

**Council Meeting
14 September 2015**

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

Roll Call: Linda Swaney – Yes, Craig Ronyak – Yes, Tom Blair – Yes, Roberta Dobay – Yes, Jennell Dahlhausen – Yes, Charles Boehnlein- Yes.

Visitors: Jack Garner, Joe Kozial, Debbie Palmisano, Rick Gruber, Melissa Besednjak, Marcianne Kimpton, Lisa Hernandez, Ann Wishart, Dianne Lillbridge, Judy Beaumier, Mike Sestak, Craig Bednarek, Lana Volk, Matt Wheellock, Elizabeth Lockemer, Steve Tucker, Jennifer, Lee Koroshes, Jane Koroshes, Jennifer Waldbauer, Wally Waldbauer, Tom Erickson

Mayor Fischbach recognized visitors.

Mr. Bednarek addressed Council in support of the Revitalization District. Mr. Bednarek is opening a restaurant at 14614 E Park. The restaurant will be called Warren's Spirited Kitchen and will present itself as a sophisticated adult orientated dining experience. The hours will be limited for dinners and lunches with an opening date expected to be November 1 2015. Several audience members asked questions which were answered. Mr. Matt Wheellock was also present in support of the Revitalization District.

Ms. Elizabeth Lockemer noted that she understood her questions about water billing would be better answered at the Board of Public Affairs meeting on 22 September 2015 and was interested in attending a Council meeting. Mayor Fischbach announced to those present that anyone asking about water bills should attend the meeting on 22 September 2015.

Mr. Steve Tucker addressed Council and those present as a representative of the Board of Developmental Disability, Metzenbaum Center. Mr. Tucker encouraged support for a 1 mill additional levy, Issue 29, to help disabled children and adults in local communities. Additional information is available on the geaugacares.com website. The levy will generate approximately 3 million dollars annually. If the levy doesn't pass significant cuts and layoffs are possible. Several audience members asked questions which were answered.

Mrs. Jennifer Waldbauer spoke in support of the Metzenbaum levy and related her own families' positive experience with Metzenbaum Center.

Mayor Fischbach recognized Tom Erickson. Mr. Erickson, a Village resident living on East Center Street, complained to Council about truck traffic speeding and using jake brakes on East Center Street. Mr. Erickson asked for help enforcing laws including possible signs at the top of the hill about not using jake brakes. Officer Besednjak will pass the inquiry to Chief Smigelski for review.

Mayor Fischbach recognized Mr. Koroshes. Mr. Koroshes thanked the Police Department for their efforts during school hours to control traffic and recommended a sign or signs placed on the corner of North Cheshire and Ford that clearly state the hours of school restricted speeds. Also discussed were speed limits in effect on North Cheshire. Officer Besednjak will pass the inquiry to Chief Smigelski for review.

Mr. Koroshes also asked for an update, if possible, on the log cabin lawsuit, Mary Briggs property and the fire department letter ending contracted services with the Village. Mr. Boehnlein noted that the 25mph speed limit signs around the park and on Main Street are not apparent southbound.

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Mayor Fischbach recognized Mr. Jack Garner. Mr. Garner questioned what the procedure was for putting up a new stop sign. The sign in question is a new stop sign at Seco and Elmar that Mr. Garner feels is not necessary and should be removed. Council indicated that they were not aware a new sign had been put up and asked Officer Besednjak to forward the request to Chief Smigelski and find out who put up the sign.

Fire Department Report:

Mr. Sestak, representing the Fire Department Board of Trustees, returned the August Village payment to Council stating that because the Trustees had not signed the contract with the Village for a 2.5% increase, they would not cash the check. Instead Mr. Sestak requested a check be reissued in an amount that reflected a quarterly payment from the continued contract of 2014. Mr. Paquette was directed to replace the check with one in the requested amount. Mr. Sestak also requested to know the status of a possible meeting between the Village and Fire Department. Mayor Fischbach stated that he had conferred with Mr. Blair and suggested that Mr. Blair establish a date for a joint meeting. Mr. Boehnlein will be working with Mr. Blair on the meeting. Ms. Dahlhausen suggested several dates for the meeting but nothing was settled on. Mrs. Beaumier asked if the Fire Department had reached an agreement with Burton Township. Mr. Sestak stated that they had and included a provision for putting on a levy. Mrs. Beaumier asked about auditing the Fire Department finances. Mr. Sestak stated that the Fire Department pays for one audit a year and any additional audits would be a charge to the Village. Mr. Sestak added that the Fire Department books are open for inspection. Mrs. Beaumier asked about a report for Council on the availability of Council. Mr. Sestak stated that he did not represent the operational side of the Fire Department but would bring it up with Operations. Mayor Fischbach asked if there was a report available for Council. Mr. Sestak stated no. Mr. Sestak did say that due to the heat, it was a busy fair. New rules allowed the paramedics to treat and release rather than treat and transport as had been prior practice. Mr. Koroshes asked why an operational representative was not here to give a report. Mr. Sestak stated that he would bring it up with Operations.

Zoning:

Mr. Gruber reported on the following:
Mr. C. Bednarek's request for a sign at his restaurant at 14614 E Park Street was approved. Mr. Hornak's request for a new addition at 14573 E Park Street, LuLu Tru, was approved. Ms. Noble's (Preston Auto) request for sign relocation was approved. In addition Mr. Gruber reported that he met the new owners of 13956 E Center Street and informed them that their new parcel included a second parcel that needed attention. Ms. Dahlhausen asked if Mr. Gruber had a chance to review the proposed property maintenance. Mr. Gruber stated that he had not. Mr. Paquette presented Mr. Gruber with a copy of the property maintenance agreement.

Engineers Report:

Mr. Hess reported that the Pump Tank and Memorial Drive Waterline projects at the Burton wastewater treatment plant were finishing up. Mr. Hess, at the request of the Mayor, investigated a problem at the Hanzel property with drainage. Mayor Fischbach stated that the Street Department was repairing a damaged storm drain in the area that may alleviate the problem. The storm drain will be televised. ODOT will be out to grind down the road and provide more of a curb reveal.

Police Report:

Officer Besednjak reported for Chief Smigelski who could not be present. There were 159 incidents in August, including 1 arrest and 70 traffic stops. Safety Town went very well with 52 children attending. Officer Miltner was singled out by Ms. Dahlhausen for his exceptional performance. A senior from Berkshire High helped out during Safety Town as part of their Senior Service project.

Arborist Report:

Ms. Palmisano, Village Arborist, provided a written report to Council. Ms. Palmisano reported that the Tree Commission met with local business owners along E Park Street to address their concerns with possible new tree plantings. No new trees will be planted in the tree lawn of E Park Street this year.

The new planting on Rapids Road by the car dealership are not in the right of way.

Ms. Palmisano attended a program on root enhancement and will be using the new method in the Village on a trial basis.

Arbor Day is September 26 at 10Am in the Village Park Gazebo. Tree Commission is giving away 50 river birch seedlings to attendees. Mr. Boehnlein will be representing the Mayor at the event and will read a proclamation.

A new Japanese Lilac will be planted in the park triangle in front of Neet Lights.

Ms. Palmisano thanked the Street Department for watering the new trees on Rapids Road.

Ms. Palmisano attended a workshop at Holden Arboretum about how to celebrate Arbor Day. Other communities supplied good ideas. The Tree Commission will start preparing now and try to get back into the school for next Arbor Day.

On the subject of fines levied or suggested by the Tree Commission per regulation, Mayor Fischbach stated that it is up to Council to set the fine amount. Ms. Dahlhausen suggested that a first offense warranted a warning letter. A second offense would earn a fine. Mr. Boehnlein agreed noting that in some places the right of way of the Village was difficult to define. Mr. Erickson stated that he had tree on his property that was in the right of way and needed to come down. Mr. Erickson was referred to the Tree Commission for assistance. Mayor Fischbach was not in favor of fining individuals and preferred the idea of a warning letter.

Ms. Dahlhausen moved to send a letter of warning to the homeowner who trimmed a tree incorrectly as a first offense. Mr. Blair seconded the motion. Roll Call: Jennell Dahlhausen – Yes, Tom Blair – Yes, Roberta Dobay – Yes, Charles Boehnlein – Yes, Linda Swaney – Yes, Craig Ronyak – No. Motion passed.

Mrs. Beaumier invited all present to come to the Arbor Day celebration and get their free tree.

Ordinances and Resolutions:

Mr. Boehnlein placed Ordinance 2284-15, to authorize and designate a revitalization district within the Village of Burton pursuant to Ohio Revised Code Section 4301.81, on final reading and moved to adopt. Mr. Ronyak seconded the motion. Roll Call: Charles Boehnlein – Yes, Craig Ronyak – Yes, Tom Blair – Yes, Jennell Dahlhausen – Yes, Roberta Dobay – Yes, Linda Swaney – Abstain. Ordinance 2284-15 is adopted.

Ms. Swaney moved to table Resolution 2015-20, pursuant to section 718.01 of the Ohio Revised Code, declaring it necessary to provide for an additional one-half percent income tax to be levied for the purpose of generating revenue for general municipal purposes, directing the Board of Elections to conduct an election and declaring an

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emergency, and Mr. Boehnlein seconded the motion. Roll Call: Linda Swaney – Yes, Charles Boehnlein – Yes, Tom Blair – Yes, Jennell Dahlhausen – Yes, Roberta Dobay – Yes, Craig Ronyak – Yes. Resolution 2015-20 is tabled.

Ms. Swaney moved to table Ordinance 2285-15, declaring it necessary to amend section 171.03 (a) of the Codified Ordinances of the Village of Burton Ohio, to provide for an additional tax levied for the purposes of providing funds for general municipal operations, services and capital improvements pursuant to section 718.01 (C) of the Ohio Revised Code and declaring an emergency, and Mr. Boehnlein seconded the motion. Roll Call: Linda Swaney – Yes, Charles Boehnlein – Yes, Tom Blair – Yes, Jennell Dahlhausen – Yes, Roberta Dobay – Yes, Craig Ronyak – Yes. Ordinance 2285-15 is tabled.

Ms. Swaney introduced Resolution 2015-21, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor, and Mr. Boehnlein moved to waive further readings. Ms. Swaney seconded the motion. Roll Call: Charles Boehnlein – Yes, Linda Swaney – Yes, Tom Blair – Yes, Jennell Dahlhausen – Yes, Roberta Dobay – Yes, Craig Ronyak - Yes. Motion passed.

Mr. Boehnlein moved to adopt Resolution 2015-21 and Ms. Swaney seconded the motion. Roll Call: Charles Boehnlein – Yes, Linda Swaney – Yes, Tom Blair – Yes, Jennell Dahlhausen – Yes, Roberta Dobay – Yes, Craig Ronyak - Yes. Resolution 2015-21 is adopted.

Fiscal Officer Report:

Mayor Fischbach asked for a motion to pay approved bills. Ms. Dahlhausen 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 24 August 2015. Ms. Dahlhausen made two corrections, remove the word 'a' before 'Council' from the second to last sentence in the second to last paragraph on page 2 and removed the words "all have" following the word "visitors" in the second to last sentence of the second paragraph on page 3. Ms. Dahlhausen moved to accept the minutes as amended. Ms. Swaney seconded the motion. By voice vote, motion approved.

Mayors Report:

Mayor Fischbach reported that the drainage issue on West Center Street was being resolved.

Mayor Fischbach stated that the Strategic Planning Committee had basically completed a community survey but the Committee wanted to hold off sending it out for reasons that included there being a Library survey out at the same time and a potential Kent survey about the school districts in the spring. In conference with our Solicitor, Mayor Fischbach stated that Council needed to make the decision on whether to send out the survey or not. Mayor Fischbach recommended going forward with the survey because the results would be a great tool for the next administration. Mayor Fischbach asked Council for an up or down vote on the matter. Mr. Boehnlein asked to be able to review the proposed survey before voting on it. Mayor Fischbach asked that Council be provided with a copy of the survey and prepare for a vote at the next meeting.

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Mayor Fischbach reported that as a result of the high temperatures several hanging baskets and the flowers in the islands had died. Street Department will be replacing the flowers in the islands with mums before the Antique Market and the Apple Butter Festival. Chamber of Commerce is looking into replacing the failed hanging flower baskets.

Mr. Garner asked why flowers were being watered with the big truck in the dark. Mayor Fischbach stated one factor was to avoid traffic problems. Mr. Erickson gave an explanation saying that watering in the hot sun was not good for the plants. Mayor Fischbach noted that the big truck was needed to get the job done correctly.

Council Committees:

BPA and Local Government – C. Ronyak

Mr. Ronyak reported that Burton Township is clearing trees at Georgia and 608 and that their meeting with the Fire Department went well.

BCPA, Newsletter – J. Dahlhausen

The newsletter recently is going out toward the end of this month. Ms. Dahlhausen asked if fall brush pickup has been advertised. Mr. Paquette answered that it had not. At the BCPA meeting Claridon Township reported that it is expanding its cemetery because they are running out of room. Claridon will have a meeting with Joe Cattell on October 5th to discuss erosion control. Claridon is putting a continuous levy on the ballot for the Fire Department. Thompson Township has an ongoing sewer project and also has a cemetery problem. Burton Township is putting on a levy for Streets; they are down to one street department employee.

Ledgemont High School has been shuttered and put up for auction. Berkshire School District is up 60 students through open enrollment. Cardinal has declined to take Ledgemont and declined to participate in the consolidated school district but did encourage students from Ledgemont and the surrounding to join them in open enrollment.

BCPA meets again on 22 Sep 2015 at Burton Township.

Health District Rep, BZA, Finance – C. Boehnlein

Mr. Boehnlein reported that the Finance Committee did meet and he recommended a presentation be made to all of Council. Mayor Fischbach and Council decided to hold a Finance Committee presentation at 6 PM on 28 September, prior to regular Council which would start at 7 PM.

Historic District Association, Grants, Century Village – L. Swaney

Ms. Swaney has applied for a Wal-Mart grant to go towards Safety Town in 2016. Historic District Association would like to take a look at some of the ordinances involving the Historic District and will be contacting the Planning Commission through the Mayor to discuss.

Cemetery, Trees and Parks – R. Dobay

Ms. Dobay had nothing to report for the Cemetery. The Tree Committee was well covered by the Arborist. Ms. Dobay is working with Kent State and the Auburn Career Center to revise the Village website. Ms. Dobay asked anyone at Village events take pictures so that they can archive them.

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

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Mr. Blair stated that schools consolidation was covered very well by Ms. Dahlhausen. Chamber of Commerce has met. The Planning Commission has not met.

Old Business:

Mayor Fischbach stated to Council that he was referring the proposed ordinance regulating and establishing maintenance standards for property in the Village to the Planning Commission for review. Ms. Dahlhausen asked if a meeting was scheduled and the Mayor stated that he planned to call one in the next week.

Mayor Fischbach stated the two preferred candidates for the open Street Department position were no longer available. A new search for candidates was commencing with the hope of finding a new employee before the end of October.

Mayor Fischbach and Council asked what the revision to the Historic District Ordinance, Chapter 159 in the Codified Ordinances was about. Mr. Paquette stated that it was prepared by legal and was an update of Chapter 159 that Council was being asked to review before an ordinance was prepared for adoption into the Codified Ordinances.

Ms. Dahlhausen asked for a final decision on times for Halloween. Mayor Fischbach stated that Trick or Treat will be celebrated on the traditional date, 31 October, as it falls on a Saturday this year. Council discussed possible time ranges noting that the other events put on by the Chamber of Commerce and the Fire Department usually adjusted to the times of Trick or Treat set by the Village. Ms. Dahlhausen moved to set the time for Trick or Treat as 5:30 PM to 6:30 PM. Mr. Boehnlein seconded the motion. By voice vote motion passed.

New Business:

Mr. Paquette reported that Anthem BC/BS healthcare for the Village employee health insurance coverage came in with a quoted 4.5% increase for the coming year. Mr. Paquette asked for a motion to accept. Mr. Boehnlein moved to accept Anthem Healthcare health insurance coverage for the Village employees in the next year. Ms. Dobay seconded the motion. By voice vote, motion approved.

Mr. Paquette reminded Council that the first meeting in October, the 12th, falls on the Columbus Day Holiday. The default procedure is to hold Council on the first Tuesday after the Holiday, in this case the 13th. The 13th is also BPA's meeting night. Mr. Paquette asked Council if they wanted to meet in joint session with BPA on the 13th or on a different night. Mr. Blair and Mr. Boehnlein stated that they would not be able to attend a meeting on the 13th. Mayor Fischbach set a date of October 19th to hold the meeting. Ms. Dahlhausen reported that she would be unavailable on the 19th.

Mr. Paquette reminded the Mayor that the AGAPE school class was visiting the Village Office to see him early in the morning of the 18th of September.

Mr. Paquette reported that the next ODOT Garage repurposing meeting was being held on 30 September 2015 at the Berkshire Board of Education building at 8 AM.

Mr. Ronyak moved to adjourn and Ms. Dahlhausen seconded the motion. Meeting adjourned at 8:40 PM.

Mayor/President Pro Tempore

Fiscal Officer