

Village of Middlefield Regular Council Minutes
December 5, 2013

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

Also present: Dan Weir – Administrator, Tiffany Mekeel – Fiscal Officer, Charles Ehrhart – Director of Streets & Utilities, Arnold Stanko – Chief of Police, Brandon Savage – Sergeant of Police, Billie Warren – Program Supervisor, Recreation Department, Steven Roessner – Foresight Engineering, Village Zoning Inspector, Thomas Lee – Taft Law, Village Solicitor, Bill Reed – Chief of Fire, Ben Reed – Lieutenant of Fire, Kim Breyley – Middlefield Post, Ann Wishart – MapleLeaf, Sam Morrow – Resident, Glen Valley, Alex Duncan – Resident, Brandon Reed – Resident, John Borkholder – Resident, Edna Davis – Resident, Nick Gardina – Resident, and Dick and Judy Stone, Residents.

Opening Ceremony: The Pledge of Allegiance was cited.

Agenda: agenda was accepted as presented.

Approval of Minutes: November 7, 2013 regular meeting – Mr. Hornung moved to approve the minutes, seconded by Mr. Blue; on the roll call Mr. Blue, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; Mr. Hofstetter abstained; motion CARRIED.

Payment of Bills: Mr. Hofstetter moved to authorize payments totaling \$246,930.16, seconded by Mr. Hornung; on the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

INCOME TAX REPORT – No Report

FISCAL OFFICER REPORT – Mrs. Mekeel announced that currently, as of November's close, projection is showing a slight decrease in our 2013 carryover; estimating \$4,400,000.00. We have done several major road projects in 2013; including Glen Valley (\$248,000.00), Sperry Lane (\$155,000.00), Lenny Drive (\$8,000.00), and Linda Avenue (\$36,000.00).

DIRECTOR OF STREETS & UTILITIES REPORT – No Report

Questions/Comments for the Director of Streets & Utilities

Mr. Klein thanked Mr. Ehrhart for keeping his overtime at a all time low for the year.

POLICE REPORT – Fill a Police Cruiser is Saturday, December 7 at Save-A-Lot from 9:00 a.m. to 2:00 p.m. The Shop with a Cop on Saturday, December 14th.

ORDINANCE 13-159 AN ORDINANCE HIRING DAKOTA KOWALCIC AS A PART-TIME POLICE OFFICER, CONTINGENT UPON HIS COMPLETING THE REQUIREMENTS OF SECTION 139.01 OF THE CODIFIED ORDINANCES, AT THE PAY RATE OF \$15.00 PER HOUR, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Ordinance 13-159 by title only. Mr. Blue moved to waive the required readings and declare an emergency. Mr. Hofstetter seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Ordinance 13-159, Mr. Wiech seconded.

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On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ZONING INSPECTOR'S REPORT – No Report.

PARKS & RECREATION REPORT – FirstEnergy has donated two, \$50.00 gift cards for the winner for the Home for the Holiday display contest. McDonald's gift cards have been purchased for the winners of the coloring contest.

Questions/Comments for the Program Supervisor

Mr. Seyer asked how the house will be judged. Ms. Warren stated that all houses that have been decorated will be judged.

FIRE DEPARTMENT REPORT – No Report

AMBULANCE REPORT – No Report

FINANCIALS – No Report

PUBLIC PARTICIPATION

The Middlefield County Quilters presented Chief Stanko with a \$500.00 check for the Shop with a Program and Mr. Kowalcic pulled the winning raffle ticket; the winner was Leslie Vontorcik. The quilters also made pillow cases and blankets.

MAYOR ANNOUNCEMENT

Mayor Garlich announced Snacks with Santa on Saturday, December 7th from 10-12 p.m at the fire department; Fill a Police Cruiser is on Saturday, December 7th from 9-2 p.m. at Save A Lot; Mary Yoder's is having a Chinese Auction on Saturday, December 7th from 3-5 p.m.

Recessed Meeting: At 7:32 p.m., the Mayor announced a recess to welcome the new officer and celebrate his hiring with cake.

Reconvene Meeting: At 7:45 p.m., the Mayor announced the public portion of the meeting reconvened.

2014 APPOINTMENTS AND/OR ELECTIONS

Election – President Pro Tempore of Council

Mayor Garlich opened the floor to nominations. Mr. Blue nominated Seyer; Mr. Hofstetter nominated Klein. By vote; Mr. Klein was elected president pro tempore. Mayor Garlich thanked Mr. Seyer for his past two years of service as president pro tempore.

Appointment by Mayor – Council Member Committees

Mayor Garlich announced the following members of council for committees; noting that the first name appearing in each committee is the chairman of the committee:

Finance & Ordinance – Mr. Seyer, Mr. Klein, and Mr. Wiech
Public Safety – Mr. Hornung, Mr. Blue, and Mr. Hofstetter

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Streets, Sidewalks & Utilities – Mr. Wiech, and Mr. Hornung
Recreation Committee – Mr. Hofstetter, and Mr. Seyer
Economic Development – Mr. Blue, Mr. Hornung, Mr. Schill, Mr. McDowell, and Mr. Dietrich.
Planning & Zoning – Mr. Klein

Appointments by Mayor

Mayor Garlich announced the following members:

Cemetery Sexton – Ms. Bryson
Planning & Zoning – Mr. Giardina, and Ms. Davis
Development Loan Review Committee – Mr. Baker, Mr. Hofstetter, Mr. McDowell, Mr. Dietrich, and Mr. Klein.

FIRST READING

ORDINANCE 13-153 AN ORDINANCE HIRING MICHAEL DUTTON AS THE VILLAGE RECREATION DIRECTOR, COMMENCING DECEMBER 9, 2013 AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Ordinance 13-153 by title only. Mr. Hofstetter moved to waive the required readings and declare an emergency. Mr. Blue seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Ordinance 13-153, Mr. Hofstetter seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ORDINANCE 13-154 AN ORDINANCE HIRING BILLIE WARREN AS PART-TIME RECREATION PROGRAM SUPERVISOR, SETTING COMPENSATION, AND DECLARING AN EMERGENCY.

Mayor Garlich introduced Ordinance 13-154 by title only. Mr. Hornung moved to waive the required readings and declare an emergency. Mr. Klein seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Ordinance 13-154, Mr. Hofstetter seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ORDINANCE 13-155 AN ORDINANCE ESTABLISHING THE SALARIES AND WAGE RATES FOR POLICE OFFICERS OF THE VILLAGE EFFECTIVE JANUARY 1, 2014, AND DECLARING AN EMERGENCY

Mayor Garlich introduced Ordinance 13-155 by title only. Mr. Blue moved to waive the required readings and declare an emergency. Mr. Klein seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Ordinance 13-155, Mr. Hofstetter seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

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ORDINANCE 13-156 AN ORDINANCE ESTABLISHING THE SALARIES AND WAGE RATES FOR THE NON-POLICE EMPLOYEES OF THE VILLAGE EFFECTIVE JANUARY 1, 2014, AND DECLARING AN EMERGENCY

Mayor Garlich introduced Ordinance 13-156 by title only. Mr. Blue moved to waive the required readings and declare an emergency. Mr. Klein seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Ordinance 13-156, Mr. Hofstetter seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ORDINANCE 13-158 AN ORDINANCE AUTHORIZING THE VILLAGE ADMINISTRATOR TO IMPLEMENT AN INDIGENT BURIAL POLICY FOR THE VILLAGE OF MIDDLEFIELD

Mr. Weir gave a brief orientation on the policy he is drafting. Mr. Lee gave a brief overview of the new state statute that was passed in September.

Mayor Garlich introduced Ordinance 13-158 by title only. Mr. Wiech moved to place on first reading; Mr. Hornung seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ORDINANCE 13-160 AN ORDINANCE CREATING AN "UNCLAIMED MONIES FUND" PURSUANT TO SECTION 9.39 OF THE REVISED CODE

Mayor Garlich introduced Ordinance 13-160 by title only. Mr. Hornung moved to place on first reading; Mr. Blue seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

RESOLUTION 13-22 A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO A CONTRACT WITH THE GEAUGA-TRUMBULL SOLID WASTE MANAGEMENT DISTRICT, FOR THE PROVISION OF SINGLE STREAM RECYCLING DROP-OFF SERVICES

Mayor Garlich introduced Resolution 13-22 by title only. Mr. Hornung moved to place on first reading; Mr. Blue seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ORDINANCE 13-161 AN ORDINANCE AMENDING EXISTING SECTION 133.02 OF THE CODIFIED ORDINANCES TO PROVIDE FLEXIBILITY FOR THE OFFICE SCHEDULE OF THE FISCAL OFFICER, AND DECLARING AN EMERGENCY

Mayor Garlich introduced Ordinance 13-161 by title only. Mr. Hornung moved to waive the required readings and declare an emergency. Mr. Hofstetter seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. Mr. Hornung moved to pass Ordinance 13-161, Mr. Wiech seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

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SECOND READING

ORDINANCE 13-148 AN ORDINANCE ENACTING NEW SECTION 181.20 OF THE CODIFIED ORDINANCES TO UPGRADE THE VILLAGE'S PREVIOUS JOB CREATION INCOME TAX CREDIT PROGRAM

Mayor Garlich read Ordinance 13-148 by title only. Mr. Hornung moved to place on second reading; Mr. Wiech seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ORDINANCE 13-149 AN ORDINANCE ENACTING NEW SECTIONS 1131.05(a)(93), 1165.02(ii), 1165.05(g) and 1135.04(l) AND AMENDING OF THE CODIFIED ORDINANCES TO AUTHORIZE WALL MURAL SIGNS AS CONDITIONAL USES IN NONRESIDENTIAL ZONING DISTRICTS

Mayor Garlich read Ordinance 13-149 by title only. Mr. Klein moved to place on second reading; Mr. Hornung seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. A public hearing is scheduled for Thursday, January 9, 2014 at 7:30 p.m.

ORDINANCE 13-150 AN ORDINANCE REPEALING EXISTING CHAPTER 1133 AND AMENDING EXISTING CHAPTER 1101 OF THE CODIFIED ORDINANCES TO TRANSFER THE RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS TO THE PLANNING COMMISSION, AND TO MAKE CERTAIN TECHNICAL AMENDMENTS

Mayor Garlich read Ordinance 13-150 by title only. Mr. Klein moved to place on second reading; Mr. Hornung seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, and Mr. Wiech voted yea; Mr. Seyer voted nay; motion CARRIED. A public hearing is scheduled for Thursday, January 9, 2014 at 7:30 p.m.

ORDINANCE 13-151 AN ORDINANCE AMENDING EXISTING SECTION 942.01 OF THE CODIFIED ORDINANCES TO PLACE CERTAIN LIMITS ON THE VILLAGE'S OBLIGATION TO PROVIDE TREE AND BRUSH REMOVAL

Mayor Garlich read Ordinance 13-151 by title only. Mr. Hornung moved to place on second reading; Mr. Klein seconded. Mr. Seyer stated that he does not like the word "obligation." Mr. Lee stated that he will correct the legislation for the next council meeting. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

ORDINANCE 13-152 AN ORDINANCE ACCEPTING THE ANNEXATION OF 0.28 ACRES OF LAND IN MIDDLEFIELD TOWNSHIP

Mayor Garlich read Ordinance 13-152 by title only. Mr. Hornung moved to place on second reading; Mr. Hofstetter seconded. Discussion was held on a sunshine clause for the annexed property to be tied into the utility system. Mr. Lee suggested 6 month window. Mr. Lee stated that he will amend the legislation for the next council meeting. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

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THIRD READING

RESOLUTION 13-20 A RESOLUTION AUTHORIZING INTENT TO DISPOSE OF UNNEEDED, OBSOLETE OR UNFIT MUNICIPAL OWNED PERSONAL PROPERTY VIA INTERNET AUCTION IN CALENDAR YEAR 2014

Mayor Garlich read Resolution 13-20 by title only. Mr. Wiech moved to pass Resolution 13-20; Mr. Klein seconded. On the roll call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED.

UNFINISHED BUSINESS – None

NEW BUSINESS

Market Analysis: Mayor Garlich reported on the market analysis done by a CSU student, Ms. Kirby Date. Ms. Date will be at the council meeting to present the market analysis on Thursday, January 9, 2014 during the council meeting.

Health Insurance Renewal Date: Mayor Garlich stated that the Village's health insurance renewal is April. With the change in healthcare law; if we change our renewal date to December, the Village will be locked in at a 5% increase. It was the consensus of council to renew the insurance in December 2013 verses a renewal in April 2014. Mr. Lee stated that the employees cannot be charged the additional 5% increase that the health insurance will be until open enrollment next December.

Mayor Garlich introduced Michael Dutton to council and those present. Mr. Dutton gave a brief presentation on himself.

Economic Development Director: Mayor Garlich provided council with update on the status of the position. The interview process will begin in the New Year.

VILLAGE COUNCIL COMMITTEE REPORTS and COMMUNICATIONS

Economic Development (Mayor Garlich/Mr. Blue/Mr. Wiech) – No Report

Finance & Ordinance (Mr. Klein/Mr. Hofstetter/Mr. Hornung) – No Report

Streets, Sidewalks, & Utilities (Mr. Hornung/Mr. Klein/Mayor Garlich) – No Report

Parks & Recreation (Mr. Seyer/Mr. Hofstetter/Mayor Garlich) – No Report

Planning & Zoning (Mr. Klein/Mayor Garlich) – No Report

Public Safety (Mr. Blue/Mr. Wiech/Mr. Seyer) – No Report

VILLAGE CALENDAR

Executive Session: Council convened an Executive Session at 8:35 p.m. to discuss employee personnel performance. Mr. Hornung moved; Mr. Blue seconded. On the roll

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call Mr. Blue, Mr. Hofstetter, Mr. Hornung, Mr. Klein, Mr. Seyer, and Mr. Wiech voted yea; motion CARRIED. The Village Administrator and Solicitor joined them.

Reconvene Open Meeting: At 8:52 p.m., the Mayor announced the public portion of the meeting reconvened.

Action resulting from Executive Session: The Mayor announced there was no action to take.

ADJOURNMENT

Mr. Seyer moved; Mr. Wiech seconded to adjourn the meeting at 8:54 p.m. motion CARRIED.

DATE APPROVED: _____

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

ATTESTED BY: _____ **Tiffany Mekeel, Fiscal Officer**