

Burton Village Council Meeting
Minutes
September 23, 2019

Visitors: Todd Hicks, Jennell Dahlhausen, Jack Garner, Ann Wishart, Dan Demko, Richard Frenchie, Joe Koziol, Dale Markowitz, Jay Crafton, John Stoddard, Beth McCaffery, John Manfredi, Jay Crafton, Chief Wendl, Debbie Palmisano.

President Pro Tem Boehnlein called the meeting to order at 7 PM.

Roll Call:

Ruth Spanos – Yes, Tom Blair – No, Nick Tromba – Yes, Bonnie Richards – Yes, Cory Brown – Yes, Charles Boehnlein – Yes.

Mr. Tromba moved to approve the agenda, seconded by Ms. Richards. By voice vote, the motion passed.

Mr. Brown moved to approve the minutes of September 9, 2019, seconded by Ms. Richards. By voice vote, the motion passed.

Mr. Tromba moved to approve the minutes of September 16, 2019, seconded by Ms. Richards. By voice vote, the motion passed.

Mayors Report

Mayor provided a report by email to Council.

Standing Committees

Finance, Funding and Personnel Committee – Mr. Tromba and Ms. Spanos will be meeting to discuss the 2020 Interim Budget on Monday, October 7 at 6:30 PM.

Police Department Report – The Police Chief was not available to report.

Fire Department Report – Chief Wendl reported the Fire Department had 89 calls for August, which included fair calls.

Street Committee – The Miller Brothers Concrete invoice came in slightly higher than the quoted price because a few truncated domes needed replaced at crosswalks. Mr. Boehnlein moved to approve the invoice from Miller Brothers Concrete for \$6,314.40, seconded by Mr. Brown. Roll Call: Charles Boehnlein – Yes, Cory Brown – Yes, Bonnie Richards – Yes, Nick Tromba – Yes, Ruth Spanos – Yes. Motion passed.

Council Reports on Independent Boards and Commissions

Board of Public Affairs – Mr. Brown will attend the next BPA meeting.

Board of Zoning Appeals – Mr. Blair had was not available to report.

Cemetery Board – Ms. Richards stated the Cemetery Board met and offered a \$500 donation to the American Legion to repair one of the brick walls at the veteran memorial at the cemetery.

Historic District Architectural Review Board – Ms. Spanos stated the board approved a railing change and window replacement.

Planning Commission – Mr. Blair had was not available to report.

Tree Commission – Ms. Richards stated the Tree Commission met and changed the type of trees to be handed out on Arbor Day. They are obtaining quotes for tree removals in the village and would like to get the honey locus trees on Main Street on a pruning schedule every few years.

Arbor Day will be held in the park on October 12th at 10 AM.

Ms. Palmisano hoped there would be tree planting in the budget for Goodwin Ave but this wasn't thought of for the project.

Berkshire Community Planning Association – Mr. Brown had nothing to report.

Geauga County Fair Board – Mr. Boehnlein had nothing to report.

Century Village – Ms. Spanos stated the Century Village will be holding the Apple Butter Festival in early October.

Chamber of Commerce – Mr. Boehnlein stated Oxtoberfest will be held in the park the same weekend as the Apple Butter Festival.

Burton Historic District – Ms. Spanos stated they are working on providing micro grants to people doing construction on their homes in the Historic District.

Berkshire Board of Education – Mr. Tromba had nothing to report.

Geauga Growth Partnership – Mr. Boehnlein had nothing to report.

Fiscal Officers Report

Ms. Dahlhausen stated Warrens Spirited Kitchen requested installing a canopy over their patio again and filled out a Mayors Permit without a fee in 2018. The Zoning Inspector suggested they be charged the \$50 Mayors Permit fee and Ms. Dahlhausen explained there is a \$50 fee for a temporary sign/banner permit. Council agreed to charge the \$50 fee.

Ms. Dahlhausen reminded Council the Fire contract and Thrasher, Dinsmore & Dolan contract expire at the end of the year, and the Hess Engineering contract expires February of 2020.

Ms. Dahlhausen received news that healthcare costs for employees will not increase next year. She will email the information to Council and will need a motion to approve Anthem Blue Cross and Blue Shield for 2020. This will be placed on the next agenda.

Solicitors Report:

Mr. Hicks will mention an update on Hillside and Berkshire School under Old Business.

Engineer's Report:

Mr. Hess has begun work for the Goodwin Ave Improvement project.

Zoning Inspector's Report:

Mr. Gruber is dealing with a few pending zoning violations in the village.

Invoice Approval

Ms. Richards moved to pay approved invoices, seconded by Mr. Brown. Roll Call: Bonnie Richards – Yes, Cory Brown – Yes, Nick Tromba – Yes, Charles Boehnlein – Abstain, Ruth Spanos – Yes. Motion passed.

Ordinances and Resolutions

Mr. Boehnlein placed Ordinance 2367-19, accepting the HCC Public Risk of Ohio Property and Liability Insurance Contract and authorizing the Mayor and Fiscal Officer to enter into an agreement with Pease Kerr Canfield Insurance Partners as agents for the HCC Public Risk of Ohio in an amount not to exceed \$14,700.00 and declaring an emergency, on first reading.

Old Business

Mr. Hicks stated Mr. Demko has filed for annexation with the County Commissioners. The Burton Township Trustees gave a proposal to the village to agree to a JEDD with Berkshire Schools with a 25% township and 75% village revenue split, to agree to the annexation request with Hillside Village with a 50% township and 50% village for the property tax in perpetuity, as well as no annexation approvals without the consent of the township within the next 25 years. Council didn't feel this was an acceptable offer but decided it would be a good idea to discuss a JEDD.

Mr. Markowitz attended, who is experienced in JEDD's. Mr. Tromba asked if everyone in the JEDD is required to pay income tax. Mr. Markowitz stated the village could exclude the Kent Campus, but being the property owner Kent would have to consent to the JEDD. All parties involved would need to consent to the JEDD, including the township, Berkshire, Kent and possibly the County.

Mr. Tromba asked if we would determine what services are provided by the village to those within the JEDD. Mr. Markowitz stated that would be determined while the JEDD is organized.

Council asked the representatives from Berkshire if they would agree to a JEDD. Mr. Stoddard stated they would agree to a JEDD and would like to see the project move forward as quickly as possible. He added that the School District needs water and sewer service to move forward with

their project and send bids out. He stated they are willing to do what is needed to obtain these services.

Mr. Gruber stated the Kent property is currently zoned residential but the County Prosecutor is reviewing if they will need a variance or conditional use for the property.

Mr. Markowitz stated he has never seen a circumstance where an annexation and JEDD topic have been grouped and feels the situation is unusual. Mr. Hicks stated he senses Council may be put off by the proposal from the Trustees since they are grouped, but he pointed out that agreeing to the proposal from the township would get both Hillside and the school what they are looking to accomplish.

Ms. Spanos doesn't agree with the proposal. She stated it isn't practical if we agree to annex Hillside and only obtain half of the property tax in perpetuity while we are providing all of the services needed to this property in perpetuity.

The Berkshire School Architect, Mr. Crafton, stated they need an answer by the beginning of October to stay on schedule. He is concerned from a construction and financial standpoint with pushing back their schedule if a decision isn't made by Council.

Mr. Frenchie stated Hillside's project schedule has also been pushed back and he would like Council to move forward with a decision quickly.

Mr. Manfredi stated they can't push back this project and told Council the School Board would work with the village in signing a memorandum so they can move forward. They don't want the village to lose from the school moving outside the village.

Mr. Stoddard stated he understands Kent State is not interested in having their employees pay taxes. Mr. Markowitz mentioned they could be excluded from taxes in the JEDD agreement.

Ms. Dahlhausen suggested a special meeting in the meantime to discuss specifics on the JEDD but not all of Council is available to meet together until the regular meeting on October 15th. Ms. Dahlhausen also mentioned the village hasn't received a deposit before the set of plans that were submitted. Mr. Hess stated he can begin reviewing the plans once a deposit is submitted and requested the school submit 3 copies of plans for review.

Ms. Spanos moved to require a \$15,000 deposit for expenses incurred for Berkshire School project, seconded by Mr. Brown. Roll Call: Ruth Spanos – Yes, Cory Brown – Yes, Nick Tromba – Yes, Charles Boehnlein – Abstain, Bonnie Richards – Yes. Motion passed.

Council asked Mr. Hicks to write a memorandum to supply utility services to the school if they agree to a JEDD. This will be ready for the next meeting on October 15th.

Mr. Demko stated the Hillside Village petition for annexation has been submitted to the Geauga County Commissioners. They are to meet in no less than 60 and no more than 90 days of receiving the request.

New Business

Mr. Hicks stated Ms. Matheney provided to Council Amendment Two to the cell tower lease with T-Mobile. They have requested a few changes to the lease, including decreasing the rent. The village was able to add a few concerns as well, such as weight limits and T-Mobile being responsible for removing their towers if needed for painting the tower. Council will need to approve the Amendment so Ms. Matheney can respond to T-Mobile.

Mr. Brown moved to approve Amendment Two to the T-Mobile lease, seconded by Mr. Tromba. Roll Call: Cory Brown – Yes, Nick Tromba – Yes, Ruth Spanos – Yes, Charles Boehnlein – Abstain, Bonnie Richards – Yes. Motion passed.

Open Public Participation

There was nothing to report.

Mr. Brown moved to adjourn, seconded by Mr. Boehnlein. By voice vote, the motion passed. Meeting adjourned at 8:43 PM.

Fiscal Officer

Mayor/President Pro Tem