

REGULAR COUNCIL
June 6, 2013

Mayor Garlich called the meeting to order at 7:00 p.m. with the following members present: B. Blue, C. Hofstetter, C. Hornung, S. Klein, R. Seyer, and R. Wiech.

Also present: T. Mekeel – Fiscal Officer, C. Ehrhart – Director of Streets and Utilities, S. Roessner – Zoning Inspector, T. Lee – Solicitor, A. Stanko – Chief of Police, Bill Reed – Chief of Fire, Paula Shenal – Community Care Ambulance, Kim Breyley – Middlefield Post, Ann Wishart – MapleLeaf, Dennis Parton, Chris and Dave Hippley, Sam Morrow, John Borkholder, Judy and Richard Stone, William Johnson, Joyce Porozynski, Diane Keenan, Joe Svete and Michael Spellacy – Polaris Engineering.

Agenda: deletion from first reading, ordinance 13-127. Ordinance 13-128 and 13-129 will be moved to new business.

Minutes of May 2, 2013 meeting was presented for approval. Hornung moved to approve the minutes. Hofstetter seconded. Roll call: Yeas (7).

Payment of Bills Totaling \$293,846.12 Wiech moved to authorize payment of \$293,846.12. Hornung seconded. Roll call: Yeas (7).

Fiscal Officer Report included in council packet.

Income Tax Report included in council packet.

Director of Streets & Utilities Report Ehrhart stated the department conducted routine maintenance on the water treatment plant and wastewater treatment plant. The service department conducted meter replacement, equipment maintenance, street sweeping, park maintenance, grass mowing, watering flowers and monthly chipping. The splash park officially opened Saturday, May 25th. The tennis court has been painted and the new nets are up. Ehrhart gave a brief update on the Sperry Lane and Glen Valley projects.

Police Report Chief stated that June 10th through June 14th is Safety Town and the department has an officer assisted to assist the recreation department. On June 29th, the Cops and Kids Fishing event will be held. Zeppe's donated pizzas; Great Lakes Outdoor Supply donated 3 fishing rods and Wal-Mart is setting up a tent and passing out items to the children.

Hornung motioned to accept a donation of \$150.00 from Harrington Square for the Shop with a Cop program, seconded by Wiech. Roll call: Yeas (7).

Zoning Inspector's Report Roessner gave a brief update on Taco Bell and Harrington's new building. O'Reilly's Auto Parts submitted drawings and will be on the next planning and zoning meeting. Roessner stated he sent out letters from the Neat Street Program. CEI is working on the water line currently.

Recreation Report included in council packet.

Fire Department included in council packet.

Ambulance Report included in council packet.

Financials included in council packet.

Mayor Garlich swore in Steven Fedorko as a part-time Police Officer.

PUBLIC PARTICIPATION

Ms. Diane Keenan, President of Wildwood Condo Association gave a brief prepared statement on behalf of the association. "My name is Diane Keenan. On May 29, 2013 I was elected President of the Wildwood Condominium Association Phase 1. I am speaking today on behalf of the homeowners in the association. When we purchased our Wildwood Condominiums designated as Phase 1 from Knez Construction, it was our understanding that after completion of the 11 units in Phase 1, building of Phase 2 would begin. There were to be 35 units built by Knez in Phase 2 in 'six great floor plans' of approximately the same size, style, and quality of materials as Phase 1. With the projected number of 46 dwellings in the Wildwood Condo Association Phase 1 and Phase 2, the association would have the advantage of numbers to negotiate low rates for condominium management fees, landscaping, snowplowing and waste removal. Phase 1 was not completed by Knez Homes and Phase 2 was never begun. Per the Declaration, Knez Construction ownership rights to the property designated as Phase 2 expired April 2013. We are 10 homes in the Wildwood Condo Association with one empty lot next to Unit 1 owned by Knez Homes. Ten units in a condo association have less power to negotiate contract rates than 46 units. We will be obtaining legal advice to consider abolishing the condominium association and perhaps convert to a homeowner's association if all members of the association can agree. It is our understanding the property behind our homes, formerly designated by Knez as the Phase 2 development, has now been rezoned from condominiums to single family homes. Our main concern regarding this rezoning is that the proposed single family homes will not conform to the size, materials and quality of construction of our homes as described in the original Declaration thereby decreasing the real estate value of all 10 units in our condo association. To put it another way, we were satisfied with Knez Construction and were not concerned about the future development of the adjoining property since home construction would be similar to the homes in Phase 1. To my knowledge Wildwood Condominiums Association Phase 1 has not been provided any information regarding the planned development of the rezoned land behind our homes. Today we come to you Mr. Mayor and to members of Council to seek information regarding this rezoning and to ask for reassurance that our interests as homeowners, taxpayers, and voters are being protected. I will provide Council with a copy of these comments and respectfully request that they be included in the record of today's proceedings. Thank you."

Lengthy discussion was held and Mayor Garlich stated that the Village is unable to do anything about negotiating lower association fees but assured the homeowners that the homes would be similar to the condos currently in phase 1. Lee suggested that the common grounds be divided among the 10 homes and to seek legal council for disbanding the condominium association and becoming part of Woodsong Homeowner Association.

PUBLIC HEARINGS

Ordinance 13-115 Rezoning a 15.00 Acre Parcel of Land Recently Annexed into the Village to the GC-General Commercial Zoning District.

Ordinance 13-116 Amending the Existing Sections 1105.02, 1105.03, 1105.04 and 1105.05 and Enacting New Sections 1105.07 and 1105.08 of the Codified Ordinances to Amend the Boundaries of the Village's Community Reinvestment Area in Order to Accommodate Recently Annexed Property within the Village.

Ordinance 13-117 Rezoning a 188.25 Acres Parcel of Land Recently Annexed into the Village to the I-Industrial Zoning District.

Mayor Garlich opened the public hearing at 8:09 p.m. Hearing no comments from those in attendance, Mayor Garlich closed the public hearing at 8:11 p.m.

FIRST READING

Resolution 13-10 Requesting the Geauga County Auditor to Provide Direct Deposit of Taxes and Declaring an Emergency.

Mayor Garlich introduced Res. 13-10 by title only.

Blue moved to waive the required readings and declare an emergency. Hofstetter seconded. Roll call: Yeas (7).

Hornung moved to pass **Resolution 13-10**, Klein seconded. Roll call: Yeas (7).

Resolution 13-11 Requesting the Geauga County Auditor to Provide Tax Advances for the 2013 Collection Periods, and Declaring an Emergency.

Mayor Garlich introduced Res. 13-11 by title only.

Hornung moved to waive the required readings and declare an emergency. Klein seconded. Roll call: Yeas (7).

Klein moved to pass **Resolution 13-11**, Hornung seconded. Roll call: Yeas (7).

Resolution 13-12 Authorizing the Purchase of Specified Insurance from Love Insurance Agency, and Declaring an Emergency.

Mayor Garlich introduced Res. 13-12 by title only.

Hornung moved to waive the required readings and declare an emergency. Wiech seconded. Roll call: Yeas (7).

Hornung moved to pass **Resolution 13-12**, Wiech seconded. Roll call: Yeas (7).

Resolution 13-13 Authorizing the Village Administrator to Enter into an Agreement with the Geauga County Department of Aging and the Geauga County Commissions to Provide Certain Services for the Senior Citizens in the Village of Middlefield.

Mayor Garlich introduced Res. 13-13 by title only.

Klein motioned to put Res. 13-13 on first reading, seconded by Blue. Roll call: Yeas (7).

Ordinance 13-126 Requesting the County Auditor to Certify to the Taxing Authority the Total Tax Valuation of the Subdivision and the Dollar Amount of Revenue that would be Generated by a Specified Number of Mills, and Declaring an Emergency.

Mayor Garlich introduced Ord. 13-126 by title only.

Blue moved to waive the required readings and declare an emergency. Wiech seconded. Roll call: Yeas (7).

Hornung moved to pass **Ordinance 13-126**, Wiech seconded. Roll call: Yeas (7).

Ordinance 13-127 Declaring it Necessary to Levy a Tax in Excess of the Ten Mill Limitation and Declaring an Emergency.

Tabled.

SECOND READING

Ordinance 13-123 Increasing Certain Fees Imposed by the Village, and Declaring an Emergency.

Mayor Garlich read Ord. 13-123 by title only.

Klein moved to put Ord. 13-123 on second reading. Hornung seconded. Roll call: Yeas (7).

Ordinance 13-124 Amending Various Provisions of Chapter 139 of the Codified Ordinances to Reorganize the Village Police Department.

Mayor Garlich read Ord. 13-124 by title only.

Hornung motioned to put Ord. 13-124 on second reading, seconded by Blue. Roll call: Yeas (7).

THIRD READING

Ordinance 13-119 Accepting the Annexation of 203.25 Acres of Lane in Middlefield Township.

Wiech motioned to pass **Ordinance 13-119**, seconded by Hornung. Roll call: Yeas (7).

Ordinance 13-115 Re-Zoning a 15.00 Acre Parcel of Land Recently Annexed into the Village to the GC-General Commercial Zoning District, and Declaring an Emergency.

Blue motioned to pass ***Ordinance 13-115***, seconded by Klein. Roll call: Yeas (7).

Ordinance 13-116 Amending Existing Sections 1105.02, 1105.03, 1105.04 and 1105.05 and Enacting New Sections 1105.07 and 1105.08 of the Codified Ordinances to Amend the Boundaries of the Village's Community Reinvestment Area in Order to Accommodate Recently Annexed Property within the Village.

Hornung motioned to pass ***Ordinance 13-116***, seconded by Hofstetter. Roll call: Yeas (7).

Ordinance 13-117 Re-Zoning a 188.25 Acre Parcel of Land Recently Annexed into the Village to the I-Industrial Zoning District, and Declaring an Emergency.

Hornung motioned to pass ***Ordinance 13-117***, seconded by Klein. Roll call: Yeas (7).

Ordinance 13-121 Amending Existing Section 147.06(b) of the Codified Ordinances to Increase the Mileage Reimbursement Rate for Municipal Officer or Employees Traveling in Their Own Automobiles in the Conduct of Village Business.

Blue motioned to pass ***Ordinance 13-121***, seconded by Klein. Roll call: Yeas (7).

Resolution 13-07 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 and Declaring an Emergency.

Hornung motioned to pass ***Resolution 13-07***, seconded by Wiech. Roll call: Yeas (7).

OLD BUSINESS

1. Farmers Market Status – Mayor Garlich gave a brief update. The farmers market starts on July 6th, and run until September.
2. Shred Day Status – Mayor Garlich announced the Shred Day is scheduled on Friday, June 7th from 4-7 p.m. for all Middlefield residents and businesses.
3. Memorial Day – Mayor Garlich thanked the MAC, service, police, fire, and village departments for all their help putting together the Memorial Day parade.
4. Band in the Park – Mayor Garlich stated the MAC schedule music in the park for Friday, June 14th from 7-10 p.m. Cold Blue Steele will be performing at Eagle Park.
5. ODOT Project on High Street (Schedule, Grinding, Traffic) – Discussion was held about grinding route 87 and the details of the project.

NEW BUSINESS

1. Glen Valley (Tri Mor) Reconstruction Pay Request #1 (\$30,926.03) and Pay Request #2 (\$107,676.90) – *Blue motioned to authorized the payment of \$138,602.93, seconded by Klein. Roll call: Yeas (7).*
2. Sperry Lane (Fortuna Construction Company) Reconstruction Pay Request #2 (\$258,654.73) – *Hornung motioned to authorized the payment of \$258,654.73, seconded by Blue. Roll call: Yeas (7).*
3. 2014 Tax Budget – Public hearing is scheduled for Thursday, July 11, 2013 at 7:30 p.m.
4. Ordinance 13-128 An Ordinance Approving the Amendment of the Woodsong PUD Final Development Plan, Authorizing a Change to the Portion of the PUD Development, to be Known as “Woodsong Phase V,” and Declaring an Emergency. *Mayor Garlich introduced Ord. 13-128 by title only. Klein moved to waive the required readings and declare an emergency. Hornung seconded. Roll call: Yeas (7). Wiech moved to pass **Ordinance 13-128**, Klein seconded. Roll call: Yeas (7).*
5. Klein presented for approval a variance for the road width (28’ required; 22’ provided), right of way width (60’ required; 40’-50’ provided), pavement composition (9” concrete & 4” base provided), and roadway radius (250’ required; 75’ and 100’). *Hornung motioned, Wiech seconded. Roll call: Yeas (7).*
6. Ordinance 13-129 An Ordinance Granting Final Plat Approval of the Dedication Plat for Wildwood PUD, Phase 1, and Declaring an Emergency. *Mayor Garlich introduced Ord. 13-129 by title only. Klein moved to waive the required readings and declare an emergency. Blue seconded. Roll call: Yeas (7). Hornung moved to pass **Ordinance 13-129**, Klein seconded. Roll call: Yeas (7).*

COMMITTEE REPORT

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|----------------------------|-------------------|
| • Activity Committee | Mayor Garlich |
| • Economic Development | May 22 & 29, 2013 |
| • Finance & Ordinance | May 2, 2013 |
| • Parks & Recreation | May 15, 2013 |
| • Public Safety | May 23, 2013 |
| • Streets, Sidewalks & Ut. | May 16, 2013 |

CALENDAR

At 9:00 p.m., Hornung moved to adjourn into executive session for the purpose of land acquisition, seconded by Blue. Roll call: All Yeas (7).

The meeting reconvened at 9:26 p.m.

Being no future business at this time, Mayor Garlich moved to adjourn the meeting at 9:27 p.m.

Tiffany Mekeel – Fiscal Officer

Mayor Garlich