

**REGULAR COUNCIL**

**DRAFT**

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**April 3, 2008**

Council President J. Jemison called the meeting to order at 7:30 p.m. with the following members present: B. Blue, E. Davis, C. Hofstetter, S. Klein and B. Wallace. Mayor Poole arrived at 7:57 p.m.

Also present: C. Osborne – Fiscal Officer, D. Weir - Admin., Adam Cornett – Solicitor, C. Ehrhart – Director of Streets & Utilities, Police Chief Stehlik, Father Burkley – St. Lucy's Church, Stuart A. Friedman, Dan Gyure, Jackie Gyure, Ronald J. DeMarco, John Borkholder, Fire Chief Bill Reed, and Carl J. Hornung.

Agenda: Add to New Business - Shook Pay Request #3.

Minutes of March 20, 2008 meeting were presented for approval. Klein moved to approve the minutes as presented. Wallace seconded. Roll Call: Yeas (5). Abstain – Hofstetter.

Payment of Bills Totaling \$121,400.66 was presented for payment. Blue moved to authorize the payment of bills totaling \$121,400.66. Davis seconded. Roll Call: Yeas (6).

Director of Streets & Utilities – February & March: Routine maintenance at WWTP and WTP, sewer main cleaning, snow and ice removal, brush chipping. Ehrhart thanked Sgt. Tucholski for helping to keep the streets plowed by driving the snowplow truck instead of the police cruiser while on patrol.

Ehrhart stated the District 12 ODOT meeting regarding the Rt. 608 reconstruction project was held recently and the project will begin next week. The contractor will take the majority of the grindings. The old traffic signals will be in operation until the project is complete. Ehrhart stated the Illuminating Company will need to complete their portion, and no one from the company has informed us as to when they will do this.

Police Report – February & March: included in the council packet. Chief Stehlik stated they are staying busy. Lt. Fabian began his 11-week training at the FBI academy in Quantico, VA. Davis stated the reports show a decrease in calls. Chief clarified the business checks have increased, but the new reporting format doesn't reflect each call.

Council President Jemison administered the Oath of Office to Patrolman Derrick Pilarczyk.

Zoning Inspector's Report – March: no report.

Engineer's Report – March: no report.

CCA Report – January: included in the council packet.

## **PUBLIC PARTICIPATION**

**Father Burkley**, Priest at St. Lucy's, was present to discuss the sidewalk issue council passed at the March 20 meeting. Cornett advised to move this discussion to third readings.

## **FIRST READING**

### **Ordinance 08-111: Authorizing Various Activities Related to the Middlefield Community Days Event, Waiving the Prohibitions of the Codified Ordinances Regarding Same.**

Blue introduced Ord. 08-111, read by title only, and moved to place it on first reading. Hofstetter seconded. Roll Call: All Yeas (6).

### **Ordinance 08-112: Authorizing the Hiring of Brandon L. Savage as a "Part-Time Police Officer", at a Compensation Rate of \$12.00 Per Hour, and Declaring an Emergency.**

Davis introduced. Ord. 08-112, read by title only, moved to waive the required readings and declare an emergency. Wallace seconded. Roll Call: All Yeas (6).

Hofstetter moved to *pass* Ord. 08-112, seconded by Klein. Roll Call: All Yeas (6).

### **Ordinance 08-113: Authorizing the Hiring of Andrew M. Sefcik as a Part-Time Dispatcher for the Village of Middlefield, Establishing Compensation, and Declaring an Emergency.**

Blue introduced. Ord. 08-113, read by title only, moved to waive the required readings and declare an emergency. Davis seconded. Roll Call: All Yeas (6).

Klein moved to *pass* Ord. 08-113, seconded by Wallace. Roll Call: All Yeas (6).

## **SECOND READING**

### **Ordinance 08-108: Enacting New Section 1151.01(e), 1153.035, 1157.03(i), and 1155.015, and Amending Existing Section 1140.06(a), 1115.01, 1155.08(a), 1157(b), 1165.06 and 1165.07(e) of the Codified Ordinances to Create the New SR Senior Residential Zoning District and to Make Changes in the Zoning Code Related Thereto.**

Davis introduced Ord. 08-108, read by title only, and moved to place it on second reading. Klein seconded. Roll Call: All Yeas (6).

A public hearing is scheduled for May 1, 2008 beginning at 8:00 p.m.

### **Ordinance 08-109: Amending Existing Section 1140.11(g) of the Codified Ordinances to Allow for the Posting of a Performance Bond to Obtain a Temporary Occupancy Permit Under Specified Circumstances.**

Blue introduced Ord. 08-109, read by title only, and moved to place it on second reading. Klein seconded. Roll Call: All Yeas (6).

A public hearing is scheduled for May 1, 2008 beginning at 8:00 p.m.

## **THIRD READING**

### **Ordinance 08-107: Enacting New Section 139.09 of the Codified Ordinances to Codify and Amend the Village's Police Mutual Aid Policy.**

Klein introduced Ord. 08-107, read by title only, and moved to place it on third reading. Hofstetter seconded. Roll Call: All Yeas (6).

Wallace moved to *pass* Ord. 08-107, seconded by Davis. Roll Call: All Yeas (6).

**Resolution 08-02: Authorizing the Village Administrator to Enter into an Annexation Agreement with Catholic Charities Housing Corporation and the Most Reverend Richard G. Lennon to Allow for Annexation of a 14.98 Acre Parcel of Land Currently Located in Middlefield Township, and Declaring an Emergency.**

Cornett stated there are now two alternative proposals regarding this annexation agreement. Alternative #1 requires the church to submit application for a community block grant to construct the off-site sidewalks from Glen Valley Farms subdivision to the eastern edge of the Village. If the church is not awarded the grant, the church's expense for the off-site sidewalks will be a maximum of \$10,000.00, and the Village will be required to subsidize the additional costs.

Alternative #2 requires the church to submit application for a community block grant to construct the off-site sidewalks from Glen Valley Farms subdivision to the eastern edge of the Village. If the church is not awarded the grant, then the church will only be required to construct sidewalks on their property.

Weir stated after review of the actual cost of the sidewalk from Lenny Dr. to St. Lucy's Church is approximately \$15,000.00 - \$17,000.00, not including engineering costs. As a compromise, the Village feels \$10,000.00 is a fair assessment for the church to pay. After discussing the issue with Anita Stocker with Geauga Co. Community Development, Weir discussed with Lee the option to have the church apply for a community block grant to relieve the pressure from the church. Stocker conveyed to Weir this issue meets the qualifications for the grant, with the Village's help.

Weir stated we'll apply for the entire off-site project and the engineering fees will be rolled into the grant. The Village will prepare the specifications and the county will do the bidding. The application must be submitted by May and the sidewalks will need to be constructed in 2009.

Friedman stated he will know May 1 if the funding for the senior housing project is approved. Assuming it is the construction will take approximately 9 – 12 months to complete. If we don't get funded, he'll submit for funding again.

Father Burkley stated the additional costs will be an added burden for the church. However, the alternatives presented tonight is are acceptable. Sarah Solpolata, 361 W Main St, Farmington, questioned who would be responsible for clearing the sidewalks during the winter. Mayor Poole stated the residents are always responsible for keeping their sidewalks clear. However, the Village has been able to provide this service to it's residents and will provide this for the church sidewalks, as well.

Ron DeMarco, a Glen Valley resident, stated his property abuts the church's property and currently his back yard floods during a heavy rain. DeMarco is concerned with the additional amount of water that could potentially affect drainage from the church property onto his property. Friedman stated this project's drainage is being addressed and noted the drainage plan shows it will be flowing to the road. If this plan isn't acceptable, another plan will be submitted. Cornett stated all the drainage designs will be approved by the planning commission and the public is welcome to attend the planning commission meetings. Mayor Poole stated he believes the drainage should improve for this DeMarco.

Dan Gyure questioned who will be responsible for the sidewalks not on the church property. Weir stated property owners are responsible for repairs. Cornett stated Middlefield Township will be responsible for maintaining and repairing the sidewalks located in the township.

Friedman stated he maintains his position that the off-site sidewalk project should not be a requirement of annexation. Friedman stated he reviewed the Village's 2008 budget and noticed a line item for sidewalks and questioned if this project could be included in those funds. Friedman stated he has also discussed the community block

grant with Stocker and requested council consider alternative 2 of the annexation agreement.

Friedman questioned if the Village has a precedent to make off-site improvements. Blue stated Tom Page, developer of Glen Valley Farms, was required to install water and sewer lines from Glen Valley to the Village property. Weir stated the Village paid Tom Page an additional \$25,000 to increase the size of the line. Mayor Poole stated per a letter from Tom Page, he paid to have the water/sewer lines installed to the Village property line, which benefited anyone tying into it. Page is requesting the Village require the church to pay approximately \$36,000.00 for tapping into this line.....

Davis stated, in all fairness, there is a difference between absolute necessary utilities that need to be extended for development and sidewalk construction, especially when it becomes a condition of annexation that they have to pay for something that isn't even in the Village. The construction of a private development is a completely different entity that doesn't hinge on the condition of sidewalk construction. Wallace stated he doesn't want to see these township properties landlocked because there aren't any sidewalks. Chief stated many meetings he's attended showed many seniors like Middlefield Village because it's a walking community. Davis stated the Village installed sidewalks for the Wal-Mart and Springdale projects and didn't ask any of the abutting property owners to construct sidewalks.

Friedman stated he's committed to building this project and both alternatives are contingent upon approval of the community block grant funding. Friedman stated the contention isn't the sidewalks; it's the requirement by the Village for this project to be included in the annexation. Friedman stated at the last meeting the discussion of having sidewalks in those areas has been discussed by village officials for many years. Therefore, if the church doesn't pay for these sidewalks, it doesn't mean the Village can't move forward to construct these sidewalks. Wallace stated he's willing to table this issue for further discussion.

*Hofstetter moved to remove from the table, Res. 08-02, seconded by Klein. All in favor (6).*

*Wallace introduced Res. 08 – 02, read by title only, moved to amend it to include Alternative #1, seconded by Blue. Roll Call: Yeas – Klein, Wallace, Blue. Nays – Davis, Hofstetter, Jemison. Mayor Poole – Nay.*

*Davis introduced Res. 08 – 02, read by title only, moved to amend it to include Alternative #2, seconded by Hofstetter. Roll Call: Yeas – Blue, Hofstetter, Davis, Klein, Jemison. Nays – Wallace.*

Klein stated he will vote to pass this resolution with alternative 2 due to the fact he is not in favor of forcing the church to build something that's not on their property. However, Klein stated, he feels alternative #1 with the option of obtaining the funding and the church's obligation to a maximum cost share of \$10,000.00 was a fair compromise, which is why he voted to support it. Klein stressed his main focus is in support of the project.

*Davis moved to pass Ord. 08-102 as an emergency, seconded by Klein. Roll Call: All Yeas (6).*

**OLD BUSINESS** – none before council.

## **NEW BUSINESS**

- 1. Ohio Paving – Final Pay Request and Release of Retainer** - Weir stated the trails are in and a maintenance bond has been posted. *Klein moved to authorize the pay request and release of the retainer to Ohio Paving for the Eagle Park , in the amount of \$3,625.05, seconded by Davis. All in favor (6).*

2. **Urban Growers Hanging Flower Baskets Bid Proposal** – Hofstetter moved to accept the bid proposal from Urban Growers for the Village's hanging flower baskets, in the amount of \$3,655.00, seconded by Davis. All in favor (6).
3. **Urban Growers Planter Boxes and Flower Beds Bid Proposal** – Hofstetter moved to accept the bid proposal from Urban Growers for the planting and maintenance of the Village's island planter boxes and flower beds, in the amount of \$15,650.00, seconded by Jemison. All in favor (6).
4. **SS Landscaping Bid Proposal for Landscaping and Mowing** – Davis moved to accept the bid proposal from SS Landscaping for services related to the Village's landscaping and mowing, in the amount of \$20,995.00, seconded by Wallace. All in favor (6).
5. **SS Landscaping Bid Proposal for Landscaping and Mowing** – Weir stated because of the park layout, a zero radius mower with a bag is required, which the Village doesn't own. Also, because the landscaper who installed the trees and grass is required to mow initially, Weir stated he's not sure when Schwendeman will be needed. Davis moved to accept the bid proposal from SS Landscaping for services related to lawn maintenance at Eagle Park, in the amount of \$1,000.00 per month, seconded by Wallace. All in favor (6).
6. **Software Solutions E-Gov Software Upgrade** – Weir stated the current financial, utilities and payroll software the Village owns from this company is very outdated. Wallace moved to authorize the Village Administrator to purchase the E-Gov Software, in the amount of \$21,660.00, and any additional reporting software as needed, seconded by Blue. All in favor (6).
7. **Shook Pay Request #5** – Weir stated this is for work completed up to March 15, 2008. Klein moved to authorize pay request #5 to Shook for the water treatment plant improvement project, in the amount of \$130,792.00, seconded by Wallace. All in favor (6).

#### **COMMITTEE REPORTS**

**Public Safety** - Blue stated the committee discussed purchasing a backup generator. Fire Chief Reed stated the current generator was installed years ago and subsequently the administrative offices were built onto the building, as well as, the fire department addition of second floor. These additions result in the entire building running on ½ power while on generator power. Both the Fire Chief Reed and Police Chief Stehlik have discussed this issue with the Village Administrator and have concluded an outside generator is needed. Discussion held regarding diesel and natural gas generators.

#### **CALENDAR**

Reschedule the Streets Committee and the Utilities Commission meetings from May 7 to April 30.

Fire Chief Reed stated the final copy of the Village's disaster safety plan will be completed May 1.

Being no further business at this time, Blue moved to adjourn at 9:19 p.m.

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Fiscal Officer

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Mayor

