

Burton Village Council Minutes
11 July 2016

Mayor Koster opened the meeting and called to order a Public Hearing on the 2017 Tax Budget for the Village at 7:00 PM. Mayor Koster asked Mr. Paquette to explain the tax budget. Mr. Paquette stated that the tax budget for 2017 was a requirement for presentation to the County Budget Committee to make sure that appropriations do not exceed revenue and available carryover. The budget for 2017 is estimated at \$2.1 million. Mr. Paquette asked if there were any questions from the public. There being none, Mayor Koster closed the public hearing at 7:03 PM.

Mayor Koster called to order a Public Hearing on the proposed zoning changes in the Village at 7:03 PM. Mr. Paquette explained to the public that the Planning Commission had reviewed zoning in the Village and made the following recommendations to Council. That the parcel known as the Welton Cemetery Annex on Goodwin Avenue be changed from R-2 Residence to S-1 Special to denote its use as a Cemetery. That the parcel at 14557 Baird Street known as Geauga Maid Apartments be changed from B-2 Highway Business to R-3 Multiple Residence to denote its primary use as an area of apartments. The two businesses on the property have received variances and can continue to operate as they are. That the parcel at 14576 West Park Street be changed from S-1 Special to B-1 Central Business to better reflect its past and future uses as a business property. That the parcels collectively known as Shannon Court Condominiums accessed off Carlton Street be changed from R-2 Residence to R-3 Multiple Residence to have the zoning reflective of the use of the property. In response to questions Mr. Paquette explained that there is no change of use to the property owners in Shannon Court and property surrounding Shannon Court does not change zoning. Over the years since Shannon Court was constructed zoning definitions and uses have changed. The Planning Commission recommends to Council these changes so that Zoning in the Village is up to date for these parcels. The Planning Commission is continuing to review zoning in the Village. There being no further questions from the public Mayor Koster closed the Public Hearing at 7:09 PM.

Mayor Koster called the regular meeting of the Burton Village Council to order at 7:09 PM.

Visitors:

Joe Koziel, Marcianne Kimpton, Jack Garner, M. Eagle, Judy Beaumier, Newell Beaumier, Lee Koroshes, Jane Koroshes, Ann Wishart, Terri McIntee, Dave Cseplo, Ken Butler, Brian Brockway, Elmer Bollinger, Nick Vizey, Debbie Palmisano, Rick Smigelski

Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Roberta Dobay – Yes, Craig Ronyak – Yes, Lisa Hernandez – Yes, Charlie Blair – Yes.

Mayor Koster asked for a motion to approve or amend the minutes of the Council meeting on 23 May 2016. Mr. Ronyak moved to accept the minutes as written. Mr. T. Blair seconded the motion. Roll Call: Craig Ronyak – Yes, Tom Blair – Yes, Lisa Hernandez – Yes, Roberta Dobay – Yes, Charles Boehnlein – Yes, Charlie Blair – Yes. Motion passed.

Mayor Koster asked for a motion to approve or amend the minutes of the Special Council meeting on 7 June 2016. Mr. Ronyak moved to accept the minutes as written. Mr. T. Blair seconded the motion. Roll Call: Craig Ronyak – Yes, Tom Blair – Yes, Lisa Hernandez – Yes, Roberta Dobay – Yes, Charles Boehnlein – Yes, Charlie Blair – Yes. Motion passed.

Mayor Koster asked for a motion to approve or amend the No Quorum report of 13 June 2016. Mr. Boehnlein moved to accept the report and Mr. Ronyak seconded the motion. By voice vote the motion passed.

Mayor Koster asked for a motion to approve or amend the No Quorum report of 27 June 2016. Mr. Boehnlein moved to accept the report and Mr. Ronyak seconded the motion. By voice vote the motion passed.

Mayor Koster asked for a motion to approve or amend the agenda for 11 July 2016. Mr. Boehnlein moved to accept the agenda as written. Mr. C. Blair seconded the motion. Roll Call: Charles Boehnlein – Yes, Charlie Blair – Yes, Craig Ronyak – Yes, Tom Blair – Yes, Lisa Hernandez – Yes, Roberta Dobay – Yes. Motion passed.

Fiscal Officers Report:

Mr. Paquette asked if there were any questions concerning the revenue and expenses summary as presented. There were no questions.

Mr. Paquette stated that he would place the two retired Village police vehicles up for auction in the coming week and would set the reserve price at \$2000 for each. Council agreed.

Mr. Paquette deferred the remainder of his report to Chief Smigelski. Chief Smigelski recommended to Council that a crosswalk be installed across Route 87/West Center from Preston Ford to Preston Kia on the south side to accommodate increased pedestrian traffic between the two sites. Council asked questions about the placement of the crosswalk and the impact of the car carrier unloading area on the crosswalk. Mrs. Hernandez mentioned that the unloading of cars on the side of the road still presents a problem for motorists turning from Rapids Road. Several others present also agreed that car carrier blocking the view of oncoming traffic was a significant problem. Chief Smigelski will speak to Mr. Preston about moving all offloading to the parking area at Preston Kia. Chief Smigelski will also discuss the placement of the crosswalk with the Village engineer. The public also commented on the use of Seco and Elmar as a cut through and asked about the removal of the stop sign at Seco and Elmar. Chief Smigelski asked Council to approve the appointment of three auxiliary officers to the Burton Police Department with no pay. Mayor Koster stated that he had reviewed the resumes of the officers and was in

agreement. Mr. Ronyak moved to have the Mayor and the Chief of Police appointment three officers to the Burton Police Department as auxiliary officers. Mr. Boehnlein seconded the motion. Roll Call: Craig Ronyak – Yes, Charles Boehnlein – Yes, Tom Blair – Yes, Charlie Blair – Yes, Lisa Hernandez – Yes, Roberta Dobay – Yes. Motion passed.

Chief Smigelski asked Council about increasing the number of Handicap parking spots on Main Street to four, one at each end and both sides of the business district. Council discussed and agreed to four slots. Mr. Boehnlein moved to have four handicap spots and Mr. Ronyak seconded the motion. By voice vote the motion passed. Mr. Brockway suggested that the four was too many. Other members of the public felt that having more was important. A counter proposal to place two handicap spots about halfway up the business district near the crosswalk on each side was offered. Mr. Ronyak moved to amend the original proposal to reflect two handicap spots and Mr. C. Blair seconded. By voice vote the motion passed.

Chief Smigelski will be going out for the Chip and Seal bids for Spring Street from West Park to the cul de sac at the west end of Spring Street. Chief Smigelski also mentioned that Fireworks went well.

Ordinances and Resolutions

Mr. Boehnlein placed Ordinance 2300-16, adopting the 2017 Tax Budget and declaring an emergency, on final reading and moved to adopt. Mr. Ronyak seconded the motion. Roll Call: Charles Boehnlein – Yes, Craig Ronyak – Yes, Lisa Hernandez – Yes, Roberta Dobay – Yes, Tom Blair – Yes, Charlie Blair – Yes. Ordinance 2300-16 is adopted.

Mr. Boehnlein placed Resolution 2016-09, requesting tax advances for the second half real estate tax collection on July 7th and July 21st and declaring an emergency, on second reading and moved to waive further readings. Mr. Ronyak seconded the motion. Roll Call: Charles Boehnlein – Yes, Craig Ronyak – Yes, Lisa Hernandez – Yes, Roberta Dobay – Yes, Tom Blair – Yes, Charlie Blair – Yes. Motion passed.

Mr. Boehnlein moved to adopt Resolution 2016-09 and Mr. Ronyak seconded the motion. Roll Call: Charles Boehnlein – Yes, Craig Ronyak – Yes, Lisa Hernandez – Yes, Roberta Dobay – Yes, Tom Blair – Yes, Charlie Blair – Yes. Resolution 2016-09 is adopted.

Mr. Boehnlein placed Ordinance 2301-16, rezoning parcel 05-707012 from R-2(Residence) to S-1(Special), on second reading.

Mr. Boehnlein placed Ordinance 2302-16, rezoning parcel 05-015300 from B-2(Highway Business) to R-3(Multiple Residence), on second reading.

Mr. Boehnlein placed Ordinance 2303-16, rezoning parcel 05002570 from S-1(Special) to B-1(Central Business), on second reading.

Mr. Boehnlein placed Ordinance 2304-16, rezoning certain parcels in Shannon Court from R-2(Residence) to R-3(Multiple Residence), on second reading.

Mayors Report:

Mayor Koster mentioned that although 4th of July fireworks have already taken place Council has been asked about donating to American Legion Post 459 to defray the cost. Council discussed and decided to provide \$500 in next year's budget as a donation. Mr. Ronyak moved to budget a donation of \$500 for fireworks in 2017. Mr. C. Blair seconded the motion.

Roll Call: Craig Ronyak – Yes, Charlie Blair – Yes, Lisa Hernandez – Yes, Roberta Dobay – Yes, Tom Blair – Yes, Charles Boehnlein – Abstain.

Mayor Koster explained to Council that a three member Local Income Tax Review Board needed to be appointed to meet the requirements of our income tax ordinance. One member will be appointed by the Mayor and the other two by Council. Membership is restricted to those people who are not employees or contractors of the Village within the last five years. Please send recommendations to the Mayor or Mr. Paquette in the Village office.

Old Business

Mayor Koster asked if there was any discussion on the Historic District Ordinance Chapter 159 or the Property Management Ordinance. Council asked to have another copy sent to them for review at the next meeting. Mayor Koster agreed that any discussion should wait until Council had looked over the two proposed ordinances again.

New Business

Mayor Koster stated that he will get together with department heads to schedule a second Capital Improvement plan meeting. Council will be notified of its time and place.

The unclaimed parcel next to 14527 North Cheshire and around the buildings on the east side of the business district is under review by the Village to determine whether the Village can get ownership to preclude possible future legal disputes of the area. Mr. Hess stated that his review showed that the unclaimed parcel was, in past tax maps, a part of the Village road right of way as an alley. Mayor Koster stated that he had a quote from a title search company of about \$3000 to establish clear title for the Village. Mr. Hicks suggested that more quotes be obtained and that the Village look at working with the County obtain the property title at little or no cost. Council agreed.

Mayor Koster asked Council if they had reviewed the proposed resolution allowing the Fiscal Officer to pay those invoices of a routine or time sensitive nature and certified as to funds available prior to Council approval as needed. Council discussed and generally felt the resolution met their needs. Mr. Boehnlein placed Resolution 2016-10 on first reading as stated by the Mayor.

Open Public Participation

Ms. Terri McIntee introduced herself and gave a brief summary of her background and qualifications as she is running for the Ohio House.

Mr. Jack Garner indicated his opposition to the purchase of the unclaimed parcel near 14527 North Cheshire.

Mrs. Beaumier suggested that Council take up the discussion of a bed tax. And Mrs. Beaumier asked for an update on the Chamber of Commerce lawsuit. Mayor Koster stated that Council would be asked to enter executive session at the end of the meeting to discuss the matter further.

Mr. Koroshes congratulated the Street Department for the great job they are doing.

Mr. Cseplo asked Council to reconsider placing a stop sign on Seco at Elmar to promote safer travel. Mr. Garner was opposed.

Mayor Koster asked Council to go into executive session to discuss pending litigation with the Chamber of Commerce. Mr. C. Blair moved to enter executive session to discuss pending litigation and Mr. Boehnlein seconded the motion. Roll Call: Charlie Blair – Yes, Charles Boehnlein – Yes, Lisa Hernandez – Yes, Roberta Dobay – Yes, Craig Ronyak – Yes, Tom Blair – Yes. Council entered executive session at 7:57 PM.

Mr. Boehnlein moved to return to regular session at 8:40 PM. Mr. C. Blair seconded the motion.

Mr. C. Blair moved to authorize the Mayor attempt to negotiate a potential settlement agreement with the Chamber of Commerce using the ground use lease proposal as a framework. Mr. T. Blair seconded. Mr. Hicks reminded Mr. T. Blair of the potential conflict of interest and the resulting potential invalidation of any agreement because of that conflict. Mr. T. Blair withdrew his second of the motion. Mayor Koster asked if there was a second. There being none, the motion died.

Mr. Ronyak moved to adjourn the meeting. Ms. Dobay seconded the motion. Roll Call: Craig Ronyak – Yes, Roberta Dobay – Yes, Lisa Hernandez – Yes, Charlie Blair – Yes, Tom Blair – Yes, Charles Boehnlein – Yes. Meeting adjourned at 8:46 PM.

Fiscal Officer

Mayor /President Pro Tem