

REGULAR COUNCIL

DRAFT

DRAFT

January 17, 2008

Mayor Poole called the meeting to order at 7:30 p.m. with the following members present: B. Blue, E. Davis, C. Hofstetter, J. Jemison, S. Klein and B. Wallace.

Also present: C. Osborne – Fiscal Officer, D. Weir - Admin., M. Hatch – Recreation Director, Chief Stehlik, Kim Breyley, Carl Hornung, Victor Sudik, Mark Burkaw and Ann Wishart – Maple Leaf.

Agenda: Add to new business – Malunas retire/rehire

Minutes of January 3, 2008 meeting were presented for approval. Hofstetter moved to approve the minutes as presented. Davis seconded. Roll Call: All Yeas (6).

Payment of Bills Totaling \$104,055.43 was presented for payment. Blue moved to authorize the payment of bills totaling \$104,055.43. Hofstetter seconded. Roll Call: Yeas (6).

Recreation Director's Report - December: included in the council packet. In addition, the recreation committee discussed Community Days. The committee decided to continue having the fireworks on Friday night and the Saturday events, and eliminating the Sunday picnic.

Ambulance Report – December: included in the council packet.

CCA Report –December: included in the council packet.

PUBLIC PARTICIPATION

Mark Burkaw, representing the Allegany Wesleyan Methodist Church congregation. Burkaw stated a court hearing for the future of the church is scheduled for Jan. 22, and he is circulating a petition to keep the church open. According to Burkaw per the church rules the denomination is not permitted to sell the property, unless it's been abandoned. Built in 1829, this is the oldest church in the Village and was part of the underground railroad. Burkaw had talked with many Village residents and has received positive response to the church.

Mayor Poole stated the church is located in a residential area and, therefore, the church would have to be sold as a home. Burkaw stated a sales agreement has been executed and stated he would work with those interested in the property. However, at this time, no one is permitted to use the building.

Lee stated in any kind of dispute that's in litigation it's useful to request information from both parties. Lee stated prior to the lawsuit the other party came to the planning commission requesting re-zoning property, and wasn't well received in part because the parcel isn't conducive to commercial usage. Discussion held.

Vic Sudik questioned if the Village adds fluoride to the water. Weir stated we do this per EPA mandates. Sudik requested verification of this due to a new report in the January issue of *Scientific America* stating fluoride in water is proving to be problematic

when taken internally, and is requesting people re-evaluate fluoridating their water supply.

FIRST READING

Resolution 08-01: Requesting the Geauga County Auditor to Provide Tax Advances for the 2008 Collection Periods, and Declaring an Emergency.

Davis introduced Res. 08-01, read by title only, moved to waive the required readings and declare an emergency. Jemison seconded. Roll Call: All Yeas (6).

Blue moved to **pass** Res. 08-01, seconded by Hofstetter. Roll Call: All Yeas (6).

Ordinance 08-102: Authorizing Various Activities Related to the American Cancer Society's Relay for Life, Waiving Various Prohibitions of the Codified Ordinances Regarding Same.

Blue introduced Ord. 08-102, read by title only, and moved to place it on first reading. Wallace seconded. Roll Call: All Yeas (6).

SECOND READING – none before council.

THIRD READING – none before council.

Mayor Poole deviated from the agenda prior to the 8:00 p.m. public hearings

NEW BUSINESS

1. **Shook Construction – Water Treatment Plant Construction pay request #2 –**
Davis moved to authorize pay request #2 to Shook Construction for the WTP Improvements, in the amount of \$251,502.00, seconded by Klein. Roll Call: All Yeas (6).
2. **Jack Gibson Construction – WWTP retainage –** Blue moved to authorize a partial release of the retainage, in the amount of \$290,969.09, to Jack Gibson Construction for the WWTP Construction project, seconded by Wallace. Roll Call: All Yeas (6).
3. **Middlefield Mini Mart Liquor Permit –** Lee stated the statutory requirement for objection is because the business is too close to a school, a church, or they've have problems with the establishment. Mayor Poole stated he was at the last school board meeting and the board had no objections to this permit. *It is the consensus of council not to hold a public hearing regarding this new liquor permit.*
4. **Malunas retire/rehire -** Lee stated the current statue requires municipalities to advertise council's intentions regarding an employee who retires through PERS, and wishes to be rehired for the same position. Sudik stated he thinks the idea shows a lack of leadership because those in charge should be training younger employees to take over when you retire. Sudik stated he is not in favor of this practice. Davis stated our service employees are being trained in water, sewer and streets' responsibilities.

PUBLIC HEARINGS

Amending Existing Sections 1140.04 and 1140.06 of the Codified Ordinances to Modify the Application Fees for Occupancy Permits, to Provide for Additional Flexibility in Issuing Permits for Minor Additions or Improvements, and to Make Certain Related Technical Amendments.

Mayor Poole opened the public hearing at 8:02 p.m. Hearing no comments from those in attendance, Mayor Poole closed the public hearing at 8:03 p.m.

Amending Existing Section 1165.03, 1165.08 and 1165.14 of the Codified Ordinances to make Certain Technical Amendments Regarding the Village's Sign Regulations.

Mayor Poole opened the public hearing at 8:03 p.m. Hearing no comments from those in attendance, Mayor Poole closed the public hearing at 8:04 p.m.

Amending Existing Section 1140.06(a) of the Codified Ordinances to Correct a Typographical Omission.

Mayor Poole opened the public hearing at 8:04 p.m. Hearing no comments from those in attendance, Mayor Poole closed the public hearing at 8:05 p.m.

PENDING PASSAGE

Ordinance 07-155: Amending Existing Sections 1140.04 and 1140.06 of the Codified Ordinances to Modify the Application Fees for Occupancy Permits, to Provide for Additional Flexibility in Issuing Permits for Minor Additions or Improvements, and to Make Certain Related Technical Amendments.

Davis moved to *pass* Ord. 07-155, seconded by Hofstetter. Roll Call: All Yeas (6).

Ordinance 07-160: Amending Existing Section 1165.03, 1165.08 and 1165.14 of the Codified Ordinances to make Certain Technical Amendments Regarding the Village's Sign Regulations.

Wallace moved to *pass* Ord. 07-160, seconded by Blue. Roll Call: All Yeas (6).

Ordinance 07-161: Amending Existing Section 1140.06(a) of the Codified Ordinances to Correct a Typographical Omission.

Klein moved to *pass* Ord. – 07 161 seconded by Wallace. Roll Call: All Yeas (6).

OLD BUSINESS – none before council.

COMMITTEE REPORTS – included in the council packet.

Hofstetter questioned if the underground contamination clean-up been successful. Weir stated he believes that is being done inside. Sudik stated the TAG group is generally satisfied with the cleaning. Sudik stated there's ongoing pumping and additional equipment used, and the EPA mandated this because the initial years of clean-up weren't happening fast enough. The source of the contamination was found and Carlisle has gone to great expense to clean this up efficiently. Weir stated we receive all the reports from the EPA, which are very extensive.

Hofstetter questioned our records retention policy. Weir stated because there are various types of documents and these all have various retention periods, each document is listed on a retention schedule. Our archivist is doing well cataloging our records.

CALENDAR – no changes.

At 8:13 p.m., Blue moved to adjourn into executive session for purposes of employee compensation and land acquisition. Wallace seconded. Roll Call: All Yeas (6).

The meeting reconvened at 9:20 p.m. and, being no further business at this time, Davis moved to adjourn.

Fiscal Officer

Mayor