

**Council Meeting
8 August 2011**

Mayor Blair called the meeting to order at 7:05 PM.

Roll Call: Gerald Rougé – Yes, Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Charles Hauser – Yes.

Visitors: Marcianne Kimpton, Jennell Dahlhausen, Rick Smigelski, Jack Garner, Judith Beaumier, Sharon Ronyak, Newell Beaumier, Todd Hicks, Sue Wayman, Denise Holt, Julia Holt, Kevin Holt, Paul Jackum, Rex Robert, Dan Polewchak, Jonathan Lester, Judy Lester, Pat Linn, Scott Weber, Pat Hauser, Mike Sestak, Tina Sestak, Frank Samuel, Karolyn Squire, Fred Welty, Joe Kozial, Nick Fischbach, Glenn Bomback, Curt Johnson, Catherine Sutter, Kathy Baghnar, James Clarke, James Wohlken, Marilyn Ferrara, Chad Eldridge.

Recognition of Visitors:

Mayor Blair recognized Ms. Marilyn Ferrara and Mr. Fred Welty. Ms. Ferrara introduced Mr. Welty as a presenter to Council on the practice of 'fracking' in the gas drilling industry. Mr. Welty gave a brief explanation of 'fracking' as used in horizontal gas drilling currently by industry. Mr. Welty presented information to Council that identified potential, acknowledged, and unacknowledged threats to water quality when 'fracking' is used to obtain gas trapped in shale. Mr. Welty and Ms. Ferrara asked Council to consider several resolutions. One was a resolution to return to home rule so that they might have more control of drilling within the Village. Another is a nonbinding resolution that asks homeowners to consider the consequences of a gas drilling lease on the environment. Last, a nonbinding resolution to encourage homeowners to obtain a knowledgeable lawyer before entering into a lease. Ms. Ferrara added that the total number of cases in which the drilling company ended up admitting damage to the water table is unknown because the settlement usually precludes the homeowner from discussing the case. Ms. Ferrara added that drilling companies are not required to chemically or otherwise mark their 'fracking' liquid and have been able to keep the contents of the liquid a secret from the public in general. Mayor Blair thanked Ms. Ferrara and Mr. Welty for the information and stated that Council would consider the resolutions for action after review of the facts.

Mayor Blair recognized Mrs. Sue Wayman of Coffee Corners and the Burton Chamber of Commerce. Mrs. Wayman asked permission from Council for the Chamber of Commerce to hold a combination Ox Roast

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October Fest in the Village Park. Called an 'Ox-tober' Fest, the Chamber plans a polka band and a beer tent, provided the requisite permits from the State Liquor Board are obtained. Council discussed. Mrs. Lillibridge moved to allow the Chamber of Commerce to use the Park for an 'Ox-tober' Fest including a beer tent provided a liquor permit and park use permit are obtained. Mr. Coleman seconded the motion. Roll Call: Dianne Lillibridge – Yes, Jeff Coleman – Yes, Gerald Rougé – Yes, Linda Swaney – Yes, Craig Ronyak – Yes, Charles Hauser – Yes. Motion passed.

Mayor Blair recognized Mr. Frank Samuel representing the Geauga Growth Partnership. The Geauga Growth Partnership encourages business growth and opportunity within Geauga County. Currently there are five activities going on. A health insurance task force is looking at ways to reduce costs for local businesses and provide better health care coverage. The Growth Partnership is focusing on ways to improve energy efficiency. An internship program for High School seniors and career center students will be funded in 2012 to increase workforce preparedness in the County. A meeting tomorrow, August 9, is designed to help startup businesses. And the Geauga Growth Partnership has started designing and planning a website tentatively named GeaugaBusiness.com. Mr. Samuel explained that the goal of Geauga Growth Partnership is to help businesses grow and in general take advantage of the wonderful living and working environment found in Geauga County. Mrs. Beaumier asked if High School and Career Center curriculums were being developed with the internship in mind. Mr. Samuel stated that that was a goal.

Mayor Blair recognized Mr. Rex Robert of 14765 Evergreen Drive. Mr. Robert explained to Council that his driveway keeps washing out due to what appears to be heavy runoff from Evergreen. The last catch basin on Evergreen does not catch any water. The asphalt berm put in front of his driveway no longer directs the water away. Mr. Robert asked if the Council could address the problem or at the least put some more asphalt on the berm/speed bump in front of his driveway. Council discussed and will investigate further.

Mayor Blair recognized Mrs. Catherine Sutter of 14354 Hickox. Mrs. Sutter brought up her long standing complaint of runoff from Hickox flooding her basement and driveway. Mrs. Sutter requested that the Village fix the curb and/or the roadway to keep water from coming off Hickox. Mayor Blair indicated to Mrs. Sutter that he would have someone from the Village investigate the problem further for her.

Solicitor's Report:

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Mr. Hicks had nothing to report at this time.

Engineer's Report:

Mr. Eldridge, representing Mr. Hess, reported that bids had been let for repair of the sanitary sewer manholes on West Center. Mr. Hauser asked for a copy.

Fire Report:

Chief Sestak reported that at the end of July the Department had responded to 430 calls, down from 475 at this time last year. The Village had 3 EMS calls and 1 fire call. The fire caused \$4.1 million in damage to a building and inventory in the Berkshire Industrial Park. The Department was busy on several mutual aid calls during the month including calls to Thompson and Leroy Townships and 5 EMS calls to Middlefield. Safety town is this weekend and the Fair is the end of the month.

Mrs. Ferrara commented that when the gas well in Russell Township blew up the first responders were unaware of what types of chemicals they might be exposed to.

Policed Report:

Chief Smigelski reported on the month of July 2011. The Department had 205 activity calls, made 41 traffic stops and made 2 arrests. There were 2805 miles put on the vehicles and officers worked a total of 702.5 hours.

Chief Smigelski reported that he had prepared with Mr. Hicks an ordinance to allow the Village to implement a Reserve Officer program. The Officers would be a pool to draw on for future part time and full time employees while costing only \$1 per year. Chief Smigelski asked Council to approve the ordinance and then approve the hiring of five Reserve Officers. Council will take up the issue during its review of the other ordinances.

Chief Smigelski noted that with the addition of the Reserve Officers the Village would be well staffed for Fair.

Chief Smigelski asked Council for permission to hire Louis Pettit as a Part time Officer in the Village. Ms. Swaney moved to hire Louis Pettit as a Part time Police Officer in the Village of Burton. Mr. Ronyak seconded the motion. Roll Call: Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Gerald Rougé – Yes, Charles Hauser – Yes. Motion passed.

Zoning Report:

Ms. Hutchinson was not available to report. Chief Sestak reported that he and Ms. Hutchinson had looked at those properties around the Village in disrepair. Chief Sestak then met with the County Building department to

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determine the next step. Chief Sestak will send a report to the Village with his findings and recommendations. After that it will be up to the Village to take action.

Mayor Blair announced that Ms. Hutchinson has resigned as Zoning Inspector. The open position will be advertised so that it may be filled at the next Council meeting in September.

Ordinances and Resolutions:

Ms. Swaney Introduced Ordinance 2227-11, establishing an Auxiliary Police unit in Burton Village Police Department, and moved to waive further readings. Mr. Ronyak seconded the motion. Roll Call: Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Gerald Rougé – Yes, Charles Hauser – Yes. Motion passed

Ms. Swaney moved to adopt Ordinance 2227-11 and Mr. Ronyak seconded the motion. Roll Call: Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Gerald Rougé – Yes, Charles Hauser – Yes. Ordinance 2227-11 is adopted.

Ms. Swaney introduced Ordinance 2228-11, authorizing the Mayor and the Clerk of the Village of Burton to enter into an agreement with the Geauga County Agricultural Society for the payment of an admissions fee to the Village of Burton and declaring an emergency, and placed it on first reading.

Ms. Swaney addressed Council and visitors concerning Ordinance 2224-11, noting that this has been a difficult Ordinance and Council wanted to consider all option available, giving as much time as possible to resident and Council input. Ms. Swaney offered Mr. Hauser the opportunity to speak first.

Mr. Hauser commented upon the large amount of research he had conducted on the subject of allowing poultry in the Village. The first thing that he talked about was fire hazards in chicken coops due to the need for heat lamps during the winter. Mrs. Dee Holt responded that with insulation and maybe a heat lamp most chickens could survive the winter. Some breeds of chickens have been specifically breed for this climate. Mr. Hauser brought up his concern about predators getting at the chickens, specifically family dogs. A determined animal can get into a chicken coop. Mrs. Holt recognized and accepted the risks to her chickens with regard to predators and noted the Government cannot anticipate every need. Mrs. Holt further stated that the Government should function to enhance the lives of its citizens. Mrs. Holt explained how she chose Ms. Swaney's name from a list of Council members presented to her by the Zoning Inspector and, at the Zoning Inspectors

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suggestion, wrote Ms. Swaney a letter asking for a change in the Ordinance. Mrs. Holt also wrote letters to her neighbors.

Mr. Rougé discussed the ordinance pointing out that it was designed to be restrictive and prevent many of these problems.

Mrs. Squire, a current member of the Planning Commission, spoke admitting that she was the one dissenting vote when the proposed Ordinance was voted out to Council. Mrs. Squire expressed her concerns about allowing chickens in the Village. Mrs. Squire thought most lots were too small; odor could be a nuisance, six chickens would generate approximately 57 pounds of manure per month creating a removal problem; potential problem with rodents and other pests, chickens attract predators. A pro – chicken website warned of these problems also. Mrs. Squire also worried about setting precedence for others to challenge the ordinance to allow other types of animals or more of the same. Mrs. Squire mentioned that chickens carry many diseases including salmonella and e coli. Ms. Swaney asked Mr. Rougé to go through the ordinance as proposed and see if each point was addressed. Mr. Rougé noted that the ordinance restricts placement on lots to 20 feet from the property lines and 50 feet from any neighboring structure. The ordinance addresses control of odor, handling of waste, protection from predators and handling of feed. Mr. Hicks addressed the issue of precedence and noted that any challenge would have to stand on its own merit. Ms. Dahlhausen asked how the Village would enforce claims of odor. Mr. Hicks responded saying that the Zoning Inspector, upon receipt of a complaint, would have to check the resident chicken coop against the standards of the ordinance. Mr. Rougé noted that the Zoning Inspector relies upon neighbors in order to know where to investigate.

Mr. James Wohlken pointed out that the Fair brings a number of manure producing animals to the Village without any noted trouble when handled correctly. Mr. Wohlken liked the fact that nature was returned to the Village. Various visitors to the meeting made the following unattributed statements. "Chickens and eggs from the supermarket can cause salmonella." "Rats are everywhere." "These are all ifs"

Mrs. Sutter expressed the thought that 'we live in a village; if we wanted chickens we would live in the township'

Mrs. Linn commented on her problems with campers and ATV's on Baird Street.

Mr. Hauser described ways in which chickens will get loose in the Village. An unidentified visitor noted that dogs get loose also and reminded everyone of the guinea hen that ran free in the Village for a time. A visitor identified only as Marcia asked how many bird feeders were in the Village noting the number of rodents, raccoons and other pests those attract. She also commented that chicken manure was excellent fertilizer. Organic farmers and the Amish use it.

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Another unidentified speaker commented that she wanted her son to be able to raise chickens for 4H and demanded to know why they could not. Ms. Angulo stated that chickens running loose would be detrimental to her yard and she was against the ordinance.

Mrs. Holt made a point of saying that the ordinance proposed was excellent and covered many of the concerns of those against it. A resident could only have six chickens and no roosters. The eggs and chickens cannot be raised for sale. Six chickens produce less manure than four dogs and dogs manure is not compostable. Chickens do smell but the ordinance covers that. Rodents are present anyway.

Mr. Holt stated that everyone he spoke to was very enthusiastic. Mr. Coleman agreed that 80% of the people he spoke to were in favor. Mr. Coleman also noted that if things didn't work out the ordinance could be changed back. Mrs. Sharon Ronyak expressed that she was not in favor of allowing chickens to be raised in the Village. Mrs. Holt stated that Burton is the only community in Geauga County that does not allow chickens.

Mr. Ronyak stated that he had talked to thirty people and twenty seven were a definite no, while the other three were not interested in seeing chickens in the Village. Mr. Hauser also said that he had spoken to at least three people on every street but three in the Village and every one of those people interviewed was against it.

Ms. Swaney asked if there were any other comments. Mr. Ronyak explained that he had initially wanted to add a provision that would require the neighbors' approval before chickens could be raised but preferred to leave it out after Mr. Hicks explained that this kind of legislation was prone to litigation.

With no further comments Mr. Rougé moved to adopt Ordinance 2224-11, adding Chapter 1171 of the Codified Ordinances of the Village of Burton providing standards of keeping domesticated poultry, and Mr. Coleman seconded the motion. Roll Call: Gerald Rougé – Yes, Jeff Coleman – Yes, Dianne Lillibridge – No, Linda Swaney – Yes, Craig Ronyak – No, Charles Hauser – No. A tie being reached Mayor Blair cast the deciding vote- Yes. Ordinance 2224-11 is adopted.

Fiscal Officer's Report:

Mr. Paquette asked for a motion to pay approved bills. Mrs. Lillibridge moved to approve payment and Mr. Ronyak seconded the motion. By voice vote, motion passed.

Mr. Paquette asked for a motion to accept the minutes from 11 July 2011 with following corrections provided by Mrs. Lillibridge. On page 2, at the end of first paragraph under 'Visitors', change Ms. Swaney to Mrs.

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Wayman. On the same page in the next paragraph, in the line beginning Mr. Paquette, add the 'asked' immediately 'if'. On the last page in the third paragraph from the top change the end of the first sentence to read '...one of the older salt spreaders.' Mrs. Lillibridge moved to adopt the amended minutes of 11 July 2011. Mr. Coleman seconded the motion. By voice vote, motion passed.

Mr. Paquette reported that the Library would like the Village to pay for the labor to upgrade the lighting fixtures in the Village Office at a cost of \$225. Council discussed. Mr. Coleman made a motion to pay the library for the cost of labor to install new lights in the Village office. Mrs. Lillibridge seconded the motion. By voice voted motion passed.

Mr. Paquette reported the new costs for replacement of lighting for Water, Sewer, Street and Police. CEI approval is complete. The final cost to the Village will be \$2020 utilizing the Kayline for the bulb and ballast source and his recommended contractor. Council discussed utilizing a local contractor to install the lighting. Concern was expressed for the time involved to define the quote and the subsequent possible added cost. Mr. Coleman moved to proceed with having the work done by Kayline and Mr. Ronyak seconded the motion. Roll Call: Jeff Coleman – Yes, Craig Ronyak – Yes, Dianne Lillibridge – Yes, Gerald Rougé – Yes, Linda Swaney – Yes, Charles Hauser – Yes. Motion passed.

Mr. Paquette will be meeting with the Geauga County Auditor and Treasurer on Wednesday August 17 at 930 in Chardon to go over the 2012 budget.

The Street Department purchased a used stainless steel salt hopper for \$2650 from the Missouri Department of Transportation. The Village has paid for the hopper but needs to pick it up in Missouri. Mayor Blair suggested that the Village investigate having a shipping company pick it up rather than committing significant man-hours to driving and getting it. Mr. Garner asked if this added cost was considered before purchase. Mr. Hauser explained that the Village had a small window of opportunity to purchase the salt hopper at auction for a large potential savings over buying new. Mr. Paquette will investigate a shipping company.

Mr. Paquette asked for a motion to hire five reserve police officers. Ms. Swaney moved to allow the Chief of Police to hire five reserve police officers. Mr. Ronyak seconded the motion. By voice vote motion passed.

The moratorium on Internet Cafés passed by Council expires soon. Mr. Hicks is drafting legislation but explained that the State of Ohio is also

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working on legislation to restrict them and that will supersede any Village legislation.

Mr. Paquette noted the Fire Contract ends in 2012. Prior Council discussions have included a tax district and an additional levy. The current levy expires in 2014. A five percent increase per year will exceed income generated by the current levy such that the Village will have to use the General Fund to augment the contract. Mr. Paquette recommended that Council start planning now which direction it wanted to go in.

Mr. Paquette noted that after August 17, budget negotiations for Fiscal Year 2012 will begin in earnest including a five year plan in conjunction with Capital Improvement Plan.

Committees

BPA, Architectural Review and Planning Commission; Mr. Rougé
Mr. Rougé had nothing to report.

BZA, Board of Review. Mr. Ronyak

Mr. Ronyak reported that he attended a meeting last Thursday that included all municipalities and street departments along with the County Engineer. The goal of the meeting was to find a way to share resources amongst communities in the County. A list will be drafted of the type and number of equipment at each municipality. The idea is to share equipment or even manpower amongst each other to save money and reduce redundant purchases.

Finances, BCPA: Mrs. Lillibridge

Mrs. Lillibridge reported that she attended the BCPA meeting on Thursday 14 July 2011 in Claridon but she was one of only three. They mostly discussed the Claridon Bicentennial.

Trees and Parks, Historic District: Ms. Swaney

Ms. Swaney reported that an inventory of trees in the Village has been completed and the list will include those trees needing removal or trimming.

Fire Department and Cemetery: Mr. Coleman

Mr. Coleman had nothing to report.

Streets and Health District: Mr. Hauser

Mr. Hauser reported that the sewer vac was successfully repaired by the Street Department for under \$3,000 vice the cost of a new box.

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Sidewalk repairs have been started throughout the Village. Crack Sealing is underway. Forty two slabs of concrete sidewalk in the Park need to be repaired.

The Street Department purchased a leaf blower attachment for the Walker mower to be used to blow leaves in the park and around the Village.

Mr. Hauser noted that Fall will be here soon and Fall preparations by the Street department are already underway. Striping will be completed before the Fair. Mr. Wilson of GAW will attempt to use some of the plastic line product the Village has. Mr. Hauser suggested having the concrete leveling company go around the Village and get done as much as possible.

The storm water drainage problem on South Cheshire needs to be brought up with ODOT.

Mayors Report:

Mrs. Beaumier asked if the Police Auxiliary will be driving Village police cars and will they need insurance. Mayor Blair explained that they will be used mostly for traffic control and events.

Mrs. Beaumier gave a plug for the Legion Steak Fry.

Mayor Blair reminded Council and visitors that the Fair will soon be upon us and will require patience from everyone.

Old Business:

Mr. Ronyak asked Mr. Coleman if he was still working on solar powered school crossing signs. Mr. Coleman stated that he was still interested. Mr. Ronyak brought up an idea suggested by Mr. Fischbach – raising money by donation from a committee of interested business owners. Mr. Ronyak will investigate the price of the solar signs and Mr. Coleman indicated his desire to be involved.

New Business:

Mr. Hauser spoke to the visitors and stated that he is not a hard person and that they should still feel free to contact him with any problem.

Mr. Rougé moved to adjourn and Mr. Ronyak seconded the motion. Meeting adjourned at 9:20 PM.

Mayor

Fiscal Officer