

13 May 2013 Council

**Council Meeting
13 May 2013**

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

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

Visitors: Marcianne Kimpton, Jack Garner, Chad Eldridge, Judith Beaumier, Lee Koroshes, Jane Koroshes, Ann Wishart, Rick Gruber, Mike Sestak, Sean Thompson, Chase Rowell, Carol Gardner, Debbie Palmisano, Maya Barager, Jenna Brown, Blake Barger.

Mayor Fischbach recognized the Arbor Day poster contest winners. Mayor Fischbach thanked the students and their parents for participating in Arbor Day festivities and asked Ms. Palmisano to introduce the poster contest winners. Maya Barager won third place, Blake Barger won second place and in first place was Jenna Brown. Each student presented their poster and explained why “Trees are important because...” as interpreted in their poster. Each student received a gift from the Burton Chamber of Commerce and a family pass to the Holden Arboretum.

Mayor Fischbach introduced Chase Rowell, a student from Berkshire High School. Mr. Rowell gave a presentation to Council about the Asian Longhorn Beetle. Asian Longhorn beetle invade hardwoods and kill trees. Mr. Rowell described the beetle and the process for stopping its advance; cutting down infected trees. The High School students are going to monitor trees in the Village to watch for signs of the infestation. Mr. Rowell recommended that sightings be reported to the web site beetlebusters.com and if possible a specimen be captured intact for proper identification. Mr. Rowell acknowledged the assistance of his fellow classmate Dustin Simmons.

Mayor Fischbach recognized Carol Gardner. Ms. Gardner represented Kent State University Geauga Campus and reminded those present that the property upon which the campus sits was provided by residents and the Chamber of Commerce of the Village. Kent State is offering to develop and implement plans for the 87 acre campus that will take into account the desires and needs of the local community. Ms. Gardner asked those present for suggestions. Many ideas were floated which Ms. Gardner wrote down for presentation to the Kent State development board, including sports/athletic venues, an outdoor amphitheater, and a community center.

Mayor Fischbach recognized Mr. Sean Thompson. Mr. Thompson addressed Council with the most recent outcomes of the BCPA meetings. The BCPA members have chosen to look at funding issues rather than conducting another study of the Fire Department itself. The BCPA is discussing a possible two phase Request for Proposal that in the first part would address what could be done such as a Council of Governments or a Fire District. In the second phase the goal would be to act on one of the recommendations of the first. The next meeting of the BCPA is Thursday June 13 at 7:30 PM in the Burton Township Admin building.

Engineers Report:

Mr. Eldridge reported that Cook Street is completed and their pay request has been submitted. Mr. Hess is preparing the necessary change orders to accompany it.

The Goodwin street Issue I submission was completed and sent forward. The Village will not hear back for a couple of months.

Rapids Road project planning is continuing. Mr. Hess would like to meet with as many Council members as possible sometime soon to go over concerns with the road. Ms. Palmisano asked to be included. Mrs. Lillibridge asked what the engineering costs would be. Mr. Paquette stated that he didn't have the number at this moment. Mr. Coleman asked if the engineering fees were high enough to warrant getting engineering qualifications for the work. Mr. Paquette stated that if they were then no bids would be obtained, only qualifications from other possible engineers.

Fire Department Report:

Chief Sestak reported for the month of April. Burton Village had 11 ems calls and 1 fire call. Burton Township had 22 EMS calls and 5 fire calls. Total calls for the month were 58. Total calls for the year are 213, up from 200 at this time last year. Chief Sestak again insisted that the Fire Department needed to have an increased levy because the last levy was put on in 2002. Chief Sestak mentioned that the Fire Department master plan was conducted in 2004 and required the renewal of the levy to pay for services. A vigorous discussion was held concerning the need for a fire levy this year vice waiting until the expiration of the current levy next year. Chief Sestak maintained that the Village was allowed to slide and not pay an increase this year and so must pay a 10% increase next year. Chief Sestak claimed that the municipalities needed to work together but wanted the Village to pay more. Mr. Coleman wanted to see about putting the levy on this year. Mr. Johnston commented that the efforts of the fire department to keep improving were commendable, it may be

necessary to consider that the limits of funding in this area have been met and that it may not be possible to support a full time fire department as the Chief envisions.

Zoning Report:

Mr. Rick Gruber made the following report to Council regards zoning. Approved a zoning permit for a home addition at 14815 Indian Ridge Trail. Approved a fence permit at 14441 Garden Street. Issued a Garage Sale Permit to 13599 Carlton Street. Along with the Historic District Review Board, approved the request for a shed and denied a fence permit for Mary Briggs on Spring Street. Mr. Helleger withdrew his request for a change of zoning at 13897 E. Center Street at the Board of Zoning Appeals hearing. Mediated a dispute amongst property owners on Huff Avenue; recommend they get an undisputed survey. Approved a fence permit on Baird Street after approval of Historic District Review Board. Approved a sign request at Preston Chevrolet. And started action on a request to tear down and replace a garage in the Berkshire Hills Apartments.

Mr. Coleman asked a question about zoning and new construction. Mr. Coleman felt that it was important to inform new builders and property owners doing construction about the rules regarding preservation of trees in the Village right of way. Mr. Coleman suggested providing a copy of the Village ordinance that prohibits removal of Village trees without prior approval of the Tree Commission. Mayor Fischbach suggested that the Village Office develop a checklist of items to be given to prospective builders and new property owners including the rules about how to handle and care for trees in the Village.

Mr. Johnston asked Mr. Gruber to check on the condition and lawn of a house at the northwest end of Carlton and on the height of the grass of a lawn two houses north of Carlton on Rapids Road.

Ordinances and Resolutions:

Ms. Swaney placed Resolution 2013-09, requesting the County Auditor to certify to the taxing authority the total tax valuation of the subdivision and the dollar amount of revenue that would be generated by a specified number of mills on final reading. Mr. Johnston moved to adopt. Mr. Hauser seconded the motion. Roll Call: Brian Johnston – Yes, Charles Hauser – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Linda Swaney – Yes. Resolution 2013-09 is adopted.

Ms. Swaney placed Resolution 2013-12, requesting an amended certificate of revenue and appropriations from the Geauga County Auditor for the purpose of increasing the Tree Commission Fund budget, on final reading. Mr. Coleman explained the necessity of the budget

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increase to Council noting that when the budget was created the software and arborist had not been fully planned for. Mr. Coleman moved to adopt and Mr. Hauser seconded the motion. Roll Call: Jeff Coleman – Yes, Charles Hauser – Yes, Dianne Lillibridge – No, Brian Johnston – Yes, Linda Swaney – Yes. Resolution 2013-12 is adopted.

Ms. Swaney placed Resolution 2013-13, approving the Fiscal Officer to request an amended certificate of resources and permanent appropriations from the Geauga County Auditor regarding the General fund, the Capitalization Funds and the Special Revenue funds for purpose of increasing the Cemetery Operating Fund budget and increasing the Street Capitalization budget and declaring an emergency, on second reading. Ms. Swaney moved to waive further readings and Mr. Coleman seconded the motion. Roll Call: Linda Swaney – Yes, Jeff Coleman – Yes, Dianne Lillibridge – No, Brian Johnston – Yes, Charles Hauser – Yes. There being less than five votes yeah, readings cannot be waived. Council discussed the need to get the area in the new cemetery section graded and seeded before Memorial Day. Mrs. Lillibridge argued that the Village had asked that this not be done because it was not essential. Mayor Fischbach called for a second vote to waive readings. Roll Call: Linda Swaney – Yes, Jeff Coleman – Yes, Dianne Lillibridge – No, Brian Johnston – Yes, Charles Hauser – Yes. There being less than five votes yeah, readings cannot be waived. Mr. Johnston noted that it was very important to honor the veterans appropriately and that having the area of the cemetery look nice was part of that. Mayor Fischbach called for third vote to waive readings. Roll Call: Linda Swaney – Yes, Jeff Coleman – Yes, Dianne Lillibridge – No, Brian Johnston – Yes, Charles Hauser – Yes. There being less than five votes yeah, readings cannot be waived. Mayor Fischbach will confer with the Fiscal Officer about other possible funding of the work.

Ms. Swaney placed Resolution 2013-14, to participate in the Geauga County Engineer Resource Rental Program, on second Reading.

Ms. Swaney introduced Ordinance 2257-13, authorizing the Mayor and the Fiscal Officer to utilize Alternative Energy Source Company to create an agreement with an electric service provider to provide electric power to specific electric service accounts for a period of two years and placed it on first reading. Mr. Coleman asked if this would lower his electric bill. Mr. Paquette replied that it would not; its purpose was to lower the electric rates for the utilities. Ms. Swaney moved to waive further readings and Mr. Johnston seconded the motion. Roll Call: Linda Swaney – Yes, Brian Johnston – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Charles Hauser – Yes.

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Ms. Swaney moved to adopt Ordinance 2257-13 and Mr. Johnston seconded the motion. Roll Call: Linda Swaney – Yes, Brian Johnston – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Charles Hauser – Yes. Ordinance 2257-13 is adopted.

Fiscal Officer

Mr. Paquette asked for a motion to pay approved bills. Mr. Johnston moved to pay approved bills and Ms. Swaney seconded the motion. By voice vote, motion approved.

Mr. Paquette asked for a motion to accept the minutes of the 8 April council meeting. Mr. Coleman moved to accept the minutes of 8 April as written and Ms. Swaney seconded the motion. By voice vote, motion approved.

Mr. Paquette asked for a motion to accept the minutes of the 22 April council meeting. Mr. Coleman moved to accept the minutes of 22 April as written and Ms. Swaney seconded the motion. By voice vote, motion approved.

Mr. Paquette informed Mr. Coleman that the way to proceed with a levy for the Fire Department is to start with a resolution similar to that which passed tonight for the police department. Mr. Paquette noted that a replacement levy of 4.75 mills will generate \$133,773 annually. This is less than the annual contract with the Fire Department currently in place and would not meet any amount with a 5% or 10% increase as proposed. Mr. Paquette mentioned that the Village is now a member of the Ohio Utility Protection Service.

Mayors Report:

Mayor Fischbach reported that he is asking Mr. Jim Croup to be a member the Historic District Architectural Review Board. Mr. Croup brings with him a great deal of experience in historical renovation. Mr. Johnston moved to accept Mr. Croup and Ms. Swaney seconded the motion. By voice vote, motion carried.

Mayor Fischbach reported that he had a meeting with Debbie Tarr, a vocational guidance counselor. At no cost to the Village, her organization would place and supervise special needs individuals to do work in the Village. The Mayor asked Council if they had any problems exploring this resource. Council expressed no reservations. Mrs. Lillibridge did point out that they should not work in the sewer plant as they would need vaccinations.

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Council had three resumes/applications for summer help in their packets. Mr. Hauser recommended Jillian Bartholomew. The options provided by the vocational guidance counselor will not remove the need for summer assistant. Mr. Hauser moved to hire Ms. Bartholomew at \$8.00 per hour and Mr. Coleman seconded the motion. By voice vote, motion carried.

Committees

BPA, Fairboard, Century Village, Ordinance Review: Mr. Ronyak
Mr. Ronyak was not available to report.

BCPA, Grants, Cemetery, Local Government: Mrs. Lillibridge
Mrs. Lillibridge noted that Mr. Thompson had already reported on BCPA and mentioned the next meeting is 13 June at the Burton Township hall. Mrs. Lillibridge reported that Burton Township will demolish the Lawrence house. Cemetery Board gave the okay to some interested parties to plant some plants. Mrs. Lillibridge reported that she has learned a lot about grants and the capabilities of the grant finding software at Kent State Geauga Campus. Mrs. Lillibridge is attending another grant seminar on Wednesday.

Streets, Economic Development, BZA, and Health District: Mr. Hauser
Mr. Hauser reported that the Health District met last month and approved a budget. Mr. Hauser reported that the Street Department is mulching the park. Board of Zoning Appeals met on 18 April at which time Mr. Helleger withdrew his request for a property zoning variance.

Community Programs, Newsletter, Historic District: Ms. Swaney
Ms. Swaney reported that Historic District Association is preparing for the Founders Day celebration in June. The newsletter is going out in two weeks. Because of budget cutbacks the Village Application for Ohio Chautauqua has been pushed out to 2015 vice 2014.

Trees and Parks, Berkshire Schools, Planning Commission: Mr. Coleman
Mr. Coleman noted that the Tree Commission events had already been discussed. Mr. Coleman reported that the Berkshire Recreation Board has backed off their plan for badger prints due to discussions of a combined school district with Newbury schools. Mr. Coleman contacted the company that provided the solar flashing school lights and has arranged technical support when they are installed. Mr. Hauser, Chief Smigelski and Mr. Motil will determine the placement of the poles and coordinate with Mr. Coleman for the technical support.
Mr. Coleman is pursuing a meeting of the recreation committee after meeting with municipalities.

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The Tree Commission will be sending members to attend the Tree City Awards ceremony tomorrow.

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

Mr. Johnston reported that the Historic District Review Board had authorized Ms. Briggs to place a shed on her property and was monitoring the situation. Mr. Johnston discussed the Fire Department and funding. Mr. Johnston discussed the need to get the Police levy passed in this tight economic climate and that adding a Fire levy now might be a problem. Finances are in good working order.

Old Business:

Mayor Fischbach noted that the proposition of painting badger prints on the roads in the Village was taken care of by Mr. Coleman.

Mayor Fischbach asked Council for a motion to pay the Burton Chamber of Commerce \$1000.00. Mrs. Lillibridge moved to approve payment of \$1,000 to the Burton Chamber of Commerce for flowers. Mr. Hauser seconded the motion. Roll Call: Dianne Lillibridge – Yes, Charles Hauser – Yes, Jeff Coleman – Yes, Brian Johnston – Yes, Linda Swaney –Yes. Motion passed.

New Business:

Mayor Fischbach, noting that in light of the need to get the area to the east of Welton Cemetery graded and seeded and the fact that the current Resolution appropriating funds to the Cemetery Fund to complete the work will not be complete before Memorial Day, recommended that the General Fund, Contingency line item be used to pay for the work by Narusch Landscaping as quoted. Mr. Johnston moved to accept the quote of Narusch Landscaping for \$6,000 to grade and add topsoil to new section of Welton Cemetery. Mr. Coleman seconded the motion. Roll Call: Brian Johnston – Yes, Jeff Coleman – Yes, Dianne Lillibridge – No, Linda Swaney – Yes, Charles Hauser – Yes. Motion passed.

Mayor Fischbach asked Council to go into executive session to receive an update on the contract negotiations with the Chamber of Commerce over the Log Cabin. Ms. Swaney moved to enter executive session at 9:12 PM to discuss contract negotiations. Mrs. Lillibridge seconded the motion. Roll Call: Linda Swaney – Yes, Dianne Lillibridge – Yes, Jeff Coleman – No, Brian Johnston – No, Charles Hauser – No. There being a majority voting nay, Council chooses not to enter executive session.

Mr. Coleman moved to adjourn and Mr. Johnston seconded the motion. Meeting adjourned at 9:14 PM.

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Mayor

Fiscal Officer