

Village of Middlefield Regular Council Minutes
September 8, 2016

Council met in regular session. Mayor Garlich called the meeting to order at 7:00 p.m. with the following members present: Mr. Bill Blue, Mr. Carl Hornung, Mr. Scott Klein, Mr. Sam Morrow, Mr. Rick Seyer and Mr. Ronald Wiech.

Also present: Mr. Nick Giardina-Fiscal Officer, Mrs. Jessica Giardina, Mr. Tom Lee-Village Solicitor, Ms. Billie Warren-Recreation Director, Ms. Leslie McCoy-Econ Dir/Zoning Insp., Chief Tucholski, Lt. Savage, Mr. John Wile, Ms. Alice Wise, Mr. Alex Duncan, Ms. Judy Stone, Mr. Dick Stone, Mr. Roger Hanna, Mrs. Frances Hanna, Ms. Diane Ryder-Maple Leaf, Ms. Tracie Simon and Ms. Monique Hornsby.

Opening Ceremony: The Pledge of Allegiance was recited.

Agenda: No Additions or deletions.

Approval of Minutes: August 11, 2016 regular meeting – *Mr. Hornung moved to approve the minutes as presented, seconded by Mr. Blue. Roll call: Yeas (5).*

Payment of Bills: *Mr. Morrow moved to authorize payments totaling \$267,235.33, motion seconded by Mr. Hornung. Roll call: Yeas (5).*

FISCAL OFFICER'S REPORT: Income tax and Financials – Reports in the packet. Mr. Giardina stated that Income Tax is still tending down compared to the year before. Water and sewer is showing a slight increase from last year's total. All departments are holding expenses down.

ECON DEV./ZONING INSP. REPORT – Report included in the packet. Ms. McCoy stated that she has been working on Grants. Will be attending the International Economic Convention later this month. Included in the packet are the statistics from the advertising campaign. The Facebook page has about 2,000 new followers. Discussion regarding the progress of the buggy lanes along 608. Zoning is pretty steady. House construction is up about 300%. The Vet Clinic should be getting under construction soon. Discussion regarding the violation on West High Street and the progress. The neighbors submitted a complaint regarding varmints that are currently living under the vacant house.

DIRECTOR OF STREETS & UTILITIES REPORT – Report included in the packet. Mr. Ehrhart stated the department performed routine maintenance and repairs at the plants. The department also did ballfield maintenance, a water main break repair, park maintenance, street repair work, monthly chipping, water flowers and grass mowing. Repairs to the sewer jet and some maintenance to the vehicles. Eagle Sprayground is closed for the season. Discussion regarding the mowing of Knox Park. Mr. Wiech question about the overall condition of the waterline infrastructures in the Village. Mr. Ehrhart stated that the worst line is the North State to the South State main line. This is where the water main breaks have been occurring. Estimated that this line was installed in the 1940's.

POLICE REPORT – Report included in packet. Chief Tucholski gave the statistics for the month of August; it was a very busy month. 395 calls for service for the year; down a little from last year. In the Safety Meeting the committee approved the purchase of a new cruiser in 2017. Trick or Treat will be held on October 31 from 5:30 to 7:00 pm.

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PARKS & RECREATION REPORT – Report included in the packet. Ms. Warren stated that Football and Cheerleading Programs are underway. Soccer games started this week. Adult Softball started the Fall Season last Friday. Volleyball started this week; there are 3 teams.

FIRE DEPARTMENT REPORT - Report is on the desk.

AMBULANCE REPORT – Report is on the desk.

PUBLIC PARTICIPATION-

Charlie Ehrhart spoke regarding the Friends of Mike Event that will be held this Saturday September 10th starting at 4:00 pm at the Middle School. The profits benefit the kids in the school. Over the last 8 years the event has donated approximately \$100,000 to the schools.

A resident stated that she would like to discuss the elimination of the recycling center and the village going to one main hauler. Mayor Garlich explained the motivation behind the Village's decision and the mess that has been happening at the recycling center. The resident only has one bag per week and she takes it to her mother's house, she is asking how this will affect her. Mayor Garlich stated that she will be required to pay for the service.

Mr. Hornung stated that he has received several calls of concern from residents in the Woodsong Subdivision who purchase the bags due to low usage.

Mr. Wiech stated that another one of the motivations of the Village to go with one hauler is to reduce the amount of truck traffic on the Village roads.

Mr. Weir stated that Jefferson has been using a one hauler for the Village and their rate is currently \$16.15 per month for waste and recycling.

Discussion regarding the container size for the waste and the recycling container. The waste will be picked up weekly and the recycling every two weeks.

FIRST READING -

ORDINANCE 16-130 APPOINTING LESLIE GAMBOSI MCCOY TO THE NEWLY-CREATED POSITION OF ASSISTANT VILLAGE ADMINISTRATOR, AND ESTABLISHING COMPENSATION.

Mayor Garlich introduced Ordinance 16-130 by title only.

No discussion.

Mr. Morrow made a motion to place Ordinance 16-130 on First Reading, motion seconded by Mr. Hornung. Roll call: Yeas (5).

ORDINANCE 16-131 WAIVING THE REQUIREMENT THAT THE RECENTLY-APPOINTED ASSISTANT VILLAGE ADMINISTRATOR BECOME A RESIDENT OF THE VILLAGE.

Mayor Garlich introduced Ordinance 16-131 by title only.

Mayor Garlich stated that a compensation package will be forthcoming in the future.

Mr. Hornung made a motion to place Ordinance 16-131 on First Reading, motion seconded by Mr. Blue. Roll call: Yeas (5)

ORDINANCE 16-132 AMENDING EXISTING SECTION 911.08 OF THE CODIFIED ORDINANCES TO PROVIDE FOR A THREE PERCENT INCREASE IN WATER RATES, COMMENCING JANUARY 1, 2017.

Mayor Garlich introduced Ordinance 16-132 by title only.

Revenue needs to be increased to cover expenses and repairs to the plants

Mr. Morrow made a motion to place Ordinance 16-132 on First reading, motion seconded by Mr. Blue. Roll call: Yeas (5).

ORDINANCE 16-133 AMENDING EXISTING SECTION 907.04 OF THE CODIFIED ORDINANCES TO PROVIDE FOR A THREE PERCENT INCREASE IN SEWER RATES, COMMENCING JANUARY 1, 2017

Mayor Garlich introduced Ordinance 16-133 by title only.

Mr. Morrow made a motion to place Ordinance 16-133 on First Reading, motion seconded by Mr. Hornung. Roll call: Yeas (5).

ORDINANCE 16-134 AMENDING EXISTING SECTION 135.051 AND ENACTING NEW SECTION 135.052 OF THE CODIFIED ORDINANCES TO CREATE THE POSITION OF ASSISTANT DIRECTOR OF STREETS AND UTILITIES.

Mayor Garlich introduced Ordinance 16-134 by title only.

Mr. Blue made a motion to place Ordinance 16-134 on First Reading, motion seconded by Mr. Wiech. Roll call: Yeas (5).

ORDINANCE 16-135 APPROVING THE APPOINTMENT OF JOSEPH TUCHOLSKI TO THE NEWLY-CREATED POSITION OF ASSISTANT DIRECTOR OF STREETS AND UTILITIES, AND ESTABLISHING COMPENSATION.

Mayor Garlich introduced Ordinance 16-135 by title only.

No action taken.

RESOLUTION 16-15 AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO PREPARE BID SPECIFICATIONS AND SUBMIT FOR PUBLIC BID AN EXCLUSIVE CONTRACT FOR RESIDENTIAL AND MUNICIPAL WASTE

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HAULING, DISPOSAL AND RECYCLING SERVICES, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 16-15 by title only.

Mr. Hornung made a motion to waive the required readings and declare Resolution 16-15 an emergency, motion seconded by Mr. Morrow. Roll call: Yeas (5).

Mr. Blue made a motion to **pass** Resolution 16-15, motion seconded by Mr. Hornung. Roll call: Yeas (5).

RESOLUTION 16-16 AUTHORIZING THE ECONOMIC DEVELOPMENT DIRECTOR TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES TO PROVIDE FUNDING FOR THE PURPOSED MAPLE HIGHLAND TRAIL (SOUTH) PROJECT, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 16-16 by title only.

Mr. Morrow made a motion to waive the required readings and declare Resolution 16-16 an emergency, motion seconded by Mr. Blue. Roll call: Yeas (5).

Mr. Hornung made a motion to **pass** Resolution 16-16, motion seconded by Mr. Wiech. Roll call: Yeas (5).

RESOLUTION 16-17 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 16-17 by title only.

Mr. Morrow made a motion to waive the required readings and declare Resolution 16-17 an emergency, motion seconded by Mr. Hornung. Roll call: Yeas (5)

Mr. Blue made a motion to **pass** Resolution 16-17, motion seconded by Mr. Wiech. Roll call: Yeas (5).

RESOLUTION 16-18 AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A USE AGREEMENT BETWEEN THE GEAUGA PARK DISTRICT AND THE VILLAGE, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 16-18 by title only.

This is a combination of the old memorandum and the new memorandum. Discussion regarding signage. This is a 50 year use agreement.

Mr. Hornung made a motion to waive the required readings and declare Resolution 16-18 an emergency, motion seconded by Mr. Morrow. Roll call: Yeas (5).

Mr. Blue made a motion to **pass** Resolution 16-18, motion seconded by Mr. Wiech. Roll call: Yeas (5).

RESOLUTION 16-19 AUTHORIZING AND DIRECTING THE MAYOR TO SENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE GEAUGA SOIL AND WASTER CONSERVATION DISTRICT, TO CLARIFY THE WORKING RELATIONSHIP BETWEEN THE VILLAGE AND GSWCD REGARDING RESPOSIBILITY FOR WATER MANAGEMENT AND SEDIMENT CONTROL, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Resolution 16-19 by title only.

The GSWCD has accepted the partnership as of this morning. Needs to be approved within the next 30 days or the Village will have to continue to reviewing submitted projects.

Mr. Morrow made a motion to waive the required readings and declare Resolution 16-19 an emergency, motion seconded by Mr. Hornung. Roll call: Yeas (5)

Mr. Hornung made a motion to **pass** Resolution 16-19, motion seconded by Mr. Blue. Roll Call: Yeas (5)

SECOND READING

RESOLUTION 16-13 AUTHORIZING THE VILLAGE ADMINISTRATOR TO WORK COOPERATIVELY WITH THE MIDDLEFIELD TOWNSHIP TRUSTEES AND TO PREPARE A REQUEST FOR PROPOSAL FOR AMBULANCE SERVICES TO THE VILLAGE AND MIDDLEFIELD TOWNSHIP JOINTLY.

Mayor Garlich introduced Resolution 16-13 by title only.

The current contract will expire on December 31, 2017.

Mr. Wiech made a motion to place Resolution 16-13 on Second Reading, motion seconded by Mr. Morrow. Roll call: Yeas (5).

RESOLUTION 16-14 APPROVING A MORATORIUM ON THE GRANTING OF ANY PERMIT THAT WOULD ENABLE RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD OF SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION.

Mayor Garlich introduced Resolution 16-14 by title only.

The Planning Commission has not had a chance to create any regulations as of yet. Chief Tucholski stated that the marijuana can be in weed form or oil form and the THC can be as high as 35%. It can be ingested, cooked or vaporized. There are 27 ailments that the marijuana can be used for; doctors have to take a class and then can recommend. Dispensary have not been regulated as of yet. Lengthy discussion regarding the actual legislation that was passed at the State level.

Mr. Blue made a motion to place Resolution 16-14 on Second Reading, motion seconded by Mr. Morrow. Roll call: Yeas (3). Mr. Wiech and Mr. Seyer voted no.

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ORDINANCE 16-127 ADOPTING NEW CHAPTER 1311 OF THE CODIFIED ORDINANCES TO REGISTER AND REGULATE VACANT RESIDENTIAL PROPERTIES.

Mayor Garlich introduced Ordinance 16-127 by title only.

Mr. Morrow made a motion to place Ordinance 16-127 on Second Reading, motion seconded by Mr. Hornung. Roll call: Yeas (5).

ORDINANCE 16-128 AMENDING EXISTING SECTION 182.051(B) OF THE CODIFIED ORDINANCES TO ALTER THE DATES FOR PAYMENT OF WITHHOLDING TAXES, AS MANDATED BY THE OHIO GENERAL ASSEMBLY.

Mayor Garlich introduced Ordinance 16-128 by title only.

Mr. Morrow made a motion to place Ordinance 16-128 on Second Reading, motion seconded by Mr. Blue. Roll call: Yeas (5).

ORDINANCE 16-129 AN ORDINANCE ENACTING NEW SECTION 135.041 OF THE CODIFIED ORDINANCES TO CREATE THE POSITION OF ASSISTANT VILLAGE ADMINISTRATOR.

Mayor Garlich introduced Ordinance 16-129 by title only.

Mr. Hornung made a motion to place Ordinance 16-129 on Second Reading, motion seconded by Mr. Morrow. Roll call: Yeas (5).

THIRD READING

ORDINANCE 16-126 AN ORDINANCE ENACTING NEW SECTION 911.08(E) AND AMENDING EXISTING SECTION 911.15(E) OF THE CODIFIED ORDINANCES TO ESTABLISH THE REGULATION OF RADIO-READING WATER METERS, AND EFFECTIVE JANUARY 1, 2017, TO IMPOSE A QUARTERLY CHARGE FOR AN OWNER'S FAILURE TO ALLOW THE VILLAGE TO INSTALL A RADIO-READ METER AT A RESIDENTIAL SERVICE LOCATION.

Mayor Garlich introduced Ordinance 16-126 by title only.

Mr. Weir stated that he was contacted by a resident regarding their concern about the radio-read meter interfering with pacemakers. In The Streets, Sidewalks & Utilities Commission Meeting it was discussed that there is a cover that can keep the radio waves from being spread. The original Ordinance is included and a revised version that makes exceptions for medical conditions. Mr. Morrow stated that the committee felt that the medical condition exemption could create a problem. Mr. Ehrhart stated that the meter company also has an addition to the meter of an antenna that only allows the radio waves to be projected outside the home. This could be used on the medical conditions. The meter company representative is concerned that the covers might negate the waves as the village drives by to get the reading. Mr. Lee stated that reading the cover paperwork it reduces the signal by 80% and it could really cause a problem with the readings. Mayor Garlich would like to discuss this further and have more information on this issue. It is the consensus of Council to TABLE this legislation.

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OLD BUSINESS – Nothing before Council

NEW BUSINESS

1. **Web Site Report – Kim Breyley:** Report in the packet. Ms. Breyley stated that views are down a little bit. The commercial were put on the website. Top pages were the parks and then the commercial on the village side.
2. **Update on Mosquito Control Program:** Mr. Weir stated that the village applied for a grant from the Ohio EPA and the village received the grant for about \$29,000.00. This will enable the village to buy backpack sprayers and a truck mounted sprayer and the chemicals that are needed to spray. The village is currently collecting samples of mosquitoes to be sent to the state. The village is doing this on a proactive basis; the County has not done anything yet. Mike Soltis is certified and licensed to do the spraying.
3. **Chem Tech Impact Fee Reduction Approval – Motion from Council:** Ms. McCoy stated that she used the actual usage to calculate the reduction in the impact fee. The Village will do a look back in two years from the date of occupancy. (10/2017) Mr. Lee stated that the village can grant a two year and then extend the variance for another two year. ***Mr. Morrow made a motion to approve the temporary variance to reduce the Impact Fee requested by Chem Tech, motion seconded by Mr. Blue. Roll call: Yeas (5).***
4. **Letter from Monique Hornsby, Cub Master, Parkman Cub Scouts – Fishing Derby, Mineral Lake Park – Motion from Council Needed to Approve.** This is for the Parkman Cub Scouts and a friend; could possibly have about 40 kids. This is not open to the public. The goose fence will need to be taken down. The Village would like a waiver signed. ***Mr. Blue made a motion to approve the requested use of Mineral lake Park by the Parkman Cub Scouts, motion seconded by Mr. Wiech. Roll call: Yeas (5).***

COMMITTEE REPORTS and COMMUNICATIONS

Streets, Sidewalks, & Utilities (Mayor Garlich/Carl Hornung/Sam Morrow) – Minutes are in the packet.

Public Safety (Mr. Seyer/Mr. Blue/Mr. Wiech) – Minutes are in the packet.

Finance & Ordinance (Mr. Klein/Mr. Seyer/Mr. Morrow) – Minutes are in the packet.

Parks & Recreation (Mr. Wiech/Mr. Hornung/Mayor Garlich) – Minutes are in the packet

Economic Development (Mayor Garlich/Mr. Blue/Mr. Hornung) – No meeting held in August.

Planning & Zoning (Mayor Garlich/Mr. Klein/Mr. Linberg/Mr. Dietrich/Ms. Davis) – Minutes are in the packet.

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VILLAGE CALENDAR: In packet.

EXECUTIVE SESSION: Nothing before Council

The regular session of Council adjourned at 8:24 pm.

Approved: _____
MAYOR

Attest: _____
FISCAL OFFICER

DRAFT