

REGULAR COUNCIL

April 5, 2007

Mayor Poole called the meeting to order at 7:35 p.m. with the following members present: B. Blue, C. Hofstetter, J. Jemison and S. Klein. Council members E. Davis and B. Wallace are excused.

Also present: C. Osborne – Fiscal Officer, D. Weir - Admin., Tom Lee – Village Solicitor, B. Provost – Village Engineer, S. Roessner – Zoning Inspector, C. Ehrhart – Director of Streets and Utilities, Police Chief Stehlik, Officer Nick DiVita, Carl Hornung, Ben Nicastro, Jason Klar – Platform Cement, Jerry Petersen, Bob Troyer – Middlefield Township Trustee, Joe Weiss – Middlefield Township Solicitor, Fire Chief Reed, Ann Wishart – Maple Leaf and Jennifer McKeivitt – News Herald.

Agenda: Add to First Readings – Res. 07- 14

Minutes of March 15, 2007 meeting were presented for approval. Hofstetter moved to approve the minutes as presented. Klein seconded. Roll Call: All Yeas (4).

Payment of Bills Totaling \$234,616.29 was presented for payment. Jemison moved to authorize the payment of bills totaling \$234,616.29. Blue seconded. Roll Call: All Yeas (4).

Director of Streets & Utilities Report – March: included in the council packet. Routine equipment maintenance at the WWTP and the WTP, routine vehicle maintenance, sewer main cleaning and street cleaning. Ehrhart informed Council there are times throughout the snow-plowing season when heavy snow fall has depleted the Village's road salt supply and he cannot get any more material from our supplier. When that happens, ARMS Trucking owner, Howard Bates, has been able to supply the Village with road salt. Ehrhart stated he appreciates Bates' efforts to accommodate the Village on short notice.

Police Report – March: Included in the council packet. Chief stated Village resident, Helen Cochran, passed away recently and, in her memory, a \$250 donation was made to the police equipment fund, as well as, a \$20 donation in her memory from a family friend. *Hofstetter moved to accept the donations to the Village Police Department for equipment, in the total amount of \$270.00, seconded by Blue. Roll Call: All Yeas (4).*

Chief Stehlik presented the following Police Department awards, nominated by their peers:

- 2006 Civilian Employee of the Year Award - Marie Shipek
- 2006 Officer of the Year – Sgt. Joseph Tucholski.
- 2006 Exceptional Service – Staff Sgt. Michael Fabian.

Mayor Poole administered the Oath of Office to Part-Time Patrol Officer, Nick DiVita.

Zoning Inspector's Report - March – included in the council packet. In addition, Roessner has inspected various residential and commercial construction sites, and sent letters to issues needing attention by the respective contractors.

CCA Report – February: included in the council packet.

PUBLIC PARTICIPATION

Jerry Petersen presented plans for property located in Middlefield Township south of Dillen Products. Joe Weiss, solicitor for Middlefield Township, stated the Trustees are amenable to this annexation with the condition that Middlefield Township continue to receive the property taxes, and the Village will receive the income tax generated. Lee stated normally when annexation occurs properties become a part of the Village and all property taxes that the Township was collecting are then paid to the Village. The annexation statute allows for the Township and the Village to agree to an annexation that will allow the Township to continue to receive the property taxes so the Township doesn't lose any revenue, and the Village would be able to assess any income tax. In this instance, the property will be used as a warehouse so very little income tax would be generated at this time. Lee stated in his preliminary discussions with Weiss and Petersen regarding this property, a simple annexation agreement is acceptable. More comprehensive agreements could be discussed for future annexations if necessary.

Another issue raised by Petersen is if this property were annexed under ordinary circumstances, it would come into the Village as R-1, then request the planning commission to rezone to industrial. Bonner has thoughts about a restaurant on that property, and that would not be consistent with industrial zoning. If that comes to fruition, a variance is required. Therefore, additional steps may be required as part of this agreement prior to the annexation so that it would be clear to Bonner whether or not that could occur. Also, there's a private road on the property and planning commission would need to review this issue and consider having it dedicated as a public road. Lee stated Bonner has proposed annexing that property in the past. It was reviewed by the planning commission and recommended to Council to approve the annexation. However, at that time, there was a strong feeling against annexation and the annexation request never moved forward. Lee noted this annexation is part of the comprehensive plan.

Lee stated the annexation process technically begins at the Commissioners' office. The Commissioners then ask the Village to state what services it will provide. At this time, the property owner is questioning what services the Village will provide prior to presenting this annexation to the Commissioners. This will also be discussed with the planning commission. Middlefield Township Trustee, Bob Troyer, stated he and the other trustees are not against this annexation as long as the Township continues to receive the property taxes.

Discussion held regarding the utilities that are currently in place in that area and the private road issue. Petersen stated Bonner will pay to tie into the Village's water and sewer lines, and Bonner prefers to keep the road private.

It is the consensus of council to move forward with an annexation agreement that is acceptable to both Middlefield Village Council and the Middlefield Township Trustees.

Ben Nicastro, Village representative for Geauga County Airport Authority, was present to update Council on airport board issues. Nicastro stated no meeting in January and, at the February meeting, the board approved their operating agreement with the County Commissioners. The board permanently changed their meeting time to 6:00 p.m.

The board is working on agreement with TRA to provide fuel for Medivac. The 2004-2005 State Audit was conducted and no issues were found. A Large cost increase on the underground water detention project. The board will be contacting the company

that supplies the material to discuss the increase. The board has budgeted and will complete smaller projects at the airport.

Once the FAA approves plans, a public meeting will be held. Hofstetter questioned the funding for the hangars. Nicastro stated this issue is still in process. The Commissioners have given preliminary approval, but further discussions are necessary. The Commissioners discussed funding fewer hangars than originally stated. Nicastro stated he isn't aware of any discussions regarding annexation.

FIRST READING

Resolution 07-10: Authorizing the Village Administrator to Enter into a Contract with M&D Blacktop Co. for Eagle Park Playground Equipment, in the Total Amount of \$107,300.00.

Klein introduced Res. 07-10, read by title only, and moved to place it on first reading. Blue seconded. Roll Call: All Yeas (3). Nays: Jemison.

Resolution 07-11: Authorizing the Village Administrator to Enter into a Contract with Sanyo Construction for the Eagle Park Picnic Pavilion, in the Total Amount of \$73,935.00.

Klein introduced Res. 07-11, read by title only, and moved to place it on first reading. Hofstetter seconded. Roll Call: All Yeas (3). Nays: Jemison.

Resolution 07-12A: Authorizing the Village Administrator to Enter into a Contract with Platform Cement, Inc., for the Eagle Park "Splashground" Equipment, in the Total Amount of \$246,000.00 (Alternate 1/Base Bid).

Lee stated if it's council desire to proceed with this part of the project, council needs to decide which bid to approve and place it on first reading. Weir requested both resolutions be placed on first reading.

Klein introduced Res. 07-12A, read by title only, and moved to place it on first reading. Hofstetter seconded. Roll Call: All Yeas (3). Nays: Jemison.

Resolution 07-12B: Authorizing the Village Administrator to Enter into a Contract with Astro Pool Company, Inc., for the Eagle Park "Splashground" Equipment, in the Total Amount of \$435,600.00 (Alternate 2/Full Bid).

Klein introduced Res. 07-12B, read by title only, and moved to place it on first reading. Blue seconded. Roll Call: All Yeas (3). Nays: Jemison.

Resolution 07-13: Authorizing the Village Administrator to Enter into an Agreement with the Geauga County Sheriff's Office/Spillman Technologies for the Provision of Training and Project Management for the New Geauga Computer Aided Dispatch and Records Management System, at a Total Cost Not to Exceed \$27,755.00.

Chief stated the Geauga County Sheriff's Department has already purchased this county-wide records management system and computer-aided dispatch system. Currently the Village doesn't have a computer-aided dispatch system, but our own in-house records management system and it doesn't wire arrest information to the State. In the future to participate for grants we need to submit information to the State.

Chief stated the State sent our police department the toolkit program at no cost. Unfortunately it isn't working properly and many attempts to fix it haven't worked. With that program, the police department also received 3 complete workstation computers and additional equipment that will be utilized with whichever system is approved for records management.

Chief stated the initial cost for this was \$220,000.00. Chief conveyed to the Spillman representative this cost is too high and renegotiated the contract. Chief stated this system will allow our police department to share information with other county agencies, enabling cases to be solved quickly. It also provides two off-site backup locations for our computer records, which helps us with the emergency management plan. The County will provide all updates and maintenance to the software programs. The Village only needs to maintain our equipment. Also, beginning in 2008 mobile data terminals in the police cruisers and fire trucks will begin. Chief stated this system ties into the State information and through the State program we can access state-wide information. Chief Stehlik recommends this purchase.

Blue introduced Res. 07-13, read by title only, and moved to place it on first reading. Hofstetter seconded. Roll Call: All Yeas (4).

Ordinance 07-111: Authorizing Various Activities Related to the Middlefield Community Days Event, Waiving the Prohibitions of the Codified Ordinances Regarding Same.

Blue introduced Ord. 07-111, read by title only, and moved to place it on first reading. Hofstetter seconded. Roll Call: All Yeas (4).

Ordinance 07-112: Authorizing and Directing the Village Fiscal Officer to Make Payment to the Cardinal School District, in the Amount of \$40,436.32, in Compliance with the Village's 2005 Revenue Sharing Obligations, as Mandated by Section 5709.82(C)(2) of the Revised Code.

Klein introduced Ord. 07-112, read by title only, and moved to place it on first reading. Blue seconded. Roll Call: All Yeas (4).

Ordinance 07-113: Authorizing and Directing the Village Fiscal Officer to Make Payment to the Cardinal School District, in the Amount of \$40,475.58, in Compliance with the Village Revenue Sharing Obligations Mandated by Section 5709.82(C)(2) of the Revised Code for the 2006 Tax Year.

Klein introduced Ord. 07-113, read by title only, and moved to place it on first reading. Jemison seconded. Roll Call: All Yeas (4).

Ordinance 07-114: Employing Dennis M. Coyne as Village Prosecutor for the Village of Middlefield for the Years 2007 and 2008.

Lee stated this is a \$10.00 an hour increase from the previous contract. Chief stated Coyne has done an excellent job for the Village.

Hofstetter introduced Ord. 07-114, read by title only, and moved to place it on first reading. Blue seconded. Roll Call: All Yeas (4).

Ordinance 07-115: Accepting a Portion of Alameda Drive for Dedication Purposes Pursuant to Section 1119.11 of the Codified Ordinances and Section 723.03 of the Revised Code.

Weir stated the Village is requesting a 100' right-of-way and a meeting is scheduled the Superintendent, Paul Yokum, and School Board member, Dick Moss, to discuss this and other issues. Discussion held regarding the radius of the curve by the middle school. Ehrhart stated it isn't expensive to widen that curve. Blue requested Weir present an estimated cost at the next meeting.

Jemison introduced Ord. 07-115, read by title only, and moved to place it on first reading. Blue seconded. Roll Call: All Yeas (4).

Resolution 07-14: Amending and Correcting Resolution 07-09, Authorizing Funding for Construction of a Turn Lane on South State Avenue, Giving Consent to the Ohio Director of Transportation to Complete the Project, and Authorizing Cooperation with the Ohio director of Transportation Regarding the Project.

Lee stated this Res. 07-09 was passed March 15, 2007 and two paragraphs that O.D.O.T. requested be included were inadvertently omitted. This resolution amends that error.

Blue introduced Res. 07-14, read by title only, and moved to place it on first reading. Hofstetter seconded. Roll Call: All Yeas (4).

SECOND READING

Resolution 07-08: Authorizing the Village Administrator to Enter into a Ground Lease with the Middlefield Volunteer Fire Department to Allow the Village to Construct a Storage Shed for Recreation Equipment Owned by the Village.

Klein introduced Res. 07-08, read by title only, and moved to place it on second reading. Hofstetter seconded. Roll Call: All Yeas (4).

THIRD READING

Ordinance 07-104: Authorizing Various Activities Related to the American Cancer Society's Relay for Life, Waiving Various Prohibitions of the Codified Ordinances Regarding Same.

Jemison introduced Ord. 07-104, read by title only, and moved to place it on third reading. Klein seconded. Roll Call: All Yeas (4).

Blue moved to **pass** Res. 07-104, seconded by Hofstetter. Roll Call: All Yeas (4).

Ordinance 07-107: Repealing Chapter 553 of the Codified Ordinances.

Blue introduced Ord. 07-107, read by title only, and moved to place it on third reading. Hofstetter seconded. Roll Call: All Yeas (4).

Klein moved to **pass** Ord. 07-107, seconded by Hofstetter. Roll Call: All Yeas (4).

ENGINEER'S REPORT - included in the council packet. In addition, Provost stated he's finalizing the Eagle Park Project. The contracts for the Eagle Park walking paths and the landscaping and seeding projects are the final projects for this park. Provost stated he's planning on bidding those projects once the other contracts are approved.

Kraftmaid turn lane plans are complete and submitted to O.D.O.T.

Regarding the entire Eagle Park Project, Klein questioned if the infrastructure will be affected relative to which bid council approves. Provost stated the base bid and the full bid doesn't affect the infrastructure project. The way the park is laid out either option will work.

OLD BUSINESS – none before council.

NEW BUSINESS

- 1. WWTP Expansion Project Change Order #1** – Weir stated rather than Council approve each change order as it occurred during the course of the construction, he requested the project engineer to accumulate up to \$50,000.00 in changes and submit them to Weir. *Hofstetter moved to authorize change order #1 for the WWTP Expansion Project, in the total amount of \$45,674.31, seconded by Jemison. Roll Call: All Yeas (4).*

2. **Liquor License Transfer** – The local Giant Eagle store is now owned by the Giant Eagle Corporation. *It is the consensus of Council not to require a hearing regarding this transfer.*
3. **Ambulance Contract Bid Documents Review** – Lee stated the ambulance contract is up for renewal in 2008. Lee explained to the new council members originally the ambulance contract was held by the Township when the Village and the Township were unified. The ambulance contract and the ambulance levy were also that way. In the middle of one of those levy periods, the Village seceded from the Township and by operational law, the Village assumed 55% of the ambulance contract obligation. Subsequently the contract was re-bid and the two communities cooperated in the bidding process so the contract could be bid as one entity. Lee advised Council has the option to bid this contract on our own without the Township. However, as a practical matter there could be some advantages to that, as well as, some disadvantages. Middlefield Township Trustee, Bob Troyer, attended the Village's finance committee meeting to discuss this issue. Various issues were discussed. Lee stated we've taken the current provisions and revised it to current legal standards, with respect to statutory changes and other issues, and to accept the alternatives decided upon by the Village and by the Township five years ago. In essence the re-bidding is the same basic services we have at this time. The Township Trustees agree this contract has gone very well. The proposal would be to bid for cost of services for 5 years. There will also be a separate rate for non-covered services in the Village, the amount of rent the ambulance company will pay the Township to house the ambulances, and the dispatch fee paid to the Village for dispatch services. Lee stated because this contract cost was substantially lower, the Village requested a rollback on the collections to .35 mil. The Township Trustees did not do a rollback. The recommendation from the County Budget Commission is to place the ambulance levy on the ballot as a renewal, at the current 1.45 mil and, assuming it passes, request the appropriate rollback. Lee advised the bid process needs to begin early because we need to know the amount of the contract prior to the levy request deadline in August. *Blue moved to authorize the Village Administrator to continue to negotiate and finalize the ambulance bid documents and advertise for bids, seconded by Klein. Roll Call: All Yeas (4).*
4. **Eagle Park Improvements** – discussed under first readings.
5. **Village Landscape & Cemetery contract** – Weir stated SS Landscaping submitted a contract cost, which has a slight increase from 2006. *It is the consensus of Council to accept the contract from SS Landscaping.*

Committee Reports – included in the council packet.

At 8:52 p.m. Klein moved to adjourn into executive session for purposes of pending and threatened litigation. Blue seconded. Roll Call: All Yeas (4).

The meeting reconvened at 10:05 p.m.

Blue moved to appeal the Dairy Queen sign variance granted by the Village Board of Zoning Appeals, seconded by Hofstetter. Roll Call: All Yeas (4).

Discussion held regarding the lab building at the WWTP. Weir stated he received a cost estimate from Jack Gibson Construction, in the amount of \$24,000.00, to remove the original brick face on the building and replace it with split-face brick. *It is the consensus of Council not to proceed with this as it is not a part of the project.*

Discussion held regarding the purchase of the BAK parcels by Eagle Park. *It is the consensus of Council to discuss the purchase of these parcels with the BAK partners, requesting a further reduction in the purchase price, and directing Lee to prepare the purchase agreement.*

Being no further business at this time, Klein moved to adjourn at 10:11 p.m.

Fiscal Officer

Mayor