

Burton Village Special Council
Minutes
23 July, 2018

Pledge of Allegiance

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

Visitors: Rick Smigelski, Brian Wendl, Jack Garner, Anne Wishart, Debbie Palmisano, Sharon Moster, Rick Gruber, Chip Hess, Marcianne Kimpton, Lisa Hernandez.

Roll Call:

Ruth Spanos – Yes, Tom Blair – Yes, Nick Tromba – Yes, Cory Brown – Yes, Bonnie Richards – Yes, Charles Boehnlein – Yes.

Mayor Hernandez asked for a motion to approve or amend the minutes of 9 July 2018. Mr. Boehnlein moved to approve the minutes of 9 July 2018 as written. Mr. Blair seconded the motion. Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Bonnie Richards – Yes, Nick Tromba – Yes, Cory Brown – Yes, Ruth Spanos - Yes. Motion passed.

Mayor Hernandez asked for a motion to approve or amend the agenda for 23 July 2018. Mr. Blair moved to approve the agenda as written and Ms. Richards seconded the motion. Roll Call: Tom Blair – Yes, Bonnie Richards – Yes, Nick Tromba – Yes, Ruth Spanos – Yes, Cory Brown – Yes, Charles Boehnlein – Yes. Motion passed.

Standing Committees

Finance, Funding and Personnel Committee- Mr. Tromba and Ms. Spanos had nothing to report.

Safety Committee –

Mr. Brown did not have anything to report but noted that the Berkshire Community Planning Association meets 25 July 2018 to discuss a Fire District.

Chief Smigelski made the June 2018 Police Report. There were 101 calls, 31 traffic stops with no arrests made. There were 3268 miles put on the patrol cars. Chief Smigelski reported that the Safety Town program is being prepared with a date of 15 to 18 August. Preparation for the Fair will begin immediately following Safety Town. Chief Smigelski reported that the Department had advertised for the new officer position. Applications are due 18 August 2018. Council asked if anyone had applied and the Chief responded that there were several candidates already.

Chief Wendl of the Burton Volunteer Fire Department reported to Council that for the month of June there was 1 Fire call and 17 rescue calls in the Village. Total for the entire area for the month was 82 including mutual aid calls. The Fire Department is preparing for the Fair.

The Mayor recognized Sharon Moster. Ms. Moster asked if the Village had twenty-four/seven coverage and if so why were all the cars in the lot when she was walking early one morning. Chief Smigelski explained that the Village didn't have coverage for two midnight shifts each week. The Sheriff covers emergency calls during that time.

Street Committee – Mr. Blair and Ms. Richards

Mr. Blair stated that patching of holes was progressing.

Council Reports on Independent Boards and Commissions

Board of Public Affairs- Mr. Boehnlein had nothing to report. Mayor Hernandez informed Council that Mr. Neill's report on emergency power for water and wastewater plants was moved to the August meeting.

Board of Zoning Appeals – Mr. Blair had nothing to report, except to remind Council that the Strategic Planning Board meets at Kent State Geauga on 2 August 2018 at 7 PM.

Cemetery Board – Ms. Richards had nothing to report.

Historic District Review Board – Ms. Spanos reported that the Board conditionally approved a permit to add roof vents to the roof of the Burton Public Library.

Planning Commission – Mr. Blair reported that the Planning Commission hasn't met except as part of the Strategic Planning Committee, which meets on 2 August 2018.

Tree Commission – Ms. Richards deferred her report to Ms. Palmisano. Ms. Palmisano, the Arborist has supplied Council with a summary of her work for the month. Ms. Palmisano reported back to Council about the dangerous Maple tree at 14688 South Cheshire. As requested she obtained two more quotes; one from Yarnell Tree (\$3800.00) and one from Vallo Tree (\$2150.00). Van Curen's quote was \$2675.00. Council agreed to accept Vallo Tree's bid and noted that there was no damage waiver. Ms. Palmisano will obtain a Purchase Order.

Berkshire Community Planning Association – Cory Brown. Mr. Brown reported that he and Mayor Hernandez will be attending the BCPA meeting on 25 July 2018 at Thompson Township hall. Mr. Boehnlein was invited to attend along with any interested Council member. Mr.

Paquette asked if they would find out whether the BCPA would be sending some kind of dues invoice.

Geauga County Fair Board – Mr. Tromba had nothing to report as the Fair preparations were just beginning.

Century Village – Ms. Spanos reported that the Steam and Power show is scheduled for July 27 to 29. August 18 is the Raccoon Country Music Festival.

Chamber of Commerce – Mr. Blair reported that the Chamber of Commerce is on summer recess. A wood preservative is being applied to the Log Cabin. The Chamber is canning syrup.

Burton Historic District – Ms. Spanos had nothing to report.

Berkshire Board of Education – Mr. Tromba and Ms. Richards reported that they had not yet been able to attend a meeting because of the conflicting schedule. Mayor Hernandez stated he had sent a letter to Mr. Stoddard to get an update on all things concerning the new school. Awaiting a response.

Special Committee Reports:

Environmental Trash Services: Mr. Tromba reported that he was almost done summarizing the results of the RFP's from Rumpke and Wastemanagement. He will present to Council at the next Council meeting on 13 August.

Strategic Planning Commission: Mayor Hernandez and Mr. Blair noted that they are on the final steps to complete a draft of the plan. The next meeting is 2 August 2018. A public session is planned for some time after that meeting in September.

Fiscal Officers Report:

Mr. Paquette asked if Council had any questions about the Council Summary of Revenue and Expenses. Mayor Hernandez asked where the payments for the new Wastewater Treatment plant would come from. Mr. Paquette explained that the revenue collected in the sewer operating fund would be used pay for the loan through a transfer to the Sewer Bond and Interest Fund (E6B).

Solicitors Report:

Mr. Hicks had nothing to report. Mayor Hernandez discussed the proposed legislation 2343-18 which added new sections to Village's Codified Income tax ordinances to comply with Ohio Revised Code. These sections were changed in House Bill 49 but not immediately

implemented because of law suits. The change allows businesses to file income tax net profit through the Ohio Business Gateway rather than directly with the local government imposing the tax.

Zoning Inspector's Report:

Mr. Gruber reported that he approved four historic district permits; windows on Spring Street, siding on Hickox, roof vents on the library and window signs at the Hawaiian Guys BBQ going in on North Cheshire. He also approved three zoning permits; inground pools and a screened porch. Mr. Gruber reported that he was contacted about the Phipps house on East Park. The estate of Mrs. Phipps is trying to find a buyer. The house is zoned central Business. Mr. Gruber felt that according to Village rules the house can still be used as a residence per a non-conforming approval that is still good. Mr. Hicks agreed.

Mr. Gruber stated that he had looked at the drainage problem on the Ronyak property off Colony Drive and found that Mr. Ronyak had taken steps to correct the problem.

Engineer's Report:

Mr. Hess reported that the Goodwin Avenue issue II project was going forward in the County.

Mayor Hernandez asked for a motion to accept and pay approved invoices. Mr. Boehnlein moved to pay approved invoices and Mr. Tromba seconded the motion. Roll Call: Charles Boehnlein – Yes, Nick Tromba – Yes, Tom Blair – Yes, Bonnie Richards – Yes, Cory Brown – Yes, Ruth Spanos – Yes. Motion passed.

Ordinances and Resolutions

Mr. Boehnlein placed Resolution 2018-13, declaring it necessary to levy a tax in excess of the ten mill limitation, on third reading and moved to adopt. Mr. Tromba seconded the motion. Roll Call: Charles Boehnlein – Yes, Nick Tromba – Yes, Tom Blair – Yes, Bonnie Richards – Yes, Cory Brown – Yes, Ruth Spanos – Yes. Resolution 2018 – 13 is adopted.

Mayor Hernandez introduced Resolution 2018-15, approving and supporting the development efforts of the Ohio Department of Transportation and the American Association of State Highway and Transportation officials of Bicycle Route 80 in Village of Burton and declaring an emergency, and placed it on first reading. Ms. Moster asked if was a good idea to avoid the downtown businesses. Mayor Hernandez stated that the goal appeared to be advertise a safe route through the area and encourage bikers to take advantage of local nearby establishments. Chief Smigelski added that most of what the proposal wanted to do was post signs designating the route and advertising in publications.

Ms. Spanos moved to waive further readings and Mr. Tromba seconded the motion. Roll Call: Ruth Spanos – Yes, Nick Tromba – Yes, Tom Blair – Yes, Bonnie Richards – Yes, Charles Boehnlein – Yes, Cory Brown – Yes. Motion passed.

Mr. Boehnlein moved to adopt Resolution 2018-15 and Mr. Blair seconded the motion. Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Bonnie Richards – Yes, Nick Tromba – Yes, Ruth Spanos – Yes, Cory Brown – Yes. Resolution 2018-15 is adopted.

Mayor Hernandez introduced Ordinance 2343-18, enacting Chapter 173 of the Codified Ordinance of the Village of Burton “Municipal Income Tax Election; effective January 31, 2018” which new chapter adopts Sections 718.80 through 718.95 of the Ohio Revised Code and declaring an emergency, and placed it on first reading.

Mr. Boehnlein moved to waive further readings and Mr. Blair seconded the motion. Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Bonnie Richards – Yes, Nick Tromba – Yes, Ruth Spanos – Yes, Cory Brown – Yes.

Mr. Boehnlein moved to adopt Ordinance 2343-18 and Mr. Tromba seconded the motion. Roll Call: Charles Boehnlein – Yes, Nick Tromba – Yes, Tom Blair – Yes, Bonnie Richards – Yes, Ruth Spanos – Yes, Cory Brown – Yes. Ordinance 2343-18 is adopted.

Mayors Report

Mayor Hernandez reported Mr. Paquette, the Fiscal Officer of the Village has tendered his resignation. His last day will be on or about 1 August 2018. The next Fiscal Officer will be evaluating moving all bank accounts out of Middlefield Bank and back to Huntington Bank.

Old Business

No old business was brought before Council.

New Business

Ms. Moster noted that the signs for the Village on Route 87 from the west side was crooked. Chief Smigelski will investigate.

Chief Smigelski reported to Council that he had gathered three bids for remodeling of the Police Department. The advertised bid specifications were made available to Council. Three bids were received. Brigham Remodeling came in at \$17,400, Hoar Construction was at \$32,000 and MCEC (Mike Miller) came in at \$16,400.00. Council discussed the need for improvements. Chief Smigelski mentioned that he had budgeted \$7000 for work this year. Council took copies of the bid specifications and the bids received and will review for the next meeting.

Open Public Participation

Mayor Hernandez opened the floor to public comment.

Mr. Garner asked what the device on the telephone pole on East Center was. Council explained that the device was cellular antenna. New laws at the state level allow the placement of such devices in the right of way. Mr. Hicks stated that he will be presenting to Council an ordinance to better define how Council can deal with these devices, to the extent that it can be done.

Ms. Moster asked about the implementation of the single hauler trash pickup and added that she had not paid her own bill yet. Ms. Moster was entirely in favor of single hauler trash pickup. Mr. Tromba recommended that she pay her current bill because any changes due from a switch of carrier or rates by the Village would result in a refund to her.

Ms. Moster asked who was responsible for cleaning up tree limbs from trees in the right of way. A branch came down near house on Indian Ridge and the residents cleaned it up themselves. Chief Smigelski noted that Street Department was informed about the down limb but had some pressing water line matters that ended up superseding the immediate pickup. Ms. Moster just wanted to know so that going forward she knew to contact the Village for these matters.

Ms. Moster addressed Chief Wendl and asked about the emergency warning siren. Chief Wendl stated that the siren is there and functional but due to technology issues, the siren cannot be operated remotely. A fire department member must be physically push the button to turn it on.

Ms. Moster wanted to know what the Berkshire Community Planning Association was and what was doing for the Village. Mayor Hernandez explained that the BCPA was acting a representative for Burton Village, Burton Township and Claridon Township in their dialogue and contract negotiations with the Burton Volunteer Fire Department regarding the fire services contract for the aforementioned communities. Mr. Paquette added that historically the BCPA was formed in the late 1990's early 2000's to conduct a study and prepare a guiding Strategic Plan for all the communities within the Berkshire school district.

Ms. Spanos moved to enter executive session to discuss personnel issues. Ms. Richards seconded the motion. Roll Call: Ruth Spanos – Yes, Bonnie Richards – Yes, Tom Blair – Yes, Nick Tromba – Yes, Cory Brown – Yes, Charles Boehnlein – Yes. Council entered executive session at 8:04 PM.

Council exited executive session at 8:40 PM.

Mr. Blair moved to have the current Fiscal Officer prepare an advertisement and advertise for his position. Mr. Tromba seconded the

motion. Roll Call: Tom Blair – Yes, Nick Tromba – Yes, Bonnie Richards – Yes, Charles Boehnlein – Yes, Cory Brown – Yes, Ruth Spanos – Yes. Motion passed.

Ms. Spanos moved to the Village Solicitor work with Mr. Paquette to form a transition strategy that will have Mr. Paquette continue to perform some of the duties of Fiscal Officer until a new Fiscal Officer is in place. Mr. Boehnlein seconded the motion. Roll Call: Ruth Spanos – Yes, Charles Boehnlein – Yes, Bonnie Richards – Yes, Tom Blair – Yes, Nick Tromba – Yes, Cory Brown – Yes. Motion passed

Mr. Boehnlein moved to have the President Pro Tem of Council act as supervisor for Mrs. Hernandez as Deputy Administrative Assistant while Mayor Hernandez is in office. Ms. Richards seconded the motion. Roll Call: Charles Boehnlein – Yes, Bonnie Richards – Yes, Tom Blair – Yes, Nick Tromba – Yes, Ruth Spanos – Yes, Cory Brown – Yes. Motion passed.

Mr. Hicks or a representative will attend both Council meetings in August.

Ms. Richards moved to adjourn and Ms. Spanos seconded the motion. By voice vote, all approved. Meeting adjourned at 8:45 PM.

Fiscal Officer

Mayor