

**Village of Middlefield Regular Council Minutes**  
**October 2, 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, Tom Lee-Village Solicitor, Cliff Harrison – Service Department, Chief Tucholski, Leslie Gambosi-Econ Director/Zoning Inspector, Billie Warren-Recreation Director, Ann Wishart-Maple Leaf, Dick Stone, John Borkholder, Paula Shenal-Community Care, Jim O’Dell III, Gene L. Saraney, Christine Saraney, Sam Morrow-Glen Valley Farms, Alex Duncan, Mark Longrich and Dave Dillon-FirstEnergy.

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

**Agenda:** Add under New Business the Agreement with the school Board.

**Approval of Minutes:** September 4, 2014 regular meeting – Mr. Hornung moved to approve the minutes as presented, seconded by Mr. Hofstetter. Roll call: Yeas (6).

**Payment of Bills:** *Mr. Blue moved to authorize payments totaling \$223,636.63 seconded by Mr. Hornung. Roll call Yeas (6).*

**INCOME TAX REPORT** – Report included in the packet. Mr. Giardina stated that September was a very good month. Collected about \$75,000 more than September of 2013.

**ECONOMIC DEVELOPMENT REPORT** – Report in the packet. Ms. Gambosi stated that she has been continuing discussion with the County to create a training facility. Briar Hill has submitted plans to remodel some homes into assisted living and once these are completed they are hopefully going to move forward with the addition to Briar Hill Nursing Home. Meeting with companies in the village to see what the companies are looking for in the future and a few have expressed interest in expansion. Ms. Gambosi will be speaking at the November Chamber Meeting.

**ZONING INSPECTOR’S REPORT** – Report included in the packet. Ms. Gambosi stated that she had issued a few permits; US bank for a ground sign and Jennifer’s Hair Obsession. Have been dealing with some exterior maintenance issues. Mr. Seyer expressed displeasure regarding the lack of mowing at the old Johnson Rubber building.

**DIRECTOR OF STREETS & UTILITIES REPORT** – Report included in the packet. Mr. Harrison stated that the department did the monthly branch pickup, maintenance and upkeep at the parks, closed the splashpark and winterized, grass cutting and ballfield maintenance. Working with Town & Country pavers on South Springdale; ground out and patched with asphalt. Maintenance at the plants. Meter reading for this quarter; about ¾ of the way through meter installation. Approximately 770 meters. Mayor Garlich would like to do cold calls to residence that still need installation. Mr. Harrison stated that the department participated in a safety training program; went over OSHA rules and regulations. Mr. Weir stated that all the department employees participated in the training and it was mainly on personnel safety gear and confined space training. Looking at further training with the fire department to have the men certified in confined spaces to enter manholes. Mr. Wiech asked if Lake Street is scheduled for repairs this

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year. Mr. Harrison stated that it is on the schedule but will depend on the weather and finances.

**POLICE REPORT** – Report included in packet. Chief Tucholski gave the stats for the month of September. The department is up 1200 calls from last year. Discussion regarding the new Citizens Police Academy that started on 9/30/2014. Officer Gray does a fantastic job organizing this class. Mr. Seyer asked why the citation number a different length. Chief Tucholski explained that the number depends on what the citation is written for.

**PARKS & RECREATION REPORT** – Report included in the packet. Ms. Warren stated that football and cheerleading is in the 5<sup>th</sup> week. Soccer has about 2 weeks left in the season. The Halloween coloring contest is currently open. The Friday Nights Men's League is finishing up this week with tournaments. The Yoga classes are still going strong and the school is currently cleaning out a room at the High School so the program will be moving to a permanent location instead of jumping between the Library and the Senior Center. The Volleyball Program will be starting games next week and the department will be hosting a tournament on October 25<sup>th</sup>. Kitchen Kids will be held again this year, classes will be Mondays in November. Wrestling registration is underway and have a camp scheduled on November for the participants. Basketball registration is going well and have been in contact with the varsity coach at the high school to schedule a camp.

**FIRE DEPARTMENT REPORT** – Lt Yerapoli gave the stats for the month of September. Training activities for September have continued with pumper training, rescue, EMS infant training, and Perry Nuclear Training Drills. Currently getting trucks ready for cold weather calls. The department offer onsite training to businesses in the Village, township or Huntsburg.

**AMBULANCE REPORT** – Ms. Shenal stated that Community Care will be conducting staff evaluations in the next few months.

**FINANCIALS** – Report included in packet. Income tax is up and also water and sewer. Collections are going really well.

**PUBLIC PARTICIPATION**

1. **Mr. Gene Saraney and Mrs. Christine Saraney** - Mr. Saraney stated that they submitted a letter to Mayor Garlich, Mr. Weir, Mr. Lee and Village Council. Mayor Garlich stated that the Finance Committee review the request submitted. The work has been completed and unfortunately Mr. Ehrhart has been hospitalized and he needs to be the one to verify that the work had been done correctly and have it on record before the letter will be issued to the Saraney's. The Saraney's are also requesting some financial relief in the form of a water/sewer credit. Mrs. Saraney stated that they are also looking for reform in the village as currently no one from the village inspects the section between the road and the house. Mr. Lee stated that the Village has the right to inspect the laterals and to inspect the sewer systems but is prohibited from inspecting inside the house; inspecting the drains. Mr. Lee read ORC section 3703.01(d)(3). There are only certain departments that can inspect plumbing inside the house; the village cannot inspect this. Mr. Lee stated that the Saraney's received a

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letter from the Mayor outlining and including websites that show what is to be inspected and by whom; the County is to inspect the floor drains, check valves and footer drains. With the repairs that were performed who inspected the work and gave a green tag, the County. Mrs. Saraney stated that she sees three people who are responsible; either an engineer, a health commissioner or the sewer purveyor. Mr. Lee explained what the sewer system is and explained again that the village only inspects the connection in the right of way. The connection that were not connected right were in the house not in the right of way. Mayor Garlich stated that the mistake was made by the plumber inside the house. Mr. Lee stated that the plumber is still in business and you need to find out from the health department why this plumber still has a license. Mr. Wiech suggest the Saraney's contact the Attorney General's Office. Discussion regarding adjustment to the Utility bill. The Mayor stated that the council cannot give tax payers money away. There is a liability, but it is not with the Village; the plumber installed the plumbing incorrectly. The green tag did not come from the village. Mrs. Saraney asked for comments from the council members. Mr. Hofstetter stated that he would probably just re-plumb the home. Unfortunately the Saraney's are caught between several organizations and the village does not happen to be one of them at this time. Mayor Garlich stated that the village is looking at improvement that the village can make that can prohibit this issue from occurring again. There can be no adjustment to the water/sewer bill; this is not the village's liability. You received a green tag for the plumbing installation at the time of construction, but it was not from the village. Mr. Klein suggested calling the Better Business Bureau. Mrs. Saraney stated that she should have called the EPA. Mr. Hornung stated that he would have called the EPA, hired an attorney and gone after the builder regardless if he is retired in Florida; he was in business when the house was constructed. Definitely need to go after the plumber and the health department. Mrs. Saraney stated that the council and mayor have made their decision and she will have to accept it even if she does not agree with the decision.

2. **Sam Morrow-Glen Valley:** Mr. Morrow stated that all the residents in Glen valley will be receiving a newsletter with a copy of the letter that the village send to the residents regarding the meter change outs. The Mayor Thanks Mr. Morrow for his efforts.
3. **Mrs. Ralph Jicha-** Resident has an issue with the changes that were done at her home with the reconstruction of Sperry Lane. Feels her driveway apron is too high and that their yard holds more water than it did before. She would like council to reconsider the pervious decision that council made at the last winter. Mayor Garlich stated that the Street Committee did look at the driveway and there is a 4 inch difference. There has always been a water issue on the property. Ms. Shanal from community care ambulance commented on the fact that the ambulance often sits in the road; this was an issue listed in the letter submitted. Mayor stated that the village will look at the water issue. The road was definitely changed for the better and most of the properties along there have many changes. Consensus that the driveway will remain as is and the Mayor will monitor the water problem during a rain event and report his findings.
4. **Mr. David D. Dillon – FirstEnergy Community Representative:** Mayor Garlich introduced Mr. Dillon. Mr. Dillon introduced himself and stated that FirstEnergy is

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looking forward to continuing to serve the village. Discussion regarding getting a street light installed at the corner of 87 and Woodsong. Mr. Seyer asked why it takes so long to get street lights repaired. Mr. Dillon stated that the Illuminating Company has a 48 hour turnaround time. Discussion regarding LED lighting.

5. **Public Hearing for Ordinance 14-131 – 7:30 pm:** Mayor Garlich opened the public hearing at 8:13 pm. No comments from the audience. Mayor Garlich closed the public hearing at 8:14 pm.

**FIRST READING**

**RESOLUTION 14-22 A RESOLUTION AUTHORIZING INTENT TO DISPOSE OF UNNEEDED OBSOLETE OR UNFIT MUNICIPAL OWNED PERSONAL PROPERTY VIA INTERNET AUCTION IN CALENDAR YEAR 2015**

Mayor Garlich introduced Resolution 14-22 by title only.

No discussion held.

Mr. Hornung made a motion to place Resolution 14-22 on **First Reading**, seconded by Mr. Hofstetter. Roll call: Yeas (3)

**RESOLUTION 14-23 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A CONTRACT WITH PRO-TEC ROOFING, INC, FOR THE INSTALLATION OF A NEW RECOVERY ROOF SYSTEM FOR THE MUNICIPAL CENTER, IN THE AMOUNT OF \$48,200.00 AND DECLARING AN EMERGENCY.**

Mayor Garlich introduced Resolution 14-23 by title only.

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

Mr. Weir stated that the roof was installed over 20 years ago and have had some repairs. Pro-Tec is going to place a membrane over the current roofing material. The new roof will have a 20 year warranty. Hopefully this will be installed before winter.

Mr. Klein made a motion to **pass** Resolution 14-23, seconded by Mr. Blue. Roll call: Yeas (6)

**SECOND READING**

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

Mayor Garlich introduced Ordinance 14-140 by title only.

Discussion regarding some repairs that need to be done to the road prior to dedicating.

Mr. Blue made a motion to place Ordinance 14-140 on **Second Reading**, 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 IMPROVEMENT TO FACILITATE THE DEVELOPMENT OF THE BONNER FARMS INDUSTRIAL PARK, AND DECLARING AN EMERGENCY.**

Mayor Garlich introduced Resolution 14-18 by title only.

Mr. Weir stated that this needs to be passed to that the contract can be returned to ODOT. The completion date has been moved from May of 2015 to December of 2015.

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

Mr. Hornung made a motion to **pass** Resolution 14-18, seconded by Mr. Hofstetter. 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.

Discussion held regarding placing the resolution on second reading.

Mr. Wiech made a motion to place Resolution 14-19 on **Second Reading**, seconded by Mr. Hornung. Roll call: Yeas (6)

**RESOLUTION 14-21 A RESOLUTION AUTHORIZING THE MAYOR TO 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.

No discussion held.

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

**THIRD READING**

**ORDINANCE 14-131 AN ORDINANCE ENACTING NEW SECTION 1135.01(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 – 7:30 pm).**

Mayor Garlich introduced Ordinance 14-131 by title only.

Mr. Klein moved to **pass** Ordinance 14-131, seconded by Mr. Hornung. 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.

Mr. Hornung moved to **pass** Ordinance 14-132, seconded by Mr. Blue. 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.

Mr. Hornung moved to **pass** Ordinance 14-133, 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 14-133 by title only.

Mr. Blue moved to **pass** Ordinance 14-133, 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 AND MANNER OF APPOINTING  
THE TAX ADMINISTRATOR.**

Mayor Garlich introduced Ordinance 14-135 by title only.

Mr. Klein moved to **pass** Ordinance 14-135, seconded by Mr. Hornung. Roll call: Yeas  
(6)

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

Mayor Garlich introduced Ordinance 14-136 by title only.

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Mr. Hornung moved to **pass** Ordinance 14-136. Seconded by Mr. Hofstetter. Roll call: Yeas (6)

**OLD BUSINESS**

1. Driveway Apron on Sperry Lane – Letter from Mrs. Ralph Jicha: Discussed in Public Participation.
2. Email from Gene and Christina Saraney – Requesting Water/Sewer Credit and Letter from Village verifying proper connections of Sanitary and Storm Lines: Discussed in Public Participation.

**NEW BUSINESS**

1. **Web Site Report:** Mayor stated that the views are up from last year. Discussion regarding getting more views to the web site. Need to get people engaged.
2. **Final Pay Request #9 Sperry Lane Project - \$59,113.71 – Three Tear Maintenance Bond & Sub-Contractor Affidavit:** Mr. Weir stated that the contractor has filed all the required paperwork. The pay request will be processed as normal but will hold back \$6,000.00 until we see grass. Mr. Hornung made a motion to approve pay request #9 in the amount of \$59,113.71, seconded by Mr. Wiech. Roll call: Yeas (6)
3. **Cardinal Schools:** Mayor Garlich stated that the Finance Committee is in support of entering a 20 year lease agreement. Mr. Seyer stated that the Finance Committee is proposing to enter into a 20 year lease with the Cardinal School Board. Currently paying \$10,500 and this rate has not been increased very much in the last three or four years. The cost would be \$150,000.00 minus the \$10,500 that has been paid this year so the balance is \$139,500 and the village would like to split this into 2 payments; January 1, 2015 and January 1, 2016. The majority of the finance committee is in favor of this agreement. Dr. Hunt has to need to take the village's proposal back to the school board for approval. Mr. Wiech stated that he did not vote in favor of this he has some concerns regarding the merger with Ledgemont, where the budget will be in 20 years and also how much more the state and federal government will cut from each community's budget. Dr. Hunt stated that the money will be used for maintance, upkeep and capital improvement. It is the consensus of the majority of council to move forward with legislation for the agreement with Cardinal School Board.

**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.

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**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:** Discussed moving the streets meeting to the 16<sup>th</sup> of October at 5:30 pm.

**EXECUTIVE SESSION:**

Mr. Hornung moved to adjourn into executive session at 8:36 pm to discuss possible litigation, seconded by Mr. Klein. Roll call: Yeas (6)

The regular session of Council reconvened at 9:00 pm

There being no further business before Council the meeting adjourned at 9:02 pm.

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

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