

## REGULAR COUNCIL

**DRAFT**

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**June 5, 2008**

Council President J. Jemison called the meeting to order at 7:34 p.m. with the following members present: B. Blue, E. Davis, J. Jemison, S. Klein, B. Wallace. Councilman C. Hofstetter is excused. Mayor Poole arrived at 7:39 p.m.

Also present: C. Osborne – Fiscal Officer, D. Weir - Admin., Steve Roessner – Zoning Inspector, C. Ehrhart – Director of Streets & Utilities, Police Chief Stehlik, M. Hatch – Recreation Director, James M. Galm, John Borkholder, Jack and Barb Youshak, Mike Youshak, Charlene Gibbs, Dorothy Allen, Carl Hornung, Rob Schmidt, and Ann Wishart – Maple Leaf.

Agenda: No additions or deletions.

Minutes of May 1, 2008 meeting were presented for approval. Blue moved to approve the minutes as presented. Wallace seconded. Roll Call: Yeas (5).

Payment of Bills Totaling \$798,398.12 was presented for payment. Davis moved to authorize the payment of bills totaling \$798,398.12. Klein seconded. Roll Call: Yeas (5).

Director of Streets & Utilities – May: Routine maintenance at WWTP and WTP, routine equipment maintenance, meter replacement, replaced floats, sewer main repair on Lake Ave., street sweeping, monthly chipping and this service will continue until November. Ehrhart stated the permanent striping for Rt. 608 is scheduled once the topcoat has set. Ehrhart commended Sgt. Tucholski for his job in scheduling officers to maintain traffic control during the paving. Officer Savage also put in many hours in traffic control.

Eagle Park had a lot of problems in the beginning and there was a training session at the park today. There's one pump that runs both splash pads. Therefore, even if only one splash pad is being used, the other splash pad will continue to operate. Ehrhart stated he's received positive comments. The park is operational from 10:00 a.m. to 8:00 p.m.

Police Report – May: included in the council packet. Chief stated Ptl. Pilarczyk did an excellent job in apprehending the Amish man who sexually assaulted a woman on the buggy path. Lt. Fabian will graduate from FBI training 06/06/08 and will be back on the force next week.

Mayor Poole administered the oath of office to Brandon Savage, as a full-time police officer.

Zoning Inspector's Report – May: included in the council packet. Roessner stated many applications have been submitted for decks and sheds, and lots of interior remodeling. There are two new homes being constructed by Habitat for Humanity.

Engineer's Report – May: included in the council packet.

Recreation Director's Report – May: Hatch stated May was a very busy month. Hatch commended the service crew with their help in getting the parks ready, especially the

new sports park. Mayor Poole also thanked all Village employees who have helped to get the sports park opened in time for the Yoder Brother's Baseball Tournament on Father's Day weekend.

Ambulance Report – April: included in the council packet.

Bank Report – April: included in the council packet.

Financial Report – April: included in the council packet.

Investment Report – April: included in the council packet.

Detail Trial Balance – April: included in the council packet.

CCA Report – April: included in the council packet.

### **PUBLIC PARTICIPATION**

**Stacy Power Line, C.A.R.E., First Energy, Manufacturers** - Jim Galm, 11541 Madison Rd., Huntsburg, president of C.A.R.E. was present to discuss the proposed transmission line project, and the action of support of C.A.R.E. he would like council to take in respect to this issue. The location for this transmission line is slated for Madison Rd. C.A.R.E. states there are alternative routes, such as along the bike path in the Geauga Park District, but the Illuminating Co. doesn't want to pursue those.

C.A.R.E.'s members include residents in Geauga Co., as well as, all of Ohio who advocate responsible energy solutions. C.A.R.E. feels First Energy has purposely put at odds the Middlefield businesses against C.A.R.E. Galm submitted 3 sample resolutions, one of which he would like council to consider passing.

**Mia Moore**, Area Manager representing the Illuminating Co and First Energy, was present along with Rob Schmidt, counsel for the Illuminating Co. and its affiliates. Moore stated since she has been manager, she has been encouraged by several businesses to get more power to this area.

A substation is located in Chester Township, and from that substation, it serves the majority of Geauga Co. The substation transformers are overloaded due to the growth of Geauga County. After review it was determined there is a need for a transmission line. Moore agreed with Galm there was a previous transmission line application in 1997. However, due to various issues over the years, that project never went forward. Moore stated we're at a point now that the transmission lines are needed. They hired expert consultants and it was determined the preferred route will be Rt. 528 to Clay St. in Huntsburg. The lines will go into Lake Co. by about 200-ft., and the estimated completion date is 2010.

**Attorney Rob Schmidt** stated the bike path route Galm spoke of will lead to years of litigation, which will eventually go to the Ohio Supreme Court. With respect to the delay on a previous transmission line project, this is a different problem where technological repairs are not available. Schmidt stated First Energy will be able to begin construction should an appeal come before the Supreme Court. If First Energy loses, they will stop construction.

**Mike Youshak**, a landowner whose property is directly affected by this transmission line, stated the construction of this transmission line will destroy the land to the point where it

will take many years to restore. His property has been in his family for generations and he's opposed to this project. Moore stated property owners will be compensated for any disturbance or destruction of land.

Lengthy discussion held regarding various transmission line routes, litigation procedures, landowner rights, and benefits to Village and county businesses and residents.

Mayor Poole stated both parties are requesting council's support and there is a time issue. Mayor Poole stated council needs to consider the Village's residents and businesses in their decision.

Klein stated after reviewing the variety of resolutions being passed to council this evening, his feeling is this issue almost becomes a "...not-in-my-backyard..." issue. Klein stated he would support language in our resolution stating Village council is in support of means possible to move this project forward and to be completed in a reasonable amount of time. Klein stated from Middlefield Village standpoint, he's in support of making this project happen as fast as possible, even if that means it's the preferred and alternate route. Klein stated he understands the landowners' position.

***Klein moved to put forth a resolution in favor of the transmission line and in support of the most expedient process to complete the project for the benefit of the Village of Middlefield, its businesses and its residents, Blue seconded.***

Davis stated she's in favor of the second resolution. Discussion held.

Mayor Poole stressed the Village officials must consider the needs of its residents and businesses.

Roll Call: Yeas – 4. Davis – No. Davis stated she would like more language included in the resolution.

*Mayor Poole called a 5 minute recess.*

*The meeting reconvened at 8:40 p.m.*

**Resolution 08-05: In Support of the Stacy Power Line Project Being Constructed Along the Route Most Expedient to Provide Power Improvements to the Village of Middlefield, and Declaring an Emergency.**

Blue introduced Res. 08 – 05, read by title only, and moved to place it on first reading. Klein seconded. Roll Call: All Yeas (5).

Wallace moved to waive the required readings, declare an emergency, and **pass** Res. 08-05, seconded by Klein. Roll Call: All Yeas (5).

**FIRST READING**

**Resolution 08-04: Naming the Village's Almeda Drive Park "The Yoder Brothers Joshua and Tyler Sports Complex", and Declaring an Emergency.**

Wallace introduced Res. 08-04, read by title only, moved to waive the required readings and declare an emergency. Jemison seconded. Roll Call: All Yeas (5).

Blue moved to **pass** Res. 08-04, seconded by Klein. Roll Call: All Yeas (5).

**Ordinance 08-115: Approving the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances of the Village of Middlefield, Ohio.**

Wallace introduced Ord. 08-115, read by title only, and moved to place it on first reading. Jemison seconded. All in favor: All Yeas (5).

**Ordinance 08-116: Authorizing the Various Activities Related to the Christ Covenant Church Rib Burn-Off, Waiving the Prohibition of the Codified Ordinances Regarding Same.**

Klein introduced Ord. 08-116, read by title only, and moved to place it on first reading. Wallace seconded. All in favor: All Yeas (5).

**SECOND READING** – none before council.

**THIRD 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 third reading. Davis seconded. All in favor: All Yeas (5).

Wallace moved to *pass* Ord. 08-111, seconded by Jemison. All in favor: All Yeas (5).

**OLD BUSINESS**

- 1. Middlefield Cheese WWTP Outfall Easement** – Weir stated Rothenbuhler's, owners of Middlefield Cheese House, were requesting approval from council to have a discharge line from their WWTP installed along the west side of the buggy trail to the covered bridge and discharge into Tare Creek. In previous discussions, there was concern with this proposal and it was suggested to Rothenbuhler's to install the line along the east side. Weir stated he discussed this with Rothenbuhler's and they have no issue with installing the line on the east side. Weir discussed with Arcadis regarding our WWTP future expansion and additional discharge. The cheese house discharge will not pose any issue with our future expansion. In discussing this issue with Roessner, he suggested a reciprocal easement along this route to Rt. 608. This will give the Village an access to Rt. 608 should we need to install a water and/or sewer line. Discussion held. *It is the consensus of council for Weir to negotiate with the Rothenbuhler Family for a reciprocal easement along with their WWTP discharge project.*
- 2. Paul's Do-It Center Sign** – Roessner stated per a binding agreement between Paul's Do-It Center and the Village, their sign permit expires in September 2008. Klein stated the planning commission has discussed this issue and is in favor of abiding by the agreement. Roessner to write a letter to Paul's Do-It Center officers directing them to remove the sign per the agreement.

**NEW BUSINESS**

- 1. Middlefield Historical Society Request for Zoning Waiver** – Weir stated the Middlefield Historical Society applied for a permit to construct a deck on the back of the Depot, where ice cream is sold. Because they are a non-profit group, they are requesting council to waive the application fee. *Davis moved to authorize the refund of the \$50.00 deck application fee to the Middlefield Historical Society, seconded by Klein. All in favor: All Yeas (5).*
- 2. James Adair Letter** – Ehrhart stated there was a major sewer main repair on Lake Ave. and prior to the final repair of the road, the hole was back-filled with gravel. Weir stated with the amount of traffic that went over this area and subsequent rain,

some of the gravel washed out of the hole. Mr. Adair came through and hit the hole and is requesting the Village reimburse him for the repairs to his vehicle. Ehrhart stated there was a very short period of time when the warning barrels weren't in place. *Klein moved to reimburse James Adair the cost of repairs to his vehicle, minus the sales tax, in a total amount of \$398.49, seconded by Davis. All in favor: All Yeas (5).*

- 3. 2009 Tax Budget** – The public hearing is scheduled for July 3, 2008 beginning at 8:00 p.m.

**COMMITTEE REPORTS** – included in the council packet.

Davis stated she received a call from Cliff Salona, who lives next to the new water plant, regarding a tree on his property. Weir stated he and Ehrhart have discussed this issue with him several times assuring him the Village will help him with this matter.

**CALENDAR** – no changes.

At 9:53 p.m. Klein moved to adjourn into executive session for purposes of personnel contract and land acquisition. Wallace seconded. All in favor: All Yeas (5).

The meeting reconvened at 10:45 and, being no further business at this time, Blue moved to adjourn.

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Fiscal Officer

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Mayor