

Joint Burton Village Council and Board of Public Affairs  
Minutes  
11 October 2016

Mayor Koster called the meeting to order at 7:00 PM

Roll Call, Council: Charles Boehnlein – Yes, Tom Blair – Yes, Roberta Dobay – Yes, Craig Ronyak – No, Lisa Hernandez – Yes, Charlie Blair – Yes.

Roll Call, BPA: Timothy Barber – Yes, Curt Johnson – Yes, Jeremy Neill – Yes.

Visitors: Jacqueline Samuel, Henry Penttila, Marcianne Kimpton, Megan Williams, Dave Williams, Adele Hix, Joe Walkos, Ann Wishart, Mike Karlinsky, Doug Smith, Paul Eaton, Jack Garner, Lenore Pikus, George Hess, David Ondrey, Rick Gruber.

Mr. T. Blair moved approve the Council minutes of 26 September 2016 and Ms. Hernandez seconded the motion. By voice vote the motion passed.

Mr. Johnson moved to approve the BPA minutes of 13 September 2016 and Mr. Barber seconded the motion. By voice vote the motion passed.

Mr. Johnson moved to approve the BPA minutes of 20 September 2016 and Mr. Barber seconded the motion. By voice vote the motion passed.

Mr. Boehnlein moved to approve the agenda for 11 October 2016 and Mr. T. Blair seconded the motion. By voice vote the motion passed.

Mr. Neil moved to approve the agenda for 11 October 2016 and Mr. Johnson seconded. By voice vote the motion passed.

Recognition of Visitors:

Mayor Koster recognized Jacqueline Samuel. Mrs. Samuel introduced Mr. Penttila as her architect. Mrs. Samuel went on to explain that she is a township resident living just north of the Village. Mrs. Samuel comes to BPA for permission to tap into the Village water and sewer line running in front of her property. Mr. Penttila explained that a passive solar, net zero energy home is being considered for construction on the lot being split off. Construction would be with the assistance of Kent State Geauga students as a demonstration project for an energy conservation building. The new parcel is requesting water and sewer connections, the original parcel will probably continue with just a water connection. Mrs. Samuel petitioned the Burton Township for a lot split on her parcel at 14219 Claridon Troy Rd. Burton Township has denied the request and she indicated she would appeal. The new parcel will be approximately 1.2 acres. Mr. Johnson mentioned that he remembered a Council rule precluding water and sewer connection without annexation. Mrs. Samuel offered to be

annexed. Mr. Ondrey noted that there were likely obstacles to annexation in that Mrs. Samuel's property was not immediately contiguous with the Village and the application needed to go before the County Commissioners. The Township trustees would also have a say. Mr. Paquette stated that he would do further research however recent searches have not revealed any ordinance or resolution specifically precluding extension of service. Mayor Koster pointed out that at one point in time the Village had annexed out to Kent State however Village residents voted by referendum to rescind it. Mr. Ondrey pointed to BPA Rules and Regulations Section 209 which grants the BPA leeway to extend service on a case by case basis. Mr. Johnson mentioned that the need to annex was necessary for the Village to receive compensation for providing its services. The restrictions would not follow the deed unless the Village asked for a deed restriction. Mr. Barber moved to allow Mrs. Samuel to connect her new home to Village water and sewer pending lot split approval with Burton Township, an agreement from Mrs. Samuel not to contest annexation, and upon verification of the Village's ability to provide this service and Council agreement to the proposal. All valid for twelve months from issuance of the builders permit and given that no additional extension of existing Village water and sewer mains was required. Mr. Neill seconded the motion. Roll Call: Tim Barber – Yes, Jeremy Neill – Yes, Curt Johnson – No. Motion passed.

Mayor Koster recognized Ms. Adele Hix. Ms. Hix represents the Medical Reserve Corp. of the Geauga County Health Department. Ms. Hix provided Council and those present with an information briefing about the zika virus, the mosquitoes that carry it and the County effort to prevent it. The zika virus is predicted by the Center for Disease Control to reach Ohio in four years. After briefly describing the health effects of the virus, Ms. Hix talked about prevention and the County efforts to be proactive in preventing the spread of the virus. Key to stopping the spread was getting rid of standing, stagnant water. Old tires, bird baths or anything that had stagnant, untreated water was a potential breeding ground for these zika carrying mosquitoes. The Department of Health is pushing to pick up old tires. Ms. Hix left a mosquito treatment called a "Dunk" which, when placed in stagnant water killed only the mosquitoes and was safe for people, animals and birds to handle. Consumption by birds and animals was also safe. Council thanked Ms. Hix for the information.

Mayor Koster asked Mr. Gruber to provide a report to Council on the Ronyak driveway access. Mr. Gruber reported that nothing has been turned into the Village by Ronyak Paving requesting a permit to build a driveway across a residential property they own or utilize access from Colony Lane to the Ronyak property. In 2015 the Village recommended to Mr. Ronyak that they either apply for a lot split and zoning change or ask for a use variance. No action was taken at that time other than to

confer with the Village engineer on driveway location. There are no restrictions on the installation of a driveway on residential property in the Village. Use of a driveway for commercial purposes would not be consistent with zoning in R-1, therefore a use variance is recommended. Mr. Ronyak has been told this. Mayor Koster asked about the Township meeting with Mr. Ronyak. Mr. Gruber thought they might have although the Township does not have any real say in the matter.

Mayor Koster noted that Lisa Briggs was on the agenda but not present. Ms. Briggs was promoting a 4H Club "Trick or Can" door to door food drive 29 October 2016 and wanted to let Council and the Village residents know. Ms. Hernandez mentioned that in the past St. Helens has done something similar.

#### Fiscal Officers Report:

Mr. Paquette presented the summary of Revenue and Expenses to Council and BPA. There were no questions. Mr. Paquette reported that he is preparing the 2017 Budget and waiting on Street and Police for their input.

Mr. Boehnlein moved to accept and pay approved invoices. Mr. T. Blair seconded the motion. By voice vote the motion was accepted.

#### Cashiers Report:

Ms. Pikus asked BPA to certify to taxes Account 4080 in the amount of \$1,267.63. Account 4080 does not pay sewer bill and refuses to be metered for water use. Mr. Johnson moved to certify Account 4080 to taxes and Mr. Neill seconded the motion. Roll Call: Curt Johnson – Yes, Jeremy Neill – Yes, Tim Barber –Yes. Motion passed.

Ms. Pikus presented a request by Mike Karlinsky, representing the Burton American Legion Post. Mr. Karlinsky requested credit for a portion of 58,957 gallons of billed usage for a leaking toilet. Average usage is around 3,500 gallons. BPA discussed the problem. All the water went down the drain and so entered the sewer system. The Legion has paid \$250.00 of a \$1,125.85 bill. The Legion would like to be forgiven some portion of the remaining bill. Mr. Johnson moved to forgive the remaining water bill for the American Legion in the amount of \$434.36 and applying the \$250 paid to the remaining \$691.49 making their amount owed \$441.49 and Mr. Barber seconded the motion. Roll Call: Curt Johnson – Yes, Tim Barber – Yes, Jeremy Neill – No.

Ms. Pikus stated that the Berkshire Hills Apts., Siobhan McCulloch-Orr, asked for a credit toward the bill at 13807 Ford Lane. The tenant's average use is 8,491 gallons but was billed for 16,519. This was due to a water line break under the apartment building. Berkshire Hills is asking that

the tenant pay the \$187.00/water and sewer bill and the management company of Berkshire Hills is asking to pay the remainder of 8,028 gallons as water only, \$66.41. Mr. Johnson moved to accept the proposed payment agreement with Berkshire Hills and Mr. Barber seconded the motion. Roll Call: Curt Johnson – Yes, Tim Barber – Yes, Jeremy Neill – Yes. Motion passed.

Ms. Leona Carver asked for a credit of \$116.21, the cost of her water shut off, because she experienced bank fraud and wasn't sure she could afford to pay it on time. Mayor Koster reminded BPA that bank fraud could be documented with a police report. Mr. Johnson moved to decline Ms. Carver's request for credit on her bill. Mr. Neill seconded the motion. Roll Call: Curt Johnson – Yes, Jeremy Neill – Yes, Tim Barber – Yes. Ms. Carver will be advised that she can resubmit her request with extenuating proof.

Ms. Pikus reported that Mr. Cook was late for the first time. It was a problem with post office delivery. Mr. Barber moved to forgive the late fee because it was a first offense. Mr. Johnson seconded the motion. Roll Call: Tim Barber – Yes, Curt Johnson – Yes, Jeremy Neill – Yes.

Ms. Pikus made a formal announcement about her departure from Village employment effective end of the day 12 October 2016. Council and BPA thanked her for her service.

#### Engineers Report:

Mr. Hess reported that Preston has submitted a new site plan for their Rapids Road property. Mayor Koster asked Mr. Paquette about fees for the work. Mr. Paquette will work with Mr. Hess and Mr. Gruber to ensure that all costs are covered by the permit is approved. Mr. Hess was asked about the work being done on Rapids Road with soil replacement. Mr. Paquette advised Council that this was being done by the Village Street Department as a result of settling from the Rapids Road repair project.

#### Operators Report:

Mr. Eaton stated that he had nothing to report. Mr. Paquette added that the permit to install was being sent in to Columbus EPA after it was signed by the Mayor.

Mayor Koster reported that Chief Smigelski had a quote for the siding the Street garage but was unable to attend tonight's meeting. Mr. Paquette noted that without the quote tonight Council would not be able to accept the price and therefore the work might not be finished this year. In addition, the Village did not receive any quotes to do chip and seal on Spring Street because the companies asked stated that it was too late in the season for them to do the work.

#### Ordinances and Resolutions:

Ms. Dobay questioned why the parcels in Ordinance 2305-16 were being rezoned and voiced her objections to the rezoning. Mr. Paquette explained that the Planning Commission recommended changing the zoning to bring it more in line with how the majority of the parcels in this area were being used. Ms. Dobay felt that one of the homes in the ordinance was no longer being used as multifamily and so should revert to single family. Mr. Paquette explained that the Planning Commission is less concerned with the immediate use and more so the future use or its ability to be used in the future. Ms. Dobay felt that changing the zoning to include properties not currently in use as multi family was an error. Mr. Paquette recommended that Ms. Dobay might address these types of concerns with the Planning Commission pointing out that numerous parcels throughout the Village were being used as multifamily in single family areas. Mayor Koster added that these were the types of issues the Planning Commission was starting to address. Ms. Dobay also objected to the length of time allowed for visitors to stay in a Bed and Breakfast, saying that it should be no more than seven days. Ms. Dobay further discussed requirements for what was needed to make a home a bed and breakfast and who would inspect or follow up. Ms. Dobay stated that she did not think they should be changing the zoning. Council and BPA discussed. Mr. Ondrey informed Council that any change to the zoning ordinances as proposed by the Planning Commission would require a five vote majority. Mr. Paquette stated that the ordinance could be placed on final reading however they could not be voted on until after a Public Hearing. The public hearing in this case is scheduled for 24 October 2016. Mr. Boehnlein moved to table Ordinance 2305-16, rezoning parcels 05-013100 (14629 E Park), 05-013300 (13891 E Center), 05-013200 (13897 E Center), 05-014300 (Parcel adjoining 13897 E Center), 05-017200 (13905 E Center), and 05-029450 (13931 E Center) from R-2(Residence) to R-3 (Multiple Residence); Ordinance 2306-16, amending section 1109.01 Definitions of the Zoning Code of the Village of Burton by modifying the definition of Boarding and Lodging to include Bed and Breakfast; Ordinance 2307-16, adding section 1166.01 Bed and Breakfast to the Zoning Code of the Village of Burton to provide specific regulation for the operation of Bed and Breakfast (Homestay) in the Village; and Ordinance 2308-16, amending section 1135.03 of the Zoning Code of the Village of Burton by including operation of "Bed and Breakfast (Homestay)" as a conditional use in an R-3 Multiple Residence District in the Village. Ms. Hernandez seconded the motion. By voice vote the motion passed.

Mr. Boehnlein placed Resolution 2016-16, 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, on second reading and moved to waive further readings. Mr. T. Blair seconded the motion. Roll Call: Charles

Boehnlein – Yes, Tom Blair – Yes, Charlie Blair – Yes, Roberta Dobay – Yes, Lisa Hernandez – Yes. Motion passed.

Mr. Boehnlein moved to adopt Resolution 2016-16 and Mr. T. Blair seconded the motion. Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Charlie Blair – Yes, Roberta Dobay – Yes, Lisa Hernandez – Yes. Resolution 2016-16 is adopted.

#### Mayors Report:

Mayor Koster reported that Mrs. Hauser had resigned from the Historic District Architectural Review Board. Mayor Koster asked Mr. Paquette to send her a letter of appreciation

#### Old Business:

Council did not discuss the proposed Capital Improvement Plan at this time. Mr. Paquette reported that he was pushing the chip and seal budget on to the 2017 budget. At the end of the year Council can review the funds carryover and determine what projects, if any, they want to perform.

#### New Business:

Mr. Paquette asked Council to accept the quote of Van Curen Tree trimming for brush pick up the week of 24 October. Mr. Boehnlein moved to accept the quote of \$122 per hour quoted by Van Curen Tree Service for fall brush pick up in the Village. Mr. C. Blair seconded the motion. By voice vote the motion passed.

#### Open Public Participation

Mayor Koster recognized Mr. J. Walkos of Colony Lane. Mr. Walkos, a Burton Township resident living on Colony Lane, expressed concern about the potential of a Ronyak Paving Company driveway onto Colony Lane allowing commercial truck traffic to use Colony. Mr. Walkos stated there was something over \$1 million dollars in home investments. Mr. Walkos mentioned options like blocking off Colony at the Village line and asking the township or county to set weight limits. Mayor Koster stated that he had been in touch with Mr. Whiting of Burton Township but nothing has been discussed thus far.

Mr. Johnson moved to adjourn the BPA meeting and Mr. Barber seconded the motion

Mr. Boehnlein moved to adjourn the Council meeting and Mr. C. Blair seconded the motion. Both meetings adjourned at 8:56 PM.

*Fiscal Officer*

*Mayor*