

**Council Meeting
9 February 2015**

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

Roll Call: Linda Swaney – Yes, Craig Ronyak – No, Tom Blair – Yes, Roberta Dobay – Yes, Jennell Dahlhausen – Yes, Charles Boehnlein- Yes.

Public Hearing:

Mayor Fischbach called to order a Public Hearing to allow comment on Ordinance 2275-14, amending Section 1113.05(a) of the Codified Ordinance of the Village of Burton revising the fee schedule for zoning certificates. Mayor Fischbach opened the floor to public comment. There being none, Mayor Fischbach closed the public hearing.

Visitors: Jack Garner, Rick Gruber, Lee Koroshes, Jane Koroshes, Dan Whiting, Ken Burnett, Joe Kozial, Ann Wishart, Debbie Palmisano, Ben Larson, Sue Wayman, Robert Simmons, Melissa Besednjak, Rick Smigelski.

Mayor Fischbach recognized Mrs. Wayman. Mrs. Wayman, representing the Burton Chamber of Commerce, asked for permission to use the park on the following dates for "Saturday in the Country"; May 30th, June 27th, July 25th, August 29th, September 27th and October 10-11. August 29th will also be the 'Burton Uncorked' wine event with entertainment by Sophisticated Swing. October 10-11 is the ox-roast. The Chamber of Commerce also requested to put up hanging flower baskets this year and asked that the Village continue to water them. The Chamber will pay for fertilizer. Mrs. Wayman also asked to conduct the tree tapping ceremony in the park on 14 February. Ms. Dahlhausen moved to allow the Chamber of Commerce to use the park on the dates requested. Mr. Blair seconded the motion. By voice vote, motion approved.

Mrs. Wayman went on to complement the Village snow removal crews on their management of snow this year.

Mayor Fischbach recognized Mr. Garner. Mr. Garner noted that the street light is still out on the corner near his home. Mr. Garner wanted to know if the Village could withhold payment until the light is fixed. Chief Smigelski explained that the repair of street lights is a low priority item. In the case of the lights in the Village, the existing bulbs and fixtures are no longer supported and must be entirely replaced. The Illuminating Company has been notified again of the specific lights that are not working and they are expediting repairs as soon as they can.

Chief Smigelski introduced Officer Robert Simmons and asked that he appointed as a part time officer to the Village of Burton. Mr. Boehnlein moved to hire Officer Simmons as a part time patrol officer and Mr. Blair seconded the

motion. By voice vote motion passed. Mayor Fischbach swore in Officer Simmons.

Mayor Fischbach recognized Ken Burnett and Dan Whiting, Burton Township Trustees. Mr. Whiting asked whether the Village was actively considering annexation of the Kent State Geauga Campus because of the proposed merger of Ledgemont and Berkshire Schools and the possible new school on the grounds of Kent State. Mayor Fischbach noted that the new construction was 5 years out and could cost 20 million dollars. Mayor Fischbach stated annexation is a last resort for the Village and there are other possible revenue sharing ideas that would be considered. Mayor Fischbach asked Mr. Blair what he thought. Mr. Blair stated that he thought that it was important to think outside the box. Ms. Swaney stated that she was happy to see the Village placing the emphasis on other revenue sharing ideas instead of annexation. Mr. Burnett mentioned a new type of shared revenue program called CED.

Mr. Burnett also asked if the Village would be responsible for any damage to Memorial Drive during construction of the new Wastewater Treatment Plant expansion. Chief Smigelski reassured him that the Village would continue to take care of the road.

Engineers Report:

Not available to report.

Police Report:

Chief Smigelski reported for the month of January 2015. There were 92 incidents, 2 arrests and 21 traffic stops. The Department is interviewing candidates for the School Resource Officer. Street Department was working hard to handle the snow. There were no break downs. The Mayor took this opportunity to congratulate the employees for staying safe over the last year. The Geauga Safety Council presented the Village with a certificate noting that they had no claims with the Bureau of Workers Compensation in 2013/2014. Mrs. Koroshes complemented the Street Department on their handling of snow. Mayor Fischbach asked the Street Department to open paths from parking to the businesses when possible.

Ms. Dahlhausen mentioned that Council had not reappointed the Street Commissioner this year. Mr. Boehnlein moved to reappoint Chief Smigelski as Street Commissioner. Ms. Dobay seconded the motion. By voice vote all approved with the exception of Ms. Dahlhausen who abstained.

Arborist Report:

Ben Larson, president of the Tree Commission, addressed Council with questions about the Tree Commission. Mr. Larson felt that the Tree Commission budget should be increased by \$6,725 to cover the cost of an invoice charged in 2015 for work done in 2014. Mayor Fischbach noted that there carry over reflected

the amount. Mr. Larson stated that he was confused as to whether their budget was \$18,000 or if it included the additional 6,725. Mayor Fischbach asked the Fiscal Officer who replied that the Tree Commission has a recommended budget of \$24,000 for 2015. Mr. Larson asked why it didn't include the extra \$725. Mayor Fischbach asked if they had plans to spend the entire \$24,000 already. Mr. Larson replied no, not yet. Ms. Dahlhausen noted that the Tree Commission could approach Council for more funds if they are needed later in the year. Mr. Larson also mentioned that the Tree Commission is spending more than it is receiving in revenue each year, reducing the carryover built up in prior years. Mr. Larson felt that the Village should be providing more funding so that the Tree Commission is not losing its carryover. Mr. Boehnlein and the Mayor stated that the Village would take it into consideration amongst all the other funding concerns however the Tree Commission budget maybe cut in future years. Mr. Larson asked if the Village needed three quotes for purchases. Mr. Paquette stated that current practice of this Council was to ask for three quotes when possible.

Ms. Palmisano, Village Arborist, stated that she had provided to Council a report on trees in the Village. Mr. Paquette was asked if the Tree Commission needed to get permission to spend more than \$1500. Mr. Paquette replied that it was an accepted practice in the Village to have committees, individual council members and employees obtain prior approval from Council for expenditures greater than \$1500. The Tree Commission had accepted a quote from Roubic Trees to remove 11 stumps at a cost \$800. This was the lowest best bid. Ms. Palmisano started the planting plan. It is too late in the season to train the sugar maples. Mr. Koroshes asked where the tree that was going to be worked on was on North Cheshire. Ms. Palmisano said it was Lon Miller's and that he had come before the Tree Commission to request permission to do the work. Ms. Palmisano also requested Council approve a \$25 fine against a resident in the Village who trimmed a tree that belonged to the Village without getting Tree Commission approval. Mayor Fischbach stated that he would review with legal counsel and asked Chief Smigelski to look into how to enforce the fine.

Zoning:

Mr. Gruber reported that he had approved 2 permits, one for a sign at Preston Kia and one for Jill Vinecourt on Kirtland Street. Mr. Gruber also reported that notices were sent to Carlene Exline and Mark Freiling concerning their business use at 14557 Baird Street. Child care and manufacturing will require conditional use or a variance. Mr. Finnerty was sent a notice about the condition of his property at 14563 E Park Street. Mr. Gruber reported that he submitted copies of violation letters, notes and pictures to Chief Smigelski in support of filing a citation against Mary Briggs for the condition of her residence on Spring Street.

Ordinances and Resolutions:

Ms. Swaney placed Resolution 2015-06, approving the Fiscal Officer to request an amended certificate of resources and permanent appropriations from the

County Auditor regarding the General, Special Revenue, Capital Project, Enterprise Funds and Fiduciary Funds, on second reading.

Ms. Swaney introduced Resolution 2015-09, authorizing the Mayor to apply for, accept, and enter into a Water Pollution Control Loan Fund agreement on behalf of the Village of Burton for construction of a wastewater facility; and designating a dedicated repayment source for the loan and declaring an emergency. Ms. Swaney moved to waive further readings and Mr. Boehnlein seconded the motion. Roll Call: Linda Swaney – Yes, Charles Boehnlein – Yes, Tom Blair – Yes, Jennell Dahlhausen – Yes, Roberta Dobay – Yes. Motion passed

Mr. Boehnlein moved to adopt Resolution 2015-09. Ms. Swaney seconded the motion. Roll Call: Charles Boehnlein – Yes, Linda Swaney – Yes, Tom Blair – Yes, Jennell Dahlhausen – Yes, Roberta Dobay – Yes. Resolution 2015-09 is adopted.

Ms. Swaney moved to adopt Ordinance 2275-14, amending Section 1113.05(a) of the Codified Ordinances of the Village of Burton revising the fee schedule for zoning certificates. Mr. Boehnlein seconded the motion. Roll Call: Linda Swaney – Yes, Charles Boehnlein – Yes, Tom Blair – Yes, Jennell Dahlhausen – Yes, Roberta Dobay – Yes. Ordinance 2275-14 is adopted.

Ms. Swaney introduced Ordinance 2277-15, adopting the Village of Burton Rules and Procedures of Council and moved to waive further readings. Mr. Boehnlein seconded the motion. Roll Call: Linda Swaney – Yes, Charles Boehnlein – Yes, Tom Blair – Yes, Jennell Dahlhausen – Yes, Roberta Dobay – Yes. Motion passed.

Ms. Swaney moved to adopt Ordinance 2277-15 and Mr. Boehnlein seconded the motion. Roll Call: Linda Swaney – Yes, Charles Boehnlein – Yes, Tom Blair – Yes, Jennell Dahlhausen – Yes, Roberta Dobay – Yes. Ordinance 2277-15 is adopted.

Ms. Swaney introduced Ordinance 2278-15, authorizing the Mayor and the Fiscal Officer to enter into an agreement with Geauga Cable Access Corporation to provide local cable television programming for a period of two years, and placed on first reading. Ms. Dobay opened a general discussion of the proposed legislation and went on record as opposed to accepting the contract. Mayor Fischbach added that he had talked to various Village residents and did not find many current watchers of G-TV.

Fiscal Officer Report:

Mayor Fischbach asked for a motion to pay approved bills. Mr. Boehnlein moved to pay approved bills and Mr. Blair seconded the motion. By voice vote, motion approved.

Mayor Fischbach asked for comments or approval of the minutes of 26 January 2015. Ms. Dahlhausen so moved and Mr. Boehnlein seconded the motion. By voice vote, motion approved.

Mr. Paquette reported that Ms. Holly Lynn, Burton Public Library, had been scheduled to present to Council a report on the structural condition of the library basement including the Police Department. Mr. Paquette will talk to Ms. Lynn about a copy of the report.

Mayors Report:

Mayor Fischbach reported that the grant application for the strategic plan was completed and forwarded to the State with assistance of Ms. Kirby Date, Ron Victor and Mr. Conley, a financial advisor. There are only five applicants for this grant in this round. Mayor Fischbach is setting up a meeting with everyone involved to let them know what is going on.

Mayor Fischbach reported that he had heard nothing from the Burton Fire Department with regard to the new fire contract. Mr. Paquette stated he had heard nothing from the Fire Department. Mr. Blair acknowledged that he had heard nothing either. Mayor Fischbach did not know if Burton Township or Claridon Township had contacted the fire department with the counter proposal offered by all three entities. Mr. Blair did not know either but felt that the Burton Fire Department was probably aware. Mayor Fischbach felt that the next move was up to the Burton Fire Department. Mayor Fischbach asked Mr. Paquette if the Village could pay them on the old contract. Mr. Paquette noted that the Village had no current contract and could not make a payment at this time without one.

Council Committees:

BPA and Local Government – C. Ronyak
Mr. Ronyak was not available to report.

BCPA, Newsletter – J. Dahlhausen
BCPA talked a little bit about the Fire Contract and Mr. Koster discussed the potential school merger.

Health District Rep, BZA, Finance – C. Boehnlein
Nothing to report. Mr. Boehnlein asked to be notified for any BZA meeting. Mr. Gruber stated that Mrs. Pikus would take care of that.

Historic District Association, Grants, Century Village – L. Swaney
The Historic District Association did not meet. No one has requested a project grant. Ms. Swaney spoke with Mr. Jackson at the Century Village who advised her that a Council Rep would not be necessary at every meeting. Mr. Jackson will contact Ms. Swaney for any needed Village assistance and Ms. Swaney will

9 February 2015 Council

do to same, reporting to Council when appropriate. Mr. Jackson would like to be included on the Strategic Planning Committee.

Cemetery, Trees and Parks – R. Dobay

Cemetery met and established new rates for burials and foundations to cover increased costs. Ms. Dobay noted that just reading the proclamation for Arbor Day at a Council meeting was not really acceptable to continue in the Tree City program. Tree Commission is considering joining the Founders' Day Celebration. Ms. Dobay was recommended to contact Linda Stone to find out about joining Founders Day.

Schools, Chamber of Commerce, Planning Commission – T. Blair

The merger of Ledgemont and Berkshire schools was approved by their respective school boards. Chamber of Commerce meets on 12 February and the Maple Syrup tapping ceremony is 14 February in the Park at noon. The Planning Commission has not met.

Old Business:

No old business was brought before Council.

New Business:

Mr. Paquette noted that Spring Cleanup is scheduled for 2 May 2015 and Spring Brush pickup is scheduled for 21 May 2015.

Mr. Boehnlein moved to adjourn and Ms. Swaney seconded the motion. Meeting adjourned at 8:12 PM.

Mayor/President Pro Tempore

Fiscal Officer