

## REGULAR COUNCIL

**DRAFT**

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**July 3, 2008**

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

Also present: C. Osborne – Fiscal Officer, D. Weir - Admin., Steve Roessner – Zoning Inspector, C. Ehrhart – Director of Streets & Utilities, Police Chief Stehlik, John Borkholder, Scott Hill, Mark Majewski – Northstar Planning and Design and Ann Wishart – Maple Leaf.

Agenda: Add to New Business Woodsong Phase 4 bond release  
Shook pay request #8

Minutes of June 5, 2008 meeting were presented for approval. Klein moved to approve the minutes as presented. Jemison seconded. Roll Call: Yeas (5).

Payment of Bills totaling \$277,224.54 was presented for payment. Jemison moved to authorize the payment of bills totaling \$277,224.54. Blue seconded. Roll Call: Yeas (5).

Director of Streets & Utilities – June: Routine maintenance at WWTP and WTP, routine equipment maintenance, meter reading and meter replacement, routine park maintenance, ball fields' maintenance, monthly brush chipping, watering flowers, storm sewer cleaning and sanitary sewer cleaning. Ehrhart stated the splash park filter system needs maintained more than once throughout the day. Because the splash park is open for several hours after the service crew is done for the day, a few of the police officers on patrol have maintained the system.

Jemison stated several people have made positive comments about the Yoder Park ball field.

Police Report – June: included in the council packet. Lt. Fabian gave a presentation of his training at the FBI Academy in Quantico, VA.

Chief stated the department is in need of another cruiser. Blue requested Chief Stehlik research hybrid vehicles. Chief Stehlik found the government has a revealed a "neighborhood electronic vehicle", which could be used throughout the entire Village with the exception of Kraftmaid plant #2. Currently the police department spends approximately \$5,000.00 per year in fuel. Chief believes this vehicle will save approximately \$3,000.00 a year in fuel costs due to the ability to go from electric to gas power. The Cleveland Clinic police utilize these vehicles. This vehicle could be used on basic calls, at a crash scene, in the low speed areas it could be used for traffic, parking violations and in the parks. The Village parks continue to grow and this vehicle can be used off road. The 4-seat version will be used 9 months of the year, and is sold for \$16,048.00. The jeep will come back into police service to help in the winter.

Weir stated some communities are enforcing surcharges on violations. Also, the jeep was taken out of police service because it was too small. Discussion held regarding implementing surcharges on our traffic violations. Weir stated he'll investigate this issue.

Discussion held regarding fuel mileage and vehicle upgrades. Klein stated it sounds plausible, but would like the safety committee to compare the vehicle options and present their recommendation to council.

Zoning Inspector's Report – June: included in the council packet. Roessner stated the Giant Eagle Get Go gas station opened last Thursday. There were no problems during construction.

Engineer's Report – June: no report.

Recreation Director's Report – June: included in the council packet. Hofstetter requested Weir print out the recreation programs costs. The fees basically cover the costs for shirts and umpires. Hofstetter stated since our recreation programs have participants from Huntsburg, Parkman and Middlefield townships, he suggested these townships aid us in paying the \$9,000.00 annual fee to the school district for use of the buildings. Mayor Poole stated he agrees and stated Hatch relayed to him that many of the parents of the participants enjoy the programs we provide, and have questioned the limited use of the gyms or fields. Hatch was told by a school representative that we would have to pay more to use them in the summer. Mayor feels we're be double taxed and need to discuss this fee with the school board. Mayor agrees the area communities could help pay for the buildings' use fee, which pays for custodians and a portion of the utilities' expenses. Less than 1/3 of the total number of participants are Village residents.

Ambulance Report – May: included in the council packet.

Bank Report – May: included in the council packet.

Financial Report – May: included in the council packet.

Investment Report – May: included in the council packet.

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

CCA Report – May: included in the council packet.

#### **PUBLIC HEARING**

**2009 Tax Budget** – Mayor Poole opened the public hearing at 8:04 p.m. Hearing no comments from those in attendance, the public hearing was closed at 8:05 p.m.

**PUBLIC PARTICIPATION** – no comments from those in attendance.

#### **FIRST READING**

**Ordinance 08-117: Enacting New Chapter 1309 and New Section 1101.02 and Amending Existing Section 1101.01(b) of the Codified Ordinances to Create an Exterior Property Maintenance Code.**

Blue introduced Ord. 08-117, read by title only, and moved to place it on first reading. Klein seconded. All in favor: All Yeas (5).

A public hearing is scheduled for September 4, 2008, beginning at 8:00 p.m.

**Ordinance 08-118: Amending Existing Sections 1101.01(b), 1133.05(a)(3), 1135.02 Through 1135.06 (inclusive) and 1153.09(b)(2), and Enacting New Section 1135.07 of the Codified Ordinances to Shift the Approval, Responsibility and Authority for Conditional Uses from the Board of Zoning Appeal to the Planning Commission, and Implementing Certain Technical Changes.**

Davis introduced Ord. 08-118, read by title only, and moved to place it on first reading. Hofstetter seconded. All in favor: All Yeas (5).

A public hearing is scheduled for September 4, 2008, beginning at 8:00 p.m.

**Ordinance 08-119: Adopting the Proposed Comprehensive Plan Update as Recommended by the Planning Commission.**

Klein introduced Ord. 08-119, read by title only, and moved to place it on first reading. Blue seconded. All in favor: All Yeas (5).

Klein thanked Mark Majewski for his work on this project.

**Ordinance 08-120: Extending the Authorization for Kraftmaid Cabinetry to Utilize Two Temporary Office Trailers, Pending Completion of the Planned Kraftmaid Office Expansion.**

Klein introduced Ord. 08-120, read by title only, and moved to place it on first reading. Jemison seconded. All in favor: All Yeas (5).

**SECOND READING**

**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.**

Blue introduced Ord. 08-115, read by title only, and moved to place it on first reading. Hofstetter 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, and Declaring an Emergency.**

Klein introduced Ord. 08-116, read by title only, moved to waive the required readings and declare an emergency. Davis seconded. All in favor: All Yeas (5).

Blue moved to *pass* Ord. 08-116, seconded by Klein. All in favor: All Yeas (5).

**THIRD READING – none before council.**

**OLD BUSINESS**

1. **Middlefield Cheese WWTP Outfall Easement** – Middlefield Cheese House representative and Sonya ..., consultant on this project requesting a 500-ft easement on the buggy trail by the covered bridge. The Village's proposal for a reciprocal easement to Rt. 608 is agreeable on Rothenbuhler's property, but can't speak for the City of Akron for any issues with their property. Currently working with Akron on their easement. Weir stated he discussed this issue and empathizes with them regarding the permit process. In lieu of a reciprocal easement on their property, they have offered compensation for the easement, if council is amenable with that. Weir stated the Village can approach the City of Akron for the reciprocal easement. However, there's no way to determine how this would impact the cheese house with their easement process. Klein stated we can access our well on our own property so an easement isn't really necessary. Sonya stated the City of Akron is requesting this project avoid as many trees as possible so they will be surveying the

area. Discussion held regarding the language of the easement. Hofstetter questioned if someone else bought the cheese factory and the outflow became greater, it would impede our access to our wells. Sonya stated the EPA would have to approve any expansions. The volume is approximately 240 gallons. Weir stated they currently discharge into Tare Creek and this new location provides more dilution, and there our WWTP engineer stated this will not affect the Village's discharge. *Davis moved to direct the Village Administrator to negotiate with the Middlefield Cheese House/Rothenbuhler's to secure reasonable compensation in exchange for an easement over the Village's property for the pipeline, seconded by Klein. All in favor: All Yeas (5).*

- 2. Fluoridation of Water System** – Weir stated the village residents we were notified we were discontinuing infusing our water with fluoride. The new WTP is equipped to infuse fluoride. Also, if the Village population reaches 5000, we'll begin adding fluoride to our water system. Currently the Village isn't required to do this and the cost has increased substantially. Many over the counter items contain fluoride and it isn't necessary for the Village to provide this. Weir received 3 negative comments regarding this issue, only 1 from a Village resident.

## **NEW BUSINESS**

- 1. Shook Construction WTP Pay Request #7** - *Blue moved to authorize pay request #7 to Shook Construction for the water treatment plant improvement project, in the amount of \$485,063.00, seconded by Klein. All in favor: All Yeas (5).*
- 2. Stacy Power Line Intervention "Opt-In"** – Weir stated Mike Brakey, a representative with the local manufacturers, notified him they are putting out notice to everyone they can be a part of this group. Weir stated they will have local public hearings in the fall, and the Village can testify at these hearings. This will eliminate attorney fees and the Village will be able to express our support of the manufacturers. There's no advantage in becoming an intervening member. *It is the consensus of council not to be an intervening member of this group.*
- 3. Perram Electric Pay Request #2** – *Klein moved to authorize pay request #2 to Perram Construction for the downtown intersection signals' mast arms, in the amount of \$108,301.61, seconded by Jemison. All in favor: All Yeas (5).*
- 4. Habitat for Humanity: Arthur Merriman** stated there are approximately 235 acres north of Tare Creek Pkwy available for development. Their housing development will utilize 35 acres for affordable, market value, and other housing. The remaining 200 acres would be set aside due to wetland issues and green space. Klein stated from a planning standpoint the land is in the Village and the density requirements meet our Village requirements. This area is currently zoned R-PUD, therefore the planning commission will review all the development plans and make recommendations to council. Hofstetter stated he hopes the project will incorporate different styles housing. Merriman stated because some of these will be subsidized houses, it would depend on the funding. Roessner stated until the plans are presented to the planning commission, there's no way of knowing where or what the issues might be with this project.
- 5. Woodsong Phase 4 Bond Release** – Weir stated Svete submitted a letter stating the bond he posted for this sidewalk project, which he has in a CD, will mature July 14. Because of council's summer schedule, he's requesting council approve the release of this bond contingent upon the village engineer's approval. Weir stated he and Ehrhart visited the site and noted there are sidewalks that need to be installed. *Davis moved to release the Woodsong Phase 4 bond, contingent upon the Village Engineer's approval, seconded by Klein. All in favor: All Yeas (5).*

6. **Shook WTP Pay Request #8** – *Blue moved to authorize pay request #8 to Shook Co. for the water treatment plant improvement project, in the amount of \$1,284,147.00, seconded by Klein. All in favor: All Yeas (5).*

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

**CALENDAR** – no changes.

At 9:02 p.m. Davis moved to adjourn into executive session for purposes of pending litigation and personnel discipline. All in favor: All Yeas (5).

The meeting reconvened at 10:05 p.m. and, being no further business at this time, Klein moved to adjourn.

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Fiscal Officer

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Mayor