phillips property. Mr. Wiech stated that it is on private property and the village can't get involved. Mr. Lee suggests the Jacob's should put the Phillips on written notice and have an attorney draft a letter outlining the concerns regarding the tree.

4. **Gene & Christine Saraney-** 15133 Timber Ridge Drive. The sewage line was installed into the storm and the footers and gutters went into the sanitary. This was a spec house that the Saraney's bought 12 years ago. During the storm in July they noticed grass clipping coming up the drains in the basement; that's when they realized the house was not tied in correctly. The Saraney's feel the inspection process is flawed. The village says they are not responsible after the street right of way tie in and the county is responsible for the house inspection. Mayor Garlich feels that the system does need some improvements. The village did what was required within its jurisdiction. The responsible parties are the builder, excavator and the plumbing contractor. Mr. Ehrhart explained how the tie in process works. Mr. Lee stated that as part of the plumbing inspection the tie in's should be included with the County building department. Mrs. Saraney stated that she spoke with Courtney, previous village engineer, regarding the site plan and he stated that the site plan was approved as submitted but there is no way to police after approved. The Saraney's will have the system corrections made next week. The subject of compensation was discussed briefly and it was mentioned by Mayor Garlich that taxpayer money could not be used to compensate the property owner.

**FIRST READING**

**ORDINANCE 14-139 AN ORDINANCE AUTHORIZING THE HIRING OF DAVID DETWEILER AS A PART-TIME PROGRAM SUPERVISOR FOR THE RECREATION DEPARTMENT, RATIFYING THE HIRING OF DETWEILER ON AUGUST 15, 2014 AND DECLARING AN EMERGENCY.**

Mayor Garlich introduced Ordinance 14-139 by title only.

No discussion held.

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

Mr. Klein made a motion to **pass** Ordinance 14-139, seconded by Mr. Hornung. Roll call: Yeas (6).

**ORDINANCE 14-140 AN ORDINANCE TO ACCEPT THE DEDICATION OF BONNER DRIVE.**

Mayor Garlich introduced Ordinance 14-140 by title only.

Mr. Seyer stated that at the Finance meeting this ordinance was discussed and at the time Bonner Drive was installed it was never accepted for dedication. The village engineer has inspected Bonner Drive and there are a few minor repairs that need to be addressed before the village will dedicate. The road is in very good shape. Mr. Ehrhart

**Village of Middlefield Regular Council Minutes**  
**September 4, 2014**

---

stated that with the age of the road it is in really good shape except for the catch basins that might need to be repaired. No major cracks in the road. Mr. Weir stated that if the village is going to require a bond it needs to be discussed. Mr. Seyer stated that this was brought forward from an industry owner and not from Bonner, so this needs to be discussed with Mr. Bonner.

Mr. Klein made a motion to place Ordinance 14-140 on **First Reading**, seconded by Mr. Hornung. Roll call: Yeas (5) Mr. Wiech voted no

**RESOLUTION 14-17 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

Mayor Garlich introduced Resolution 14-17 by title only.

No discussion held.

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

Mr. Hornung made a motion to **pass** Resolution 14-17, seconded by Mr. Klein. Roll call: Yeas (6)

**RESOLUTION 14-18 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PROVIDE PARTIAL FUNDING FOR CONSTRUCTION OF ROADWAY AND STORM DRAINAGE IMPROVEMENTS TO FACILITATE THE DEVELOPMENT OF THE BONNER FARMS INDUSTRIAL PARK, AND DECLARING AN EMERGENCY.**

Mayor Garlich introduced Resolution 14-18 by title only.

The finance committee discussed this and recommend it for placement on first reading as an emergency.

Mr. Hornung made a motion to place Resolution 14-18 on First Reading, seconded by Mr. Wiech. Roll call: Yeas (6)

**RESOLUTION 14-19 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A DEVELOPMENT AGREEMENT WITH RICHARD A. BONNER, PURSUANT TO WHICH BONNER WILL PARTIALLY FUND PUBLIC INFRASTRUCTURE IMPROVEMENTS AT THE BONNER FARMS INDUSTRIAL PARK, AND DECLARING AN EMERGENCY.**

Mayor Garlich introduced Resolution 14-19 by title only.

The finance committee discussed this and recommend it for placement on first reading as an emergency. There are no village funds that will be put towards this project. There are grants that were awarded to the village that will be used for this project.

**Village of Middlefield Regular Council Minutes**  
**September 4, 2014**

---

Mr. Klein made a motion to place Resolution 14-19 on First Reading, seconded by Mr. Hofstetter. Roll call: Yeas (6)

**RESOLUTION 14-20 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH CARDINAL SCHOOL DISTRICT TO AUTHORIZE THE VILLAGE RECREATION DEPARTMENT TO UTILIZE THE SCHOOL FACILITIES FROM SEPTEMBER, 2014 THROUGH AUGUST, 2015, AND DECLARING AN EMERGENCY.**

Mayor Garlich introduced Resolution 14-20 by title only.

This is the standard one year agreement and the finance committee felt it should be renewed due to the fact that the Recreation Department needs to use the facilities.

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

Mr. Klein made a motion to **pass** Resolution 14-20, seconded by Mr. Wiech. Roll call: Yeas (6)

**RESOLUTION 14-21 A RESOLUTION AUTHORIZING THE MAYOR RO ENTER INTO AN AGREEMENT WITH THE CARDINAL LOCAL SCHOOL DISTRICT AND CHEM TECH PROPERTIES LIMITED TO PROVIDE FOR PAYMENTS BY CHEM TECH TO THE CARDINAL SCHOOLS IN LIEU OF THE PARTIALLY-ABATED REAL ESTATE TAXES REQUIRED BY THE ANNEXATION AGREEMENT ENTERED INTO PURSUANT TO RESOLUTION 12-24, AND DECLARING AN EMERGENCY.**

Mayor Garlich introduced Resolution 14-21 by title only.

Mr. Lee gave an explanation why the Mayor was entering into this agreement. This was due to the negotiation for annexation of the Bonner Farm property. This is a promise agreement that Chem Tech will pay the school the negotiated abatement amount.

Mr. Hornung made a motion to place Resolution 14-21 on **First Reading**, seconded by Mr. Hofstetter. Roll call: Yeas (6)

**SECOND READING**

**ORDINANCE 14-131 AN ORDINANCE ENACTING NEW SECTION 1135.04(I) AND AMENDING EXISTING SECTION 1135.05(d) OF THE CODIFIED ORDINANCES TO ALLOW FOR TEMPORARY SEASONAL USES IN THE COMMERCIAL DISTRICT AND TO MAKE CERTAIN TECHNICAL AMENDMENTS. (Public Hearing October 2, 2014)**

Mayor Garlich introduced Ordinance 14-131 by title only.

No discussion held.



**Village of Middlefield Regular Council Minutes**  
**September 4, 2014**

---

Mr. Blue made a motion to place Ordinance 14-131 on **Second Reading**, seconded by Mr. Klein. Roll call: Yeas (6)

**ORDINANCE 14-132 AN ORDINANCE AMENDING EXISTING SECTION 133.01(b) OF THE CODIFIED ORDINANCES TO SPECIFY THE FIDELITY BOND REQUIREMENTS FOR THE FISCAL OFFICER.**

Mayor Garlich introduced Ordinance 14-132 by title only.

No discussion held.

Mr. Hornung made a motion to place Ordinance 14-132 on **Second Reading**, seconded by Mr. Wiech. Roll call: Yeas (6)

**ORDINANCE 14-133 AN ORDINANCE AMENDING EXISTING SECTION 135.08 OF THE CODIFIED ORDINANCES TO CODIFY THE VILLAGE'S PREVIOUS DECISION TO CREATE THE POSITION OF RECREATION PROGRAM SUPERVISOR, AND TO ESTABLISH REQUIREMENTS THEREFOR.**

Mayor Garlich introduced Ordinance 14-133 by title only.

No discussion held.

Mr. Hornung made a motion to place Ordinance 14-133 on **Second Reading**, seconded by Mr. Klein. Roll call: Yeas (6)

**ORDINANCE 14-134 AN ORDINANCE AMENDING SECTION 135.10 OF THE CODIFIED ORDINANCES TO SPECIFY A BONDING REQUIREMENT FOR THE VILLAGE'S DIRECTOR OF ECONOMIC DEVELOPMENT, AND MAKING CERTAIN TECHNICAL AMENDMENTS.**

Mayor Garlich introduced Ordinance 14-134 by title only.

No discussion held.

Mr. Klein made a motion to place Ordinance 14-134 on **Second Reading**, seconded by Mr. Wiech. Roll call: Yeas (6)

**ORDINANCE 14-135 AN ORDINANCE ENACTING NEW SECTION 135.11 AND AMENDING EXISTING SECTION 181.01(F) OF THE CODIFIED ORDINANCES IN ORDER TO SPECIFY THE REQUIREMENTS FOR THE MANNER OF APPOINTING THE TAX ADMINISTRATOR.**

Mayor Garlich introduced Ordinance 14-135 by title only.

No discussion held.

Mr. Hornung made a motion to place Ordinance 14-135 on **Second Reading**, seconded by Mr. Klein. Roll call: Yes (6)

**Village of Middlefield Regular Council Minutes  
September 4, 2014**

---

**ORDINANCE 14-136 AN ORDINANCE REPEALING CHAPTER 139.06 OF THE  
CODIFIED ORDINANCES.**

Mayor Garlich introduced Ordinance 14-136 by title only.

No discussion held.

Mr. Hornung made a motion to place Ordinance 14-136 on **Second Reading**, seconded by Mr. Wiech. Roll call: Yeas (6)

**THIRD READING**

**RESOLUTION 14-14 A RESOLUTION AUTHORIZING THE VILLAGE  
ADMINISTRATOR TO ENTER INTO A TWO-YEAR EXTENSION OF THE EXISTING  
AGREEMENT WITH GEAUGA LOCAL ACCESS CABLE CORPORATION FOR THE  
PROVISIONS OF LOCAL ACCESS CABLE PROGRAMMING.**

Mayor Garlich introduced Resolution 14-14 by title only.

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

**OLD BUSINESS** – Nothing before the Council

**NEW BUSINESS**

1. **Web Site Report:** Ms. Breyley stated that website has declined about 26% and the reason is that the park pages are not being viewed as much. Discussion regarding how to get more views.
2. **Sperry Lane Driveway Apron – Request for Elevation Change by Property Owner:** Mayor stated that the Streets Committee met to discuss this. The members of the committee have driven in and out of the driveway and don't feel that it is an issue. It is the recommendation of the streets committee to leave it the way it is. Seyer disagrees with the committee and feels that the reconstruction project created this issue. The contractor still needs to be out for the landscaping correction on the entire project. Discussed regarding no action needed. All in Favor: Yeas (5) Seyer voted no.
3. **Review of Police Levy Ballot Language:** Chief Tucholski read the ballot language. Chief Tucholski stated that the current levy generated about \$65,988 at 90% collection costing the home owner about \$14.94 per \$100,000 home value. If the levy passed it would generate about \$166,000 at 90% collection costing the homeowner \$70.00 per \$100,000. General consensus of Council that the ballot language was acceptable.
4. **Discussion on Possible Agreement with CCA for Limited Tax Information Services:** Mr. Lee stated that per special agreement a community can get access to the Federal Tax filings through the IRS. Only to communities that have 280,000 people and CCA has this. They are willing to enter into a limited

**Village of Middlefield Regular Council Minutes  
September 4, 2014**

---

agreement with the village. This is a recommendation from the Lakewood Law Director. Mr. Lee will get more information regarding this information.

**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.

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

**Public Safety (Mr. Hornung/Mr. Blue/Mr. Hofstetter)** – No meeting in August.

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

**VILLAGE CALENDAR:** Discussion regarding moving the Council meeting to the second Thursday or send packets out on Wednesday during council week where a village holiday falls on a Monday. Council members agree to a later delivery of Wednesday.

**EXECUTIVE SESSION:** None

There being no further business before Council the meeting adjourned at 9:36 pm.

**Approved:** \_\_\_\_\_  
**MAYOR**

**Attest:** \_\_\_\_\_  
**FISCAL OFFICER**