

**Village of Middlefield Council Minutes  
November 9, 2023**

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

**Also present:** Ms. Leslie McCoy- Village Administrator, Chief Tucholski, Lt. Graley, Mr. Nick Giardina- Fiscal Officer, Mr. Luke McConville- Solicitor, Ms. Ann Wishart- Maple Leaf, Mr. John Boksansky- Zoning Inspector, Tony Yeropoli- Fire Department, Mr. Alex Duncan, Ms. Melissa Channel, Ms. Kim Breyley, Mr. Jeff Heinrich, and Mr. Roger Hanna.

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

**2. Agenda:** No additions/deletions.

**3. Approval of Minutes:** October 12, 2023. *Mr. Morrow made a motion to approve the October 12, 2023 minutes, motion seconded by Mr. Hornung. All in favor: Yeas (5).*

**4. Payment of Bills:** *Mr. Hornung moved to authorize payments totaling \$693,474.07, motion seconded by Mr. Morrow. Roll call: Yeas (5).*

**5. FISCAL OFFICER'S REPORT: Income Tax and Financials** – The report is included in the packet. Mr. Giardina stated water, sewer, and income tax are down slightly compared to last year. Mr. Giardina stated the accounts are still up compared to the last 4 years. Mr. Giardina stated employment is down slightly compared to the previous year which is why withholdings are down slightly. Wages are up due to more employees for the Village and receipts are also up. Expenses are up due to big projects being done in the Village.

**6. AMBULANCE REPORT** – Report is included in the packet.

**7. FIRE DEPARTMENT REPORT** – Report is included in the packet. Mayor Garlich stated there has been a lot of training and the Fire Levy has passed.

**8. ECONOMIC DEVELOPMENT:** Report is included in the packet. Ms. McCoy stated she has been working on some projects that are coming up. There is now \$10,000 back in the storefront renovation program due to the applicant not finishing the project.

**9. ZONING REPORT:** Report included is included in packet. Mr. Boksansky stated 12 permits were issued in the month of October.

**10. STREETS, SIDEWALKS & UTILITIES REPORT** – Report is included in the packet. Chief Tucholski stated there were 43 loads of leaves picked up. Park maintenance and cemetery maintenance is still ongoing. Chief Tucholski stated the salt in case of snow is ready to go.

**11. POLICE REPORT** – Report is included in the packet. Chief Tucholski stated for the month of October there was 427 calls for service. Chief Tucholski stated there are 2 new hires and all training is going well.

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**12. PARKS & RECREATION REPORT** – Report is included in the packet. Ms. McCoy stated the registration numbers are great.

**PUBLIC PARTICIPATION:**

A Geauga County representative from NOPEC is present explaining the NOPEC electric and gas programs. There are handouts with updated numbers for the 2024 year. There are no expired funds for the Village account with NOPEC. The sponsorship money for the July 3<sup>rd</sup> event has not been used.

Mayor Garlich stated the bike path will be reopened on November 1<sup>st</sup>.

Mayor Garlich swears in new officers Christopher Plantz and Robert Hamilton.

**Mayor Garlich opened the Public Hearing at 7:30 pm.**

**Ms. McCoy stated Ordinance 23-142 is for the zoning changes. Ordinance 23-143 is a modification to the zoning.**

**Public Hearing 11.09.2023 on Ordinance 23-142 & Ordinance 23-143, 7:30 PM**

**Mayor Garlich closed the Public Hearing at 7:31 pm.**

**COMMITTEE APPOINTMENTS:**

**MAYOR APPOINTMENTS**

**1) Cemetery Sexton** (Annual Appointment) Marcia Bryson:

**2) Economic Development Committee** (one year term 1-1-2024 to 12-31-2024) Mayor Ben Garlich, Scott Klein, Carl Hornung, Chris Michalakes, Dave Dietrich, Emily Martin, Kim Breyley.

**3) Development Loan Review Committee** (one year term 1-1-2023 to 12-31-2023) Dave McDowell, Bill Blue, Dave Dietrich, Scott Klein, Mayor, Solicitor, Nick Giardina.

**COUNCIL APPOINTMENTS**

1) PRESIDENT OF COUNCIL: Council nominated Mr. Klein.

**Mr. Hornung made a motion to accept Mayor and Council appointments, motion seconded by Mr. Morrow. All in favor: Yeas (5).**

**FIRST READING –**

- 1. RESOLUTION 23-15 A RESOLUTION AUTHORIZING MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO EXECUTE**

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- CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Resolution 23-15 by title. Ms. McCoy stated this project would be for Tare Creek Parkway. **Mr. Morrow made a motion to waive the required reading and declare Resolution 23-15 an emergency, motion seconded by Mr. Hornung. All in favor: Yeas (5). Mr. Hornung made a motion to PASS Resolution 23-15, motion seconded by Mr. Blue. All in favor: Yeas (5).**
2. **ORDINANCE 23-147 AN ORDINANCE SELECTING COLD HARBOR BUILDING COMPANY FOR THE WELL NO. 3 IMPROVEMENT PROJECT, IN AN AMOUNT NOT TO EXCEED \$1,144,000.00 TO BE THE LOWEST AND BEST BID FOR SAID PROJECT, AND AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ENTER INTO A CONTRACT WITH SAID BIDDER FOR THAT PROJECT, AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-147 by title only. **Mr. Hornung made a motion to waive the required reading and declare Ordinance 23-147 an emergency, motion seconded by Mr. Morrow. All in favor: Yeas (5). Mr. Hornung made a motion to PASS Ordinance 23-147, motion seconded by Mr. Blue. All in favor: Yeas (5).**
3. **ORDINANCE 23-148 AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 182.96 ENTITLED “ELECTION TO BE SUBJECT TO R.C. 718.80 TO 718.95,” AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-143 by title only. Mr. McConnville stated this is due to changes in the House Bill and this is to reflect those changes. This allows corporate taxpayers to opt into the state statutes. **Mr. Blue made a motion to waive the required reading and declare Ordinance 23-143 an emergency, motion seconded by Mr. Morrow. All in favor: Yeas (5). Mr. Klein made a motion to PASS Ordinance 23-148, motion seconded by Mr. Morrow. All in favor: Yeas (5).**
4. **ORDINANCE 23-149 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 182.094 ENTITLED “EXTENSION OF TIME TO FILE” BY ADDING EXTENDING CERTAIN FILING DEADLINES AND ENACTING RELATED REGULATIONS, AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-149 by title only. Mr. McConnville stated this gives businesses a 1 month extension on a municipal income tax return. **Mr. Morrow made a motion to waive the required reading and declare Ordinance 23-149 an emergency, motion seconded by Mr. Hornung. All in favor: Yeas (5). Mr. Hornung made a motion to PASS Ordinance 23-149, motion seconded by Mr. Morrow. All in favor: Yeas (5).**
5. **ORDINANCE 23-150 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTIONS 182.03(11) AND 182.091(A) FOR THE PURPOSE OF EXEMPTING FROM INCOME TAX THE INCOME OF INDIVIDUALS UNDER THE AGE OF 18, AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-150 by title only. Mr. McConnville stated this exempts anyone under the age of 18 from filing a municipal income tax. **Mr. Klein made a motion to waive the required reading and declare Ordinance 23-150 an emergency, motion seconded by Mr. Morrow. All in favor: Yeas (5). Mr. Hornung made a**

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- motion to **PASS** Ordinance 23-150, motion seconded by Mr. Morrow. All in favor: Yeas (5).
6. **ORDINANCE 23-151 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 182.062 ENTITLED “NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX; ALTERNATIVE APPORTIONMENT” AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-151 by title only. Mr. McConnville stated this does not apply to withholdings. **Mr. Morrow made a motion to waive the required reading and declare Ordinance 23-151 an emergency, motion seconded by Mr. Blue. All in favor: Yeas (5). Mr. Hornung made a motion to **PASS** Ordinance 23-151, motion seconded by Mr. Klein. All in favor: Yeas (5).**
  7. **ORDINANCE 23-152 AN ORDINANCE AMENDING DIVISION (C) OF CODIFIED ORDINANCE SECTION 182.10 ENTITLED “PENALTY, INTEREST, FEES AND CHARGES, AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-152 by title only. Mr. McConnville stated this reduces the fine from \$150 to \$25. **Mr. Hornung made a motion to waive the required reading and declare Ordinance 23-152 an emergency, motion seconded by Mr. Blue. All in favor: Yeas (5). Mr. Blue made a motion to **PASS** Ordinance 23-152, motion seconded by Mr. Morrow. All in favor: Yeas (5).**
  8. **ORDINANCE 23-153 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 181.20 ENTITLED “JOB CREATION INCOME TAX CREDIT PROGRAM,” AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-153 by title only. Mr. McConnville stated Section 5 would be removed because it states that no retail business can obtain such, this ordinance would allow them to obtain. **Mr. Hornung made a motion to waive the required reading and declare Ordinance 23-153 an emergency, motion seconded by Mr. Klein. All in favor: Yeas (5). Mr. Morrow made a motion to **PASS** Ordinance 23-153, motion seconded by Mr. Hornung. All in favor: Yeas (5).**
  9. **ORDINANCE 23-154 AN ORDINANCE ENACTING CODIFIED ORDINANCE SECTION 182.22 ENTITLED “JOB RETENTION GRANT PROGRAM,” AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-154 by title only. Ms. McCoy stated this is allowed for businesses with a payroll of \$1.8 million a year. **Mr. Hornung made a motion to waive the required reading and declare Ordinance 23-154 an emergency, motion seconded by Mr. Klein. All in favor: Yeas (5). Mr. Blue made a motion to **PASS** Ordinance 23-154, motion seconded by Mr. Hornung. All in favor: Yeas (5).**
  10. **ORDINANCE 23-155 AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF MIDDLEFIELD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023, AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-155 by title only. Mr. Giardina stated this gives the ability to spend money in the first quarter of 2024. **Mr. Morrow made a motion to waive the required reading and declare Ordinance 23-155 an emergency, motion seconded by Mr.**

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Hornung. All in favor: Yeas (5). Mr. Blue made a motion to **PASS** Ordinance 23-155, motion seconded by Mr. Morrow. All in favor: Yeas (5).

11. **ORDINANCE 23-156 AN ORDINANCE HIRING CHRISTOPHER PLANTZ AS A FULL TIME POLICE OFFICER, CONTINGENT UPON HIS COMPLETING THE REQUIREMENTS OF SECTION 139.01 OF THE CODIFIED ORDINANCES, AT THE PAY RATE OF \$19.00 PER HOUR, AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-156 by title only. Mr. Blue made a motion to waive the required reading and declare Ordinance 23-156 an emergency, motion seconded by Mr. Hornung. All in favor: Yeas (5). Mr. Morrow made a motion to **PASS** Ordinance 23-156, motion seconded by Mr. Hornung. All in favor: Yeas (5).
12. **ORDINANCE 23-157 AN ORDINANCE HIRING ROBERT HAMILTON AS A FULL TIME POLICE OFFICER, CONTINGENT UPON HIS COMPLETING THE REQUIREMENTS OF SECTION 139.01 OF THE CODIFIED ORDINANCES, AT THE PAY RATE OF \$32.78 PER HOUR, AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-157 by title only. Mr. Hornung made a motion to waive the required reading and declare Ordinance 23-157 an emergency, motion seconded by Mr. Morrow All in favor: Yeas (5). Mr. Klein made a motion to **PASS** Ordinance 23-157, motion seconded by Mr. Morrow. All in favor: Yeas (5).

### SECOND READING

1. **RESOLUTION 23-14 A RESOLUTION DECLARING THE INTENT OF THE VILLAGE TO DISPOSE OF UNNEEDED, OBSOLETE OR UNFIT MUNICIPALLY OWNED PERSONAL PROPERTY VIA AN INTERNET AUCTION IN CALENDAR YEAR 2024, AND AUTHORIZING SUCH DISPOSITON.** Mayor Garlich introduced Resolution 23-14 by title only. Mr. Blue made a motion to place Resolution 23-14 on second reading, motion seconded by Mr. Morrow. All in favor: Yeas (5).
2. **ORDINANCE 23-142 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1153.02 ENTITLED “(R-2) RESIDENTIAL DISTRICT.”** Mayor Garlich introduced Ordinance 23-142 by title only. Mr. Klein made a motion to place Ordinance 23-142 on second reading, motion seconded by Mr. Morrow. All in favor: Yeas (5).
3. **ORDINANCE 23-143 AN ORDINANCE REZONING CERTAIN PARCELS FROM THEIR PRESENT ZONING CLASSIFICATION OF R-3 (MULTI-FAMILY RESIDENTIAL ZONING DISTRICT) TO R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT).** Mayor Garlich introduced Ordinance 23-143 by title only. Mr. Morrow made a motion to place Ordinance 23-143 on second reading, motion seconded by Mr. Klein. All in favor: Yeas (5).

### THIRD READING

1. **RESOLUTION 23-11 A RESOLUTION AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR**

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- SERVICES WITH THE GEAUGA COUNTY BOARD OF COMMISSIONERS AND THE GEAUGA DEPARTMENT ON AGING, FOR USE OF THE MIDDLEFIELD COMMUNITY CENTER.** Mayor Garlich introduced Resolution 23-11 by title only. **Mr. Morrow made a motion to PASS Resolution 23-11, motion seconded by Mr. Blue. All in favor: Yeas (5).**
2. **ORDINANCE 23-133 AN ORDINANCE REZONING PERMANENT PARCEL NUMBERS 19- 072861, 19-706220, 19-706416, 19-706221, 19-706222, 19-072805 AND 19-706415 FROM THEIR PRESENT ZONING CLASSIFICATION OF R-1 (SINGLE-FAMILY ZONING DISTRICT) TO I-PUD (PLANNED UNIT INDUSTRIAL DEVELOPMENT).** Mayor Garlich introduced Ordinance 23-133 by title only. **Mr. Hornung made a motion to PASS Ordinance 23-133, motion seconded by Mr. Klein. All in favor: Yeas (5).**
  3. **ORDINANCE 23-134 AN ORDINANCE AMENDING EXISTING SECTION 911.08 OF THE CODIFIED ORDINANCES TO PROVIDE THE 2024 RESIDENTIAL, COMMERCIAL AND INDUSTRIAL WATER ACCOUNT RATES.** Mayor Garlich introduced Ordinance 23-134 by title only. **Mr. Morrow made a motion to PASS Ordinance 23-134, motion seconded by Mr. Blue. All in favor: Yeas (5).**
  4. **ORDINANCE 23-135 AN ORDINANCE AMENDING EXISTING SECTION 907.04 OF THE CODIFIED ORDINANCES TO PROVIDE FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SEWER ACCOUNTS, COMMENCING JANUARY 1, 2024.** Mayor Garlich introduced Ordinance 23-135 by title only. **Mr. Hornung made a motion to PASS Ordinance 23-135, motion seconded by Mr. Morrow. All in favor: Yeas (5).**
  5. **ORDINANCE 23-136 AN ORDINANCE AMENDING EXISTING SECTION 911.10 (a) OF THE CODIFIED ORDINANCES TO PROVIDE FOR FIRE SPRINKLER SYSTEM ACCOUNTS.** Mayor Garlich introduced Ordinance 23-136 by title only. **Mr. Klein made a motion to PASS Ordinance 23-136, motion seconded by Mr. Morrow. All in favor: Yeas (5).**
  6. **ORDINANCE 23-140 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 737.03 ENTITLED “SHORT-TERM RENTAL OPERATIONS APPLICATION FOR SHORT TERM RENTAL PERMIT, NEW AND RENEWAL” TO LIMIT THE ISSUANCE OF SHORT TERM RENTAL LICENSES TO PARCELS ZONED R-3.** Mayor Garlich introduced Ordinance 23-140 by title only. **Mr. Morrow made a motion to PASS Ordinance 23-140, motion seconded by Mr. Hornung. All in favor: Yeas (5).**
  7. **ORDINANCE 23-141 AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 147.01 ENTITLED “VACATIONS”, AND DECLARING AN EMERGENCY.** Mayor Garlich introduced Ordinance 23-141 by title only. **Mr. Morrow made a motion to PASS Ordinance 23-141, motion seconded by Mr. Hornung. All in favor: Yeas (5).**



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**OLD BUSINESS**

**NEW BUSINESS**

1. **Web Site Report – Kim Breyley:** Included in the packet.
2. **Geauga County Property Tax Revaluation:** Mayor Garlich stated this is about a 27% increase. Mayor Garlich stated he will try his best to make sure there is no more money being asked for from residents in the Village of Middlefield.

**COMMITTEE REPORTS and COMMUNICATIONS**

**Planning & Zoning (Mayor Garlich/Mr. Klein/Mr. Linberg/Mr. Dietrich/Ms. Shaffer) –** October meeting minutes included in packet.

**Streets, Sidewalks, & Utilities (Mr. Seyer/Ms. Arganti/ Ben Garlich) –** October meeting minutes included in packet.

**Economic Development Committee (Mayor Garlich, Mr. Blue, Mr. Klein, Mr. Michalakes, Mr. Dietrich, Ms. Breyley, Ms. Martin) –** No meeting in October.

**Parks & Recreation (Ms. Arganti/ Mr. Blue/ Mayor Garlich/ Ms. Naples/ Mr. Soltis) –** October meeting minutes included in packet.

**Finance & Ordinance (Mr. Seyer/ Mr. Klein/Mr. Morrow) –** October meeting minutes included in the packet.

**Public Safety (Mr. Morrow/ Mr. Hornung/Mr. Blue) –** October meeting minutes included in packet.

**VILLAGE CALENDAR:** (ALL MEETING DATES ARE SUBJECT TO CHANGE)

**NOVEMBER –** (Subject to change)

November 7, 2023 Election Day

November 7, 2023 5:30PM STREETS, SIDEWALKS, & UTILITES

November 7, 2023 6:00PM PLANNING COMMISSION

November 9, 2023 5:30PM RECREATION

November 9, 2023 6:00PM FINANCE & ORDINANCE

November 9, 2023 6:30PM SAFETY

November 9, 2023 7:00PM COUNCIL

November 10, 2023 VILLAGE HALL CLOSED – Veterans Day Observed

November 11, 2023 Veterans Day

November 23, 2023 VILLAGE HALL CLOSED – Thanksgiving Holiday

November 24, 2023 VILLAGE HALL CLOSED

November 24, 2023 Tree Lighting Ceremony – Downtown Pocket Park

**DECEMBER –** (Subject to change)

December 12, 2023 6:00PM PLANNING COMMISSION (if needed)

December 12, 2023 6:00PM FINANCE & ORDINANCE

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December 12, 2023 7:00PM COUNCIL

December 25, 2023 VILLAGE HALL CLOSED – Christmas Day

**EXECUTIVE SESSION-** Mr. Klein made a motion to go into executive session at 8:07 pm, motion seconded by Mr. Morrow. All in favor: Yeas (5).

Mr. Klein made a motion to come out of executive session at 8:27 pm, motion seconded by Mr. Morrow. All in favor: Yeas (5).

**ADJOURNMENT**

Mr. Hornung motioned to adjourn the Council meeting at 8:28 PM, motion seconded by Mr. Klein. All in favor: Yeas. (5)

**PENDING**

Tabled: Resolution 21-08

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

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