

REGULAR COUNCIL

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September 4, 2008

Mayor Poole called the meeting to order at 7:30 p.m. with the following members present: B. Blue, E. Davis, C. Hofstetter, J. Jemison and S. Klein. Councilman B. Wallace is excused.

Also present: C. Osborne – Fiscal Officer, D. Weir - Admin., A. Cornet – Solicitor, C. Ehrhart – Director of Streets & Utilities, Police Chief Stehlik, John Borkholder, Carl Hornung, Dave McDowell, Ken Zwolinski, Sonja Crooks, Mindy White, Nancy and Don Purpura, Victor Sudik, Carol Pleva, Ethel Selby, Clair and Gene Ziegler and Ann Wishart – Maple Leaf.

Agenda: Add to New Business: Splash park closing date
Sign ordinance update

Minutes of August 7, 2008 meeting were presented for approval. Hofstetter moved to approve the minutes as presented. Davis seconded. All in favor: Yeas (5).

Payment of Bills Totaling \$258,624.91 was presented for payment. Jemison moved to authorize the payment of bills totaling \$258,624.91. Blue seconded. All in favor: Yeas (5).

Director of Streets & Utilities – August: Routine maintenance at WWTP and WTP, routine equipment maintenance, meter reading and meter replacement, routine park maintenance, watering flowers, sewer main cleaning, ball field maintenance and park mowing, water main break on S. State, street patching and removed and replaced the retaining walls on the corner of Grove St. and S. State. The service crew will begin cleaning every sewer main prior to winter. Ehrhart stated the check valve broke at the splash park and the new check valve won't be here until the end of September. Therefore, Ehrhart must manually start the pump in the morning and the Police Chief has instructed the patrolman on duty to manually turn it off at night. Ehrhart stated the check valve will be relocated on the pump in hopes of alleviating further problems.

Police Report – August: included in the council packet. Chief stated the department received a donation from Great Lakes Outdoor Supply to be used toward the K-9 business cards. *Blue moved to accept the donation of \$125.00 from Great Lakes Outdoor Supply, seconded by Hofstetter. All in favor: All Yeas (5).*

Zoning Inspector's Report – August: included in the council packet.

Engineer's Report – August: no report.

Ambulance Report – July: included in the council packet.

Bank Report – July: included in the council packet.

Financial Report – July: included in the council packet.

Investment Report – July: included in the council packet.

Detail Trial Balance – July: included in the council packet.

CCA Report – July: included in the council packet.

PUBLIC PARTICIPATION

Vic Sudik, 14894 Grant Dr., stated the council minutes and the committee minutes are not updated on the Village website. Sudik stated he's brought this to council's attention in the past. Weir stated we're continuing to have issues with the gentleman who handles our web page. All approved minutes and information are sent to him in a timely manner.

Sudik questioned why the conditional use authority is being shifted to the planning commission. Cornett stated because the planning commission reviews and approves site plans, it makes sense that the planning commission approves conditional use applications. The zoning appeals board is a necessary body to review zoning code issues that don't comply with our zoning codes or are denied by the planning commission.

Mindy White, 15884 Sperry Lane, stated how much she appreciates the splash park. White stated she works for WIC and has referred the no-cost splash park to many families.

White stated there is major traffic congestion at the intersection of E. High and N. Thompson Ave. in the mornings and in the afternoon due to school traffic. Chief Stehlik stated the traffic ingress/egress patterns are governed by the schools and he has no authority to change it. Klein stated the planning commission has discussed a road connection from Glen Valley to the middle school. No permanent plans are in process.

Weir stated last Thursday he and Mayor Poole attended the public hearing regarding the power line location and the mayor did a great job representing our Village.

Dave McDowell, 15038 S. State Ave., questioned if there's a prohibition of posting draft minutes. Cornett stated draft minutes on the web could be construed as accurate when, in fact, the committee hasn't had time to review the minutes and make necessary changes. McDowell questioned if the minutes could be listed as "draft" on the web. Cornett stated that would be a council decision and will research this.

FIRST READING

Ordinance 08-125: Declaring that the Revenue to be Collected Under the 1.45 Mill Tax Levy for Ambulance and Emergency Services Approved on November 6, 2007 is Greater than the Amount Actually needed for 2009, Requesting the Geauga County Budget Commission to Decrease the 2009 Levy Collection by 100% to 0.00 Mills, and Declaring an Emergency.

Blue introduced Ord. 08-125, read by title only, moved to waive the required readings and declare an emergency. Hofstetter seconded. All in favor: All Yeas (5)

Klein moved to **pass** Ord. 08-125, seconded by Jemison. All in favor: All Yeas (5).

PUBLIC HEARINGS

Ordinance 08-117: Enacting New Chapter 1309 and New Section 1101.02 and Amending Existing Section 1101.01(b) of the Codified Ordinances to Create an Exterior Property Maintenance Code.

Mayor Poole opened the public hearing at 8:00 p.m.

Ethel Selby, 15674 Oakdale St., stated she supports this ordinance. Selby stated her neighbor of many years has continued to keep his yard full of debris and requested more definition to the section on page 10, D, which states "...kept free of overgrown grasses, debris and other materials which may cause fire, health, safety hazard, or general unsightliness..." With her particular situation, what is not unsightly to her neighbor might be unsightly to her or others. Cornett stated there isn't a definition of "debris" and "unsightliness", and council will need to review each case individually. Selby stated she's personally discussed this ongoing issue she's had with her neighbor with the village administrator, the zoning inspector, and various council members on an individual basis and stated no follow up information was given to her. Weir stated he sympathizes with Mrs. Selby as he has visited her neighbor and the "weeds" he has growing are actually wildflowers he grew from seeds he received from the Ohio Department of Natural Resources. Weir stated he had an expert visit the site who confirmed these are wildflowers not weeds.

Selby stated this overgrown grass is around his gazebo. She's seen ground hogs under this gazebo, which have come on to her property and dug holes around her house. Cornett stated this ordinance must be passed to authorize the housing officer, who will then have authority to enforce the housing code.

D. McDowell stated he also supports this ordinance and encourages council to pass this ordinance tonight as an emergency, even though council will need to revisit certain issues. McDowell stated one such issue is homeowners beginning to paint or side their house and not finish the job. Davis stated the ordinance states the parts of the house that can be seen from the road must be in good condition. Klein stated from a planning standpoint, there was a debate about some of these stipulations. We now have codes in place and can amend certain issues as they arise.

Being no further comments from those in attendance, Mayor Poole closed the public hearing at 8:12 p.m.

Ordinance 08-118: Amending existing Sections 1101.01(b), 1133.05(a)(3), 1135.02 through 1135.06 (inclusive) and 1153.09(b)(2), and Enacting New Section 1135.07 of the Codified Ordinances to Shift the Approval, Responsibility and Authority for Conditional Uses from the Board of Zoning Appeals to the Planning Commission, and Implementing Certain Technical Changes.

Mayor Poole opened the public hearing at 8:13 p.m.

Vic Sudik questioned why this amendment is necessary and was this part of the comprehensive plan. Cornett stated the planning commission meets every month and the BZA is called upon when needed. Because the planning commission approves the site plan, it's more efficient to have the planning commission approve these conditional use applications. The planning commission doesn't have the authority to approve variances per the ORC, which is why it's vital to have the zoning appeals board. Cornett stated this issue was favorable to Majewski when he was updating our codified ordinances.

Being no further comments from those in attendance, Mayor Poole closed the public hearing at 8:15 p.m.

SECOND READING

Resolution 08-06: Authorizing the Village Administrator to Enter into a Two-Year Extension of the Existing Agreement with Geauga Local Access Cable Corporation for the Provisions of Local Access Cable Programming.

Klein introduced Res. 08-06, read by title only, and moved to place it on second reading. Davis seconded. All in favor: All Yeas (5)

Resolution 08-08: Authorizing the Village Administrator to Enter into a Pipeline Agreement Between the Village and Hans Rothenbuhler & Son, Inc. to Permit the Installation of an Underground Pipeline for Effluent Discharge, and Declaring an Emergency.

Hofstetter introduced Res. 08-08, read by title only, moved to waive the required readings and declare an emergency. Klein seconded. All in favor: All Yeas (5).

Davis moved to *pass* Res. 08-08, seconded by Blue. All in favor: All Yeas (5).

Ordinance 08-121: Authorizing and Directing the Village Fiscal Officer to Make Payment to the Cardinal School District, in the Amount of \$32,764.53, in Compliance with the Village's 2007 Revenue Sharing Obligations Mandated by Section 5709.82(C)(2) of the Revised Code.

Klein introduced Ord. 08-121, read by title only, and moved to place it on second reading. Jemison seconded. All in favor: All Yeas (5).

Ordinance 08-122: Authorizing and Directing the Village Fiscal Officer to Make Payment to the Cardinal School District, in the Amount of \$35,886.79, in Compliance with the Village's 2007 Revenue Sharing Obligations Mandated by Section 5709.82(C)(2) of the Revised Code.

Klein introduced Ord. 08-122, read by title only, and moved to place it on second reading. Blue seconded. All in favor: All Yeas (5).

THIRD READING

Ordinance 08-117: Enacting New Chapter 1309 and New Section 1101.02 and Amending Existing Section 1101.01(b) of the Codified Ordinances to Create an Exterior Property Maintenance Code.

Davis introduced Ord. 08-117, read by title only, and moved to place it on third reading. Hofstetter seconded. All in favor: All Yeas (5)

Klein moved to *pass* Ord. 08-117, seconded by Blue. All in favor: All yeas (5).

Ordinance 08-118: Amending Existing Sections 1101.01(b), 1133.05(a)(3), 1135.02 Through 1135.06 (inclusive) and 1153.09(b)(2), and Enacting New Section 1135.07 of the Codified Ordinances to Shift the Approval, Responsibility and Authority for Conditional Uses from the Board of Zoning Appeal to the Planning Commission, and Implementing Certain Technical Changes.

Blue introduced Ord. 08-118, read by title only, and moved to place it on third reading. Hofstetter seconded. All in favor: All Yeas (5)

Davis moved to *pass* Ord. 08-118, seconded by Klein. All in favor: All Yeas (5).

Ordinance 08-119: Adopting the Proposed Comprehensive Plan Update as Recommended by the Planning Commission.

Blue introduced Ord. 08-119, read by title only, and moved to place it on third reading. Klein seconded. All in favor: All Yeas (5)

Hofstetter moved to *pass* Ord. 08-119, seconded by Davis. All in favor: All Yeas (5).

Ordinance 08-120: Extending the Authorization for Kraftmaid Cabinetry to Utilize Two Temporary Office Trailers, Pending Completion of the Planned Kraftmaid Office Expansion.

Klein introduced Ord. 08-120, read by title only, and moved to place it on third reading. Jemison seconded. All in favor: All Yeas (5).

Davis moved to **pass** Ord. 08-120, seconded by Hofstetter. All in favor: All Yeas (5).

OLD BUSINESS – none before council.

NEW BUSINESS

1. **Shook Pay Request #10** – Weir stated the project is coming to completion and is on schedule. *Hofstetter moved to authorize pay request #10 to Shook Construction, in the amount of \$373,954.00, seconded by Jemison. All in favor: All Yeas (5).*
2. **Splash Park closing date** - Mayor Poole he would like to keep the splash park open as long as possible. However, in discussions with Ehrhart and Weir regarding the current pump maintenance and landscape issues, Mayor Poole asked council's desire regarding the closing date for the splash park. Hofstetter stated he feels it should be closed now to get the grass situation corrected. Ehrhart stated there have been problems with this park since it opened and it would be best to get the grass solid before next summer. Ehrhart stated the earlier council closes the park, the quicker he can get the issues rectified before winter. *It is the consensus of council to close the splash park at 8:00 p.m., Sept 7, 2008.*
3. **Sign ordinance** – Weir stated he and the zoning inspector have discussed this ordinance and the code needs to be amended to include signage placed on vehicles. Weir has a draft ordinance – taken from another municipality, which has held up in court cases. Weir will direct this draft ordinance to the planning commission for review, as well as, reviewing other sections of the zoning codes.

COMMITTEE REPORTS – included in the council packet.

CALENDAR – no changes.

Being no further business at this time, Klein moved to adjourn at 8:31 p.m.

Fiscal Officer

Mayor