

MINUTES
City of Geneva
Council Meeting
September 12, 2016
7:03 p.m.

Tim Miller opened the Council Meeting at 7:03 p.m.

Roll Call – Tim Miller, Susan Hagan, David W. Per Due, Philip Cordova, William Buskirk, and Wm. Lucas McDaniel and Mario Butera

Pledge of Allegiance to the Flag was said and prayer was offered by Rev. Harry Pischura of New Life Assembly of God.

Motion was made by David W. Per Due to approve the Minutes of the August 22, 2016 Council Meeting, seconded by Mario Butera. Roll call, 6 yeas, 1 abstention. Motion passed.

Department Presentation – Fire Department – Chief Dale Arkenburg Presenting

Chief Arkenburg congratulated Mr. Starkey. Mr. Starkey became City Manager and Chief Arkenburg became Chief this time last year.

Mr. Starkey has been a huge help with the Training Center on Austin Road. Most recently, Mr. Starkey helped install the drop ceiling. The classroom portion is thirty to sixty days from being complete. The facility should be a full service training center by Thanksgiving. There is a class being held this evening.

Every five years or every so many fires, the City is required to do a large inspection at the facility. The County takes apart the burn unit to check the steel. In order to keep the cost down the City annually inspects the unit. A golf outing is held to assist in paying for this. The golf outing yields \$5,000 to \$7,000 in profits which keeps the facility moving along. A total of \$250,000 to \$350,000 has been invested over the years for the entire facility.

The call volume in the Fire Department is high. We have five families that have been displaced due to structure fires.

The MARC's Tower that Mr. Starkey was able to put in place is a huge help to the local safety forces. Chief Arkenburg is investing money in putting a mobile radio in the Dispatch Center. A few years ago the Federal Government came out with a narrow banding of the radios. This cut the range of the radios. It hinders the ability to talk to dispatch beyond a certain distance. The MARCS system (a digital system) will improve that situation; combination of VHS and digital.

The Department is required to test all equipment each year. The hydraulic rescue tools will be tested next Wednesday and that will wrap testing of equipment for the year.

Vehicles must be maintained. Costly repairs are coming soon; a couple on the ladder track and a two on Engine 321. Last year Chief Arkenburg reported that the fleet should be good for three to five years. The City needs to begin to look at the fleet. Repairs include a radiator that is rotted

from the inside out due to age and a valve on another truck resulting which is a cost of \$2,300. The average age of the fleet is 21 years old. The first out truck is 14 years old next year. Parts are becoming obsolete. Will Roby fabricated a part to allow the recent repair of a transmission to work. Some of the repairs will be costly and there will be down time to make them.

The Fire Department has taken over the maintenance of the fire hydrants. The maintenance is done twice a year. The hydrants need to be opened and caps lubricated. Painting the hydrants increases their longevity.

The Fire Department software needs to be updated and the Department is budgeting towards that goal. The software update would be in addition to the CAD System and would interface. In a recent incident the Chief was alerted by Dispatch that destination where they were going had a possible violent history due to information from the CAD. The new software will interface with the CAD System.

Chief Arkenburg pointed out the new forcible entry tool (W tool) recently purchased by the Fire Department.

The City has looked into the cost of used vehicles versus the cost of maintenance and repair. The City looked at used, new and leased. We live in a corrosive environment. The three to five year window has now become a two to four year window. The City needs to weigh the purchase of a 2017 Model versus purchasing a 2014 -2015 or 2012 at a cost savings. A vehicle with a few years use may not be available because others are looking for this same cost savings. The City may want to reduce the fleet as we did when purchasing the 321 Pumper Tanker instead of purchasing a pumper and a tanker.

Chief Arkenburg stated that every truck that the City has purchased new back to 1960 resulted in much less maintenance costs versus units purchased used. Chief Arkenburg does believe there is a possibility of buying quality used but they are few and far between.

The City can re-utilize the boom ladder portion of the ladder truck and put it on a new unit with a warranty. The savings would be \$30,000. This would also allow the truck to stay in service while the chase is being made. Every year at budget time the City talks about the fleet replacement program. Mr. Starkey and Traci Welch have been talking about ways to do a replacement program.

The foam allows the Fire Department to reduce property damage. This is a nice feature.

Citizens –

Circle K Concerns:

Valarie Ziefle
36 South Eagle Street

Mrs. Ziefle would like to keep her fence unobstructed from any other fence on the west side of the property, it is a new fence. Mr. & Mrs. Ziefle are asking City Council to deny the variance.

She has contacted the City Solicitor about the process of doing a petition. They did not receive a call back. The property being sold is in the Ziefle's backyard.

Mr. Miller stated that the property does belong to the Ziefles. It may be viewed as Mrs. Ziefle's backyard. The property has been up for sale for a number of years. The property is zoned business.

Mrs. Ziefle stated that her daughter worked at Circle K when they were robbed. She stated there would be more drugs and sexual activity, robberies and theft with that property being taken over by Circle K. This is the first Council Meeting Mrs. Ziefle has attended. Her biggest fear is crime. Will the City be hiring more police officers to keep an eye on the place. Mrs. Ziefle stated that there are drugs being dealt between the American Legion, the apartment building and behind Circle K. She has called the police multiple times. Does not want the crime to move from one place to the other.

There were several gas stations, two on the corner of Swan and four on the corners of Eagle, they did not survive. One is missing and three are service stations.

Mr. Per Due asked how there would be more crime, drug activity and sex activity. The Circle K will be moving three to four hundred feet west of their current location.

Theft of gas. Ms. Ziefle used to work at a station. She also stated that she was told there would not be lighting at the back of the Circle K.

Mr. Per Due personally rode with Geneva City Police on two occasions, possibly three, on the midnight shift. On that shift the officer spent a large amount of time parked across the road at D&D Auto and watched the Circle K with binoculars, more time than anywhere else in the City. Police were more protective of that area, they watch that area closely.

The newer facility will have more lighting than the current facility.

Mr. Starkey spoke with John Isky of Circle K. The drawings at the last Planning Commission Meeting did show the backside dark. That was from a previous discussion that there would be lighting going over the property line. One of the big concerns of the residents was moving the fence 10' off the property line. Circle K is in the process of moving the fence 10' off the property line, showing lighting on the back of the building as well as surveillance cameras.

Ms. Ziefle would like to know the process of getting a Petition to stop this from happening.

Mr. Miller stated the City could check with legal but that the property has been for sale for years. The sale was advertised in the public newspaper that it was sale. A company has entered into an agreement to purchase that property. A petition would likely not stop the Circle K being built. Mr. Per Due stated that they would try to get a referendum on the ballot before it went up for sale. Mr. Cordova stated that there is no legal process for a petition. It can be drawn up and signatures taken.

Pat Hurst
177 Bennett Court

Ms. Hurst stated that her house is directly impacted by having a Circle K behind her home. Ms. Hurst has attended the Planning Commission meetings. The City has spent a lot of money trying to make it nice. The City has done a lot of infrastructure. Ms. Hurst is proud of where she lives. Is it necessary to have another gas station? There are three other gas stations within 9/10th of mile of that location, one of which is a Circle K. The Circle K at 84 and 534 is not that busy. She does not understand why they believe it warrants a \$3.5 million dollar investment.

Ms. Hurst has done a lot of research. Looking at the proposed purchase of the property; was there any consideration given to try to keep the property as green space for the City. There are grants out there.

Ms. Hurst cited a study stating that on average 41 gallons of gas along with other contaminants will run off into the storm sewer. At this point, residents were told they control levels as they are released. Levels considered ok now may be determined to be toxic at a later time.

The proposed Circle K will alter the character of the neighborhood or be detrimental to the public welfare. There is increased crime due to convenience stores.

She stated there were concerns with how close their fence would be to hers.

There are not a lot of businesses surviving. Pairings is now closed, it is just used for private events. That was a huge thing for this City.

I is a two lane road in front of the property, cut down from a four lane road. The narrowing down of the road is going to cause traffic congestion. Ms. Hurst would argue the traffic study. The daily count of cars they are estimating is 8,500 cars. There are over 500 cars that turn left and right at the South Eagle corner. There will be increased cost to maintenance of the street. Will there be an exit onto S. Eagle?

Ms. Hurst stated she has a problem with publishing it on the back page of the Star Beacon that no-one buys.

Mr. Miller stated that the for-sale signs have been up for ten years.

Ms. Hurst stated no-one was aware that the Circle K was going to purchase that property. Residents would like to see if there is a possibility of keeping the property green space. Are there other options.

Mr. Cordova stated that he has been on Council the longest, Tim Miller next and Mr. Buskirk. Council understands her concerns, however, typically what Council has heard from the other citizens of Geneva is that the City should not be a land owner. It needs to be sold. Council has never heard anything about keeping green space. Mr. Cordova stated that the land has been for sale for ten years. The City has had no luck selling the property. The City has talked to University Hospital as well as ACMC.

The City has had constant criticism that the City owns too much property; citizens have complained that their tax dollars are cutting the grass, paying the taxes. The City is not set up to be property owners.

Mr. Buskirk stated that it has been expressed that that location is not a good location for park space because it is on Route 20. The Route 534 Corridor and Route 20 Corridor are naturally commercial. Route 20 has been zoned commercial since the 1990's.

Memorial Field was transferred from the schools to the City and is now a City park.

Council stated - The West Main property is being sold for \$345,000. Does it make more sense to take these funds to assist the City in investing in a fire truck, in Memorial Field, in the park on N. Eagle Street? The City needs to do what is best for the entire city. This is an existing business moving to a new location, investing \$3.5 million dollars and adding 6 gas pumps.

Ms. Hurst drives 80 miles a day to work. Does the facility have to be that big?

Council asked if it would be better if it were a Walgreens. It would be same experience if it were a Walgreens, CVS, APMC, or UHHS, it would be the same brick wall. It would be the same essential experience.

Ms. Hurst agreed it would be, without the fumes. Particulates will blow into the backyards. An office building would not have that type of issue.

Resident stated that a lot of people had no idea that there would be a Circle K gas station located there. Residents don't feel that they were given a fair opportunity to voice concerns. Residents stated that they did not purchase the newspaper.

Ms. Hurst views the City's website frequently. She did not see anything regarding this. The City needs stronger communication.

Mr. Per Due stated that he was sympathetic but talks have been going on for six months to a year. It has not been secretive. No-one expressed any opinion against it. There are 6,000 people in town, 20 people are present. This has been at the Planning Commission as well as other hearings. If you want to find out about things, if you're interested, you find out.

Mr. Miller stated that Circle K has been amenable to resident's concerns and feels they will continue to be within reason. Council is not taking these concerns lightly; as the process moves forward hopefully Circle K will address as many of the concerns as possible.

The facility will utilize the turn lane that exists on Route 20. Shawn Aiken, our Engineer has looked at the traffic study and they are looking at shifting one driveway a little further west to help with congestion. West Main Street is three lanes.

The Resolution was passed about a year ago. The first Planning Commission was held two months ago. Mr. Cordova asked at what point was Ms. Hurst aware of this. Ms. Hurst stated she was made aware a few weeks before she received the letter. Someone told her.

Ms. Hurst stated that for future, if there is going to be something this big that will impact a neighborhood, it would have been nice to know a year ago or nine months ago instead of the first zoning meeting when she received her letter.

The City has followed the procedures. Council voted on it, it was on the agenda. The City has to act on things as they come up. The procedures were followed. Council cannot notify everyone individually in writing for everything that is done. Nothing was done secretly.

The impact that it will have on the several property owners that are involved, especially with the environmental impact, based on the type of project, it would have been nice to inform the property owners before it was too far into the process.

Mr. Per Due stated that notices were put in the paper for several weeks. The City ran ads regarding the sale as well as bids being received. Letters were sent out to the neighborhood regarding the site plan review. The notices were not required. Notices were put in the paper that the property was for sale prior to starting the bid process. There are 6,000 citizens. Council never sees the number of number of people that are in attendance for this meeting.

Ms. Hagan stated that the process is boring, messy and confusing at times but the process does work if people watch and pay attention. Ms. Hagan would like citizens to come to Council. Residents are welcome to call and talk to Council about how the process works. Ms. Hagan encouraged residents to do so that they would not have a sense that they were blindsided.

Everyone has an idea of what would work. After such a long time, the City finally has a business interested in that property. The City has to do what is best for the City as a whole.

Andy Netzel
4319 N. Ridge Road East

Mr. Netzel is a member of the Planning Commission. He does not live near the property being sold and does not live in the city limits. Mr. Netzel has been a part local government since the late 90's and since then people have been complaining that a two inch ad in the newspaper is not sufficient. No-one is saying that the legal responsibility was not met. As Council stated, Council meetings are boring. What is the value of people coming to Council every month? Mr. Netzel is a Director of Marketing he was a head of communications, Mr. Netzel is happy to serve if Council would like to get together a group of citizens to talk about ways to inform the public that are cost neutral.

Mr. Per Due stated that we have 6,000 people in Geneva and only have 20 people complaining. Council has never had this many residents at Council. Does that indicate that this is a strong response or a weak response? This is a strong response but is a reactive response.

This was not an uncommon request to come before the Planning Commission if it were not City owned. If it were not City owned, he would look at the zoning use and other factors and determine if it meets the requirements. The business is amenable to making improvements to the property that would benefit the surrounding residents. However, this is City owned property. Therefore the City has a different role. It is not the Planning Commission's role, it is Council's role. The City owns the property. Is this the best thing to do for the community?

Anytime you put in a business you are going to get, not in my backyard. There are three key factors. The City should not be property owners, Mr. Netzel agrees but the City is and should deal with it's responsibly. First is economic growth, the second is impact to our citizens and the third is impact to the greater community.

Economic growth - the workforce is shifting from one place to another. Circle K will have 5 full-time employees. There will be 20 new part-time jobs at minimum wage. This will double the staff. Can the City do better? The Circle K in the current location is high a volume business. What will replace the Circle K in the current location; low volume retail or will it be vacant. There will be a one-time capital infusion which would happen with any sale and a savings on the mowing. The City will not get economic growth.

The current building does not conform to the retailers current store model, it needs to be rehabbed; however, the current building is insufficient to do so. If this were to fall through, the City is just number on a spreadsheet.

The neighborhood was hit hard by the foreclosure crisis. Their property values will go down. It is part of the risk of living behind a large commercial lot. Their properties will be harder to sell.

Although we hear Geneva is growing, what we see coming in are used car lots and gas stations. What the City is looking at is a bad decision fifteen years ago and now someone is interested. If we sell it, Circle K it is going to be a Circle K for a long time. The property could be used for a more productive use if the City holds onto it.

There has not been a vote in the Planning Commission as yet.

Mr. Netzel has seven conditions he would like to see. After the City kicks it back, Mr. Netzel will present those seven conditions. If the City did not own it, the applicant is great, the use is fair. As a community, is this a good use? Who the City is going to sell to and why is not a Planning Commission decision, it is a City Council decision. Mr. Netzel felt the residents should talk to City Council.

Mr. Buskirk asked - If the City did a land swap and Circle K wanted to build on the Marcy's location would anyone be here?

Mrs. Ziefle stated that she would still be opposed as her son lives over there.

Mr. Buskirk stated - There is no-one from that neighborhood expressing concern. Mr. Buskirk asked if a land swap was done, since the seller would be a private party, would Mr. Netzel have any opposition. Mr. Netzel would not. If Circle K did not purchase the City land, Circle K would continue to look for another piece of property and there would be a Circle K in the commercially zoned area.

Mr. Buskirk stated that there is only a need for so many gas pumps. If you put in gas pumps, some of the other gas pumps may go away. There were a number of gas stations that are no longer gas stations. It is the natural process. Circle K will invest in the community and it will be

there for 30 or 40 years and then it will close down and someone else will purchase it and it will become something else.

Mr. Netzel stated that it is not the use, it is not the location, the problem is that the City owns this property and therefore should demand better of it. Mr. Netzel feels it is worth the lawn mowing cost for a few more years; to wait for a more viable business to come. People don't come to council to thank them for not selling it.

Lance Hurst
177 Bennett Court

Mr. Hurst understands what the City wants to do. Mr. Hurst stated that he loves the property the way it is. One of the things he was concerned about was having the fence five feet off of his back fence, adequate lighting and surveillance. Mr. Hurst heard Mr. Starkey indicate that those items would be taken care of. Mr. Hurst feels that this is probably going to happen. Mr. Hurst felt a lot better after seeing the picture of the building. Mr. Hurst would also request that they hide the mechanicals on the building.

Gary Pratt
210 Bennett Court

The property could be an extension of the Community Center; a community learning center. The structure could be built with a wood frame. It would have classrooms with an office, and restrooms. It could have open areas, garden areas and recreational areas behind.

Mr. Pratt stated that he would like to keep it as green space, there are grants available. Business owners might be willing to pay a small fee.

Council stated that the property was on the market for 10 years. It was originally going to be a Community / Senior Center; for a number of reasons that did not work. The property is located in the Central Business District. The City needs to focus on the core city functions. The City can utilize the funds received from the sale for needed equipment.

Council stated that Mr. Pratt's idea for classes is a great idea and the City would like to see him do that at the Community Center.

Ms. Hurst cited a study on local economies regarding local versus franchise purchases.

Council stated that local gas stations have become scarce due to EPA mandates such as vapor recovery systems.

Ms. Ziefle stated that not all Council members live in the City. After a short discussion, all council members do live in the City.

Mr. Per Due stated the owners have a right to use the property how they wish so long as it meets the requirement. It is not up to Council to see that they can meet 48% or 68% capitalization. Circle K would not make the investment if they did not think that they could make money.

Many options were explored for this property.

Annie Ramos
243 W. Main Street

Ms. Ramos is concerned with the increase in vandalism. They will be selling cigarettes and alcohol. Will there be more police and fire officers? Ms. Ramos stated that she loves the green area. Circle K is going from a convenience store to a gas station. Ms. Ramos asked if Council would like to have this gas station in their front or back yard. She does not want to see a gas station there. She would like Council to reconsider; to at least give them a chance to put together a petition.

Ms. Ramos asked why government had not changed their policy on advertisement.

Ms. Ramos stated that they did not want to keep Council from selling the property, they would just like a better use. In the long run this use will not help the City.

Carol Cauffield
109 Bennett Court

The piece by Ms. Cauffield's property line will remain green space out to Swan. It will be used for water retention. There will be an underground reserve.

Mr. Miller stated that from what has been said, Circle K has tried to address all of the concerns as best possible. They have met all of the required zoning. The next Planning Commission meeting is October 3rd.

Council appreciates all the ideas. The City has limited resources. The City spends what comes in to the best value of the citizens. The City needs to focus on the core responsibilities.

The next Council Meeting is scheduled for September 26th.

Council requested the proposed drawings electronically as well as minutes of the prior Planning Commission meetings.

Mr. Miller thanked the representative from Circle K for trying to address the citizen's concerns.

Anyone can write up a petition and bring it to Council.

William Lopez
210 Bennett Court

Mr. Lopez asked when a decision would be made.

Site plan approval will be reviewed at the October 3rd Planning Commission Meeting.

Mr. Netzel stated that no action by Council sends it back to the Planning Commission.

Circle K would not need the Variance if they move the building ten feet off the property line instead of five feet and do a six foot fence instead of an eight foot fence. There is also a sign variance. Circle K in addition to the previous items mentioned will stretch two storm lines to help address drainage issues on Bennett Court and extend the dead end waterline on Bennett out to Route 20 which will help address water quality.

Mr. Per Due made a motion for a Vote of Confidence to Move Forward. Mario Butera seconded the motion. Mr. Buskirk stated that a motion would be better served at the next meeting. There is an executed contract.

2 yeas, 3 nays and 2 abstentions. Motion did not pass.

Items for Consideration of Council –

Ordinance No. 3196 An Ordinance to Amend the 2016 Budget through Appropriations and Fund Transfers, attached hereto and Marked Exhibit “A”, and declaring an emergency.

Motion by Wm. Lucas McDaniel to pass Ordinance 3196, seconded by Susan Hagan to declare Ordinance 3196 an emergency measure. Roll call, 7. Motion by Susan Hagan, seconded by Philip Cordova that the rule of law requiring certain Ordinances be read at three separate meetings be waived and suspended and Ordinance No. 3196 be placed on the final roll for passage. Roll call, 7 yeas. Motion duly passed.

City Manager Report -

The City will be changing the way appropriations are done. The appropriations will be separated into those that must pass by emergency and those that can proceed through the normal process.

Mr. Starkey congratulated the Finance Department for their Ohio Auditor of State Award for their exemplary financial reporting. Jenny Cecil stepped up as Interim during that time period, Mr. Starkey was Interim and Traci Welch came on in September. The entire Finance Department Staff played a role in this award.

The Geneva Area Fall Dinner is scheduled for September 19th and the Growth Partnership Best of the County Dinner is scheduled for September 20th. If any Council members would like to attend please contact Mr. Starkey.

The Fence at Memorial Field has been painted.

Credit card payments for sewer payments are now being accepted. This will be expanded to income tax.

The GIS Service has asked the City to enter into a five year contract. The current contract goes through the end of September.

Mr. Starkey will be on vacation from September 15, 2016 through the end of September.

The City now has engraved bricks at the Memorial Field Playground.

In the packet was included a picture of two choices for the entrance signs supporting our first responders.

State Representative John Patterson is working on the legislation for the sign honoring Bill Endress and our Geneva Vietnam Veterans.

The City attended a meeting today at the schools regarding Judge Schroeder's pilot program to address the drug problem. The City was encouraged by the program.

The City is on Lake County Water due to a water main being hit while redoing a bridge on Walter Main Road. Nick Sanford of Ashtabula County worked with Aqua to lessen the impact.

The Liquor License Renewal for MAC Holding Co LLC. has been reviewed by Chief Dudik, no concerns. A hearing was not requested by Council.

Mr. Per Due asked about tobacco enforcement to be sure that convenience stores are not selling to minors. Chief Dudik sated the City has not tobacco enforcement in a couple of years.

The color of the first responder sign was discussed. Mr. Per Due liked option 2, Mr. Miller liked both, Mr. Codova white, Mr. Butera no preference, Mr. McDaniel, white. The cost for two signs is \$460.00.

The City has three new employees that part of the public works group.

Unfinished Business – None.

New Business –

Payment of Bills – None.

Committee Reports –

Mr. Butera reported on the Service Committee Meeting held prior to the council meeting. The Service Committee is recommending a change to the Ordinance regarding council meetings times. The Committee is recommending the Council Meetings to be scheduled at 6:00 p.m. with work sessions held fifteen minutes prior. The Committee is also recommending changing the special meeting notice from twelve hours to twenty-four hours to match state law. State law mentioned emergency meetings and the Committee recommends that language be added for emergency meetings. Legislation will be on the next agenda.

Mr. Miller reported on the Architectural Review Board Meeting. The Alibi came to the Board to talk about their sign. The Alibi will be opening soon. First Merit Bank is switching over to Huntington Bank.

Citizens –

Mr. Cordova stated that Council traditionally does the Invocation at the brunch. Proclamation for the outgoing Grapette, Carley Mottley. They would like to have the Proclamation read at the brunch as she will not be able to come to Council.

Chief Arkenburg stated that he is proud of Council for supporting the work being done at Memorial Field. Chief Arkenburg stated that he does not believe that people are aware of these things that are being done.

Wm. Lucas McDaniel made a motion to go into Executive Session to discuss land acquisition. Mario Butera seconded the motion. Roll call on passage, 7 yeas. Council adjourned to Executive Session at 9:44 p.m.

Wm. Lucas McDaniel made a motion to reconvene at 9:51 p.m. Susan Hagan seconded the motion. Roll call on passage, 7 yeas. Motion duly passed.

Wm. Lucas McDaniel made a motion to adjourn.

Council meeting adjourned at 9:51 p.m.

Recorded by: Phyllis Dunlap
Clerk of Council

President of Council

Clerk of Council