

February 13 2012 Council

**Council Meeting
13 February 2012**

Mayor Fischbach called the meeting to order at 7:00 PM.

Roll Call: Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – No, Dianne Lillibridge – Yes, Charles Hauser – Yes, Brian Johnston – Yes.

Visitors: Lee Koroshes, Jane Koroshes, Chip Hess, Marcianne Kimpton, John Spisak, Jack Garner, Jennell Dahlhausen, Peter Spanos, Joe Kozial, Richard Smigelski, Mike Sestak, Sue Wayman, Marty Motil.

Recognition of Visitors:

Mayor Fischbach recognized Mrs. Sue Wayman. Mrs. Wayman, representing the Burton Chamber of Commerce, asked permission of the Council to utilize the Park on two occasions this summer to hold events related to sampling and selling wine and beer. The first event is a Wine and Cheese Festival on 25 August, as part of the Saturday's in the Park sponsored by the Chamber of Commerce, with several local Ohio and nearby wineries and cheese producers participating. The second event is the Oxtober Fest to be held on 13 and 14 October featuring both wine and beer. The events were held last year with no incident and they received a great deal of support. Chief Smigelski reported that the Police Department sets up a "beer corral" and provides an officer to cover the event, usually a reserve officer. Mayor Fischbach asked who pays if a part time or full time officer is required and what is the rate? Chief Smigelski responded that the rate is \$22.00 per hour and the Chamber would be responsible. Mrs. Wayman agreed but hoped for a reserve officer. Mrs. Lillibridge moved to allow the Chamber of Commerce use of the Park for the Wine and Cheese and Oxtober Fest. Mr. Hauser seconded the motion. Roll Call: Dianne Lillibridge – Yes, Charles Hauser – Yes, Brian Johnston – Yes, Linda Swaney – Yes, Craig Ronyak – Yes. Motion passed.

Mrs. Wayman also asked for use of the Park for the last Saturday of each month May through September for the Chamber of Commerce's Saturdays in the Park. The events feature local arts and crafts vendors with booths in the Park. Mrs. Wayman explained that the vendors pay the chamber for a booth to cover the cost of advertising and administering the events. Mayor Fischbach asked if the vendors have insurance. Mrs. Wayman wasn't sure but thought that the Chambers insurance would cover it. Council discussed. Mayor Fischbach asked Mrs. Wayman to contact the Chamber Insurance agent and obtain a \$1 million rider policy for the event, then return to Council for permission.

Engineers Report:

Mr. Hess presented to Council a letter from ODOT concerning the resurfacing of the East Center street hill in the Village this year. The Village passed a resolution last year agreeing to the paving project. The letter with Mr. Hess asked for input. Council had not previously had any input into the project, largely seen as just a mill and fill. Mr. Hess suggested that the subsurface of the road was the cause of the problems and asked permission to contact ODOT regarding repairing of drainage and manhole covers. Council concurred. Mayor Fischbach asked Mr. Hess to also inform ODOT of the planned Chautauqua event this summer and the need to work around that.

Mr. Hess also asked Council to consider renewing his contract for the next two years. The rates for the contract remain the same from last year. Mr. Paquette asked Mr. Hess to provide a revised contract for the next two years but noted that the Ordinance to renew could be done now. Mayor Fischbach asked Council to consider the Ordinance at this time. Ms. Swaney introduced Ordinance 2238 -12, authorizing the Mayor to enter into an agreement with Hess and Associates, Inc. for professional services commencing February 29,2012 and ending February 28, 2014, and placed it on first reading. Ms. Swaney moved to waive further readings. Mr. Ronyak seconded the motion. Roll Call: Linda Swaney – Yes, Craig Ronyak – Yes, Dianne Lillibridge – No, Brian Johnston – Yes, Charles Hauser – Yes. Motion failed for lack of five yes votes.

Fire Report:

Chief Sestak reported for Jan 2012. The Fire Department responded to 10 EMS calls and 1 Fire call in the Village; 14 EMS and 6 Fire calls in Burton Township. The total calls for 2012 to date are 72. Calls are down this year and Chief Sestak attributed this to the mild winter. The new rescue squad was delivered last month. The old squad was taking a lot of repair dollars. No decision has yet been made with what to do with the old squad. Pancake season is coming up and volunteers to flip pancakes would be welcome.

Mr. Johnston asked if the Fire Department was still soft billing. Chief Sestak stated in the affirmative and explained that residents were generally soft billed while individuals traveling through the area were hard billed. The exact numbers would be available with the end of year report due for presentation at the next meeting.

Mayor Fischbach recognized Mr. Pete Spanos. Mr. Spanos presented himself as a resident of the Village living next to the Cemetery. Mr. Spanos asked to speak with someone in charge of the Cemetery, other than Ms.

Dahlhausen. Mr. Spanos expressed concern that he was putting Ms. Dahlhausen in the middle of this situation. By way of explanation, Mr. Spanos related that last year one of his trees fell on the Cemetery fence and damaged it. Mr. Spanos offered to fix the fence but the Cemetery Board declined. Mr. Spanos offered to fix the fence, what he described as a \$30 in parts job, and provide gift of \$350 to the Cemetery board. Again the Village declined his offer. Mr. Spanos thought that he had offered the gift to the Village through Mayor Blair and Ms. Dahlhausen, but Ms. Dahlhausen and Mrs. Kimpton, a member of the Cemetery Board, did not recall hearing of the offer. The company that fixed the fence did, in Mr. Spanos opinion, a poor job. Mr. Spanos has again had a tree fall on the fence and this time he would like to walk the site with a Cemetery Board member and talk about the repair. Mr. Spanos expressed a desire to be a good neighbor and work with the Village. Mayor Fischbach directed Ms. Dahlhausen to contact Mr. Spanos.

Zoning Report:

Mr. Spisak reported that he had worked on political sign placement in the Village, problems with a shared driveway, and some dilapidated buildings.

Mayor Fischbach pointed out that the political signs near the Red Fox Inn were encroaching on the Village property but as long as they were moved back closer to the building they would be legal.

A question was raised about the status of the Thoreson barn on the property now owned by Geauga Savings. Mr. Spisak had not heard of any change and had not followed up on the letters sent by his predecessor. Council also asked about the current status of the Red Fox Inn. Mr. Koroshes, Chief Smigelski, Mr. Hess and Mrs. Wayman all avowed that the building was gravely deteriorated to the point that even a year ago the floors were giving way, mold was rampant in the basement and the roof had several holes. The building is on the national historic register and will be hard to have removed.

Mayor Fischbach asked Ms. Dahlhausen to have Mr. Hicks write a letter to the bank owning the Thoreson property asking them to remediate the barn on the Thoreson property as soon as possible. Mayor Fischbach will do further research on the Red Fox Inn before determining a course of action.

Ordinances and Resolutions:

Fiscal Officer

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

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Mr. Paquette asked for comments or a motion to accept the minutes of 9 January 2012. Mrs. Lillibridge moved to adopt. Mr. Hauser seconded the motion. By voice vote, motion passed.

Mr. Paquette asked for comments or a motion to accept the minutes of 17 January 2012. Mrs. Lillibridge recommended one correction, on page 5, the # symbol should be replaced by a \$ sign. Mrs. Lillibridge moved to adopt as amended. Mr. Hauser seconded the motion. By voice vote, motion passed.

Mayors Report:

Mayor Fischbach asked Chief Smigelski to explain to Council the details of the Service Contract with Preston Motors. According to the service pricing list negotiated by Chief Smigelski lube and filter changes, along with a multipoint inspection, will be \$19.95 for gasoline engines and 65.95 for diesel engines. Labor will be charged at \$55.00 and parts discounted by 20% from list. Prices are good for the remainder of 2012. This not only saves the Village money but provides an improved record of vehicle inspection. Council asked if Village vehicles will have precedence. Chief Smigelski stated that for emergency repairs the Village will have precedence over the general public for repairs. Mr. Hauser moved to accept the proposed service contract with Preston Motors and Mr. Ronyak seconded the motion. Roll Call: Charles Hauser – Yes, Craig Ronyak – Yes, Dianne Lillibridge – Yes, Brian Johnston – Yes, Linda Swaney – Yes. Motion is adopted.

Mayor Fischbach related to Council the results of a meeting he had with Tom and Rachel Danamiller. The Danamiller's are working to promote autism awareness in the area. Autism Recognition month is April. The Danamiller's will be sponsoring a program at the Century Village to promote autism awareness. Part of that event is a balloon launching on March 31 at 2PM in the Century Village. Mr. Danamiller has also asked permission to place blue ribbons around the trees in the park. The Mayor will prepare a proclamation for the event. Mr. Johnston moved to allow ribbons around the trees in the park and support of autism awareness. Ms. Swaney seconded the motion. By voice vote motion passed.

Mayor Fischbach asked Mr. Hauser to explain the proposed Community Development Block Grant project the Village is working on. The goal of the project is to rehab the bathrooms at the log cabin to meet ADA compliance standards and include accessibility to the area with paving of driveway and new sidewalks. An architect familiar with this process, Mr. Henry Pentilla, has offered his services to design and oversee the work for

\$5300.00. Century Village received this grant for the same purpose a few years ago and Ms. Swaney is attempting to obtain a copy. Mr. Johnston asked if there is a requirement that we do this. Ms. Swaney explained that ADA rules require we make every effort. Mr. Ronyak responded with the concept that the Village wanted to do it. Mr. Johnston asked how much it was needed. Mrs. Wayman mentioned that the Chamber of Commerce intended to make much more use of the Log cabin and the park in the future. Mr. Hauser also mentioned that he, Ms. Swaney and Mr. Paquette were attending a training session on Wednesday 15 February to learn more about the grant process and move ahead. The grant application deadline is 1 March 2012. Mr. Hess mentioned drainage issues to be addressed. Mr. Hauser made a point of saying that he would be in touch with Mr. Hess for input.

Committees

BZA, Board of Public Affairs: Mr. Ronyak

Mr. Ronyak noted that the BPA meets on Tuesday, 14 February 2012. Mr. Ronyak also asked Mayor Fischbach to attend a meeting with himself and Mr. Hauser, Mr. Hess, and Mr. Motil concerning Infrastructure review.

BCPA, Trees, Cemetery, Local Government: Mrs. Lillibridge

Mrs. Lillibridge noted that BCPA meets next month. On the Local Government front, Claridon is still working on selling its excess solar power to CEI, the Geauga Growth Council is working with CEI to get a date for the completion of the new transmission lines and Burton Township is discussing the fate of the Lawrence House. Troy Township has increased the rate it pays EMT's and Paramedics. Burton Village has been reduced to one voting precinct. The County is launching a website business incubator, run by Anita Stockard. Burton Township was warned by the Fire Department of rising fire and rescue cost but the Township is resisting a Fire tax district because of the probable increase in levy costs to residents. The Cemetery board meets next month. Mrs. Lillibridge noted five lots were sold last year and 16 burials performed.

The Tree Commission met and now has a certified arborist, Debra Palmisano, as a member. Ms. Palmisano did a survey of the trees in the park and made some recommendations. The trees were planted incorrectly in the park, mainly too deep. Ms. Palmisano recommended that the Tree Commission focus on pruning and maintenance for a while rather than planting new trees. A recommendation was made to send Mr. Motil to a tree survival school. Ms. Palmisano also recommended that an air knife and operator be hired to aerate the tree roots.

Mr. Updegraff asked that the Tree Commission look at some trees at the Century Village to determine if they should come down and who is responsible.

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Council also discussed the topic of dog refuse bags in the Park. Mr. Johnston asked if the Tree Commission or the Street Department could make sure that the bags were stocked. Mayor Fischbach also directed Mr. Motil to purchase and install a second bag dispenser at the other end of the park. Ms. Swaney asked that the existing bag dispenser be moved to a better location.

Streets and Health District: Mr. Hauser

Mr. Hauser presented Council with proposals and recommendations for Spring Cleanup, brush pickup and street sweeping.

Mr. Hauser moved that Council accept the proposal of Universal Disposal for Spring Cleanup at a rate of \$650 per ton on 12 May 2012. Mr. Ronyak seconded the motion. Roll Call: Charles Hauser – Yes, Craig Ronyak – Yes, Dianne Lillibridge – Yes, Brian Johnston – Yes, Linda Swaney – Yes. Motion passed.

Mr. Hauser moved that Council accept the proposal of Imperial Tree for brush chipping. Mr. Ronyak seconded the motion. Roll Call: Charles Hauser – Yes, Craig Ronyak – Yes, Dianne Lillibridge – Yes, Brian Johnston – Yes, Linda Swaney – Yes. Motion passed.

Mr. Hauser moved that Council accept the proposal of Reilly Sweeping for street sweeping. Mr. Ronyak seconded the motion. Roll Call: Charles Hauser – Yes, Craig Ronyak – Yes, Dianne Lillibridge – Yes, Brian Johnston – Yes, Linda Swaney – Yes. Motion passed. Mayor Fischbach asked if any other company was available to do this work. The only other quote was for several hundred dollars more.

Mr. Hauser asked Mr. Motil to present to Council the current status of the snow plow tractor. Mr. Motil explained that the existing tractor had just been repaired for \$3800. The tractor is underpowered for what the Village requires of it. More repairs can be expected. A tractor is needed to plow sidewalks/snow blow sidewalks, haul the water tank and water flowers, and brush hog. Mr. Motil related that the snowplow on the tractor is used most often and that it is much quicker than the snow blower. More horsepower and a stronger frame are required. Mr. Hauser recommends that the existing tractor be sold and a new one purchased. Council discussed. Mr. Hauser moved to evaluate and sell the existing tractor after the winter season this year. Ms. Swaney seconded the motion. By voice vote motion passed.

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Mr. Motil informed Council about a crosswalk that was before the stop bar. Mr. Motil will contact ODOT to see about moving the stop sign behind the crosswalk.

Mr. Hauser stated that he rode with Mr. Motil on a snow plow route during the last snow event and recommended that all Council members do a ride along. It is very informative. Mr. Hauser mentioned that he will be getting with the Police about moving cars parking in the cul d sacs in snow storms.

Community Grants, Historic District: Ms. Swaney

Ms. Swaney will be working on Safety town later in the year. Ms. Swaney reported that she met with Mrs. Pat Hauser, Mr. Paquette and a representative of the Ohio Preservation Office to work on a grant for a historic building survey in the Village. The grant application is due on 1 March 2012.

Fire Department, Berkshire Schools, Planning Commission: Mr. Coleman
Mr. Coleman was not available to report.

Finances, Police representative, Historic District Architectural Review Board: Mr. Johnston

Mr. Johnston addressed with Council a recommendation from the Historic District Architectural Review Board (the Board). The Burton Volunteer Fire Department has replaced its existing shingle roof with a metal roof. The cost of a tear off and re-shingle was put at \$20,000 while the cost of a metal roof was \$11,500. The Fire Department failed to obtain a permit from the Board. The Board determined that granting permission after the fact would diminish its authority going forward. Therefore the Board has recommended a penalty of \$500 be assessed to the Fire Department. Mr. Johnston expressed his thoughts on the matter and explained that a letter of reprimand without fine might be a better solution. Mrs. Lillibridge stated that she felt that the letter should include language that stated that there was no fine this time but future violations would incur a penalty. The remainder of Council felt the same. Mr. Johnston moved to have Council provide a letter of reprimand to the Burton Volunteer Fire Department for failure to obtain a permit from the Historic District Architectural Review Board and a warning of future penalties for failure to comply. Mr. Ronyak seconded the motion. Roll Call: Brian Johnston – Yes, Craig Ronyak – Yes, Dianne Lillibridge – Yes, Linda Swaney – Yes, Charles Hauser – Yes. Motion passed. Mayor Fischbach will draft letter.

Old Business:

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Mr. Hauser noted the Architectural Review Board was not on the Table of Organization. Mayor Fischbach stated that he would take care of it. Mr. Koroshes asked Council to conduct a survey of residents to see who would be in favor of a single company for trash pickup in the Village. Mr. Garner expressed concern over the idea of the Village telling him who to use for trash pickup. The suggestion by Mr. Koroshes was discussed and tabled.

Ms. Swaney asked the Mayor if he would call a meeting to plan for the use of the inheritance money. Mayor Fischbach stated that he would.

Mrs. Lillibridge asked about interest in the blue building on Spring Street as a possible Village hall and police Department. Mayor Fischbach asked Mrs. Lillibridge to arrange a time, preferably a Wednesday at 4PM, to see the property and to invite all interested Council members and Mr. Hess.

Ms. Swaney asked what was being done with the G-TV contract. The Mayor asked for the results of the newsletter survey. Ms. Dahlhausen received one response, positive. Mr. Hauser and Ms. Swaney had received one or two responses verbally that were positive as did Mr. Ronyak. Mrs. Lillibridge received one or two verbal responses in the negative. Mayor Fischbach suggested that since there wasn't an existing signed contract a new contract could be negotiated. Mayor Fischbach will investigate.

New Business:

Ms. Dahlhausen informed Council of the Volunteer Appreciation night starting at 6:30PM in the large library meeting room prior to the Council meeting on April 9th. A proclamation and certificates will be presented.

Mr. Hauser moved to adjourn and Mr. Ronyak seconded the motion. Meeting adjourned at 9:00 PM.

Mayor

Fiscal Officer