

**VILLAGE OF BURBANK**  
REGULAR MEETING  
NOVEMBER 11, 2014

Mayor Carolyn Dibler called the meeting to order at 7:02 PM.

A roll call was taken with the following officials present: Jason Balyer, Dennis Rigerman, Ben Berger, Tracy Lenhoff and Gary Gallion. Also in attendance: Allan Michelson – Solicitor, Gary Harris – Fiscal Officer; James Brandenburg – Zoning Inspector; Bob Morehead with The Post and Village resident Dan Wiley Sr..

The Mayor asked everyone to stand and Pledge Allegiance to the Flag.

**Jason made a motion to excuse Chris Letzelter, seconded by Tracy. 5 ayes, 0 nays**

Minutes – October 14, 2014 Zoning Ordinance Public Hearing & Regular Meeting  
**Gary made a motion to waive the reading of the Minutes as issued and to approve the Minutes as corrected, seconded by Tracy. 5 ayes, 0 nays.**

Committee Reports:

Parks, Zoning, Safety, Finance, Streets & Water/Sewer – nothing to report

Council Reports:

Safety

Tracy had nothing to report.

Carolyn reporting for Officer Brian:

- o Confirmed that he is on a police call in the Village and is unavailable to attend tonight
- o Reported that he had made two arrests in October with a similar number of reportable incidents as reported at October’s meeting

Zoning

Ben had nothing to report.

- ✓ Allan recommended that Council consider revising the fines to be charged for 1<sup>st</sup> through 3<sup>rd</sup> offenses as opposed to leaving these fines to the discretion of the presiding Judge as they are now written in the Zoning Book under Section

1008 on page 38; Council discussed Allan's recommendation and agreed to revise the fines under this section

- ✓ **Gary made a motion to revise the Final Version of the Zoning Book under Section 1008 on page 38 to read 1<sup>st</sup> Offense at \$50, 2<sup>nd</sup> Offense at \$250 and 3<sup>rd</sup> Offense at \$500, seconded by Jason. 5 Ayes, 0 Nays**
- ✓ Council asked about adding a Parking regulation to the Zoning Book; Allan recommended that the Village put such a regulation in a separate Ordinance; Council asked that Allan forward documentation on how other Villages have handled Parking to use as a guideline/example; Allan agreed to do so
- ✓ Allan did the third reading of Ordinance 2014-08, An Ordinance amending Ordinance 2004-10, the Village of Burbank Zoning Ordinance, and its amendments and amending the Zoning Map of the Village of Burbank and the Districts contained therein
- ✓ **Jason made a motion to Adopt Ordinance 2014-08 with the above changes and such Ordinance to go into effect in 30 calendar days, seconded by Gary. 5 Ayes, 0 Nays**

James Brandenburg reporting:

- ✓ Read the Zoning Report
- ✓ A discussion took place about the property at 121 South Street and how best to remove this structure that has been classified as "unfit for habitation"; legal deed matters are underway allowing the Village time to consider the best and least expensive option for this property as the ultimate owner of the property has no funds and, Allan reports, that no Moving Ohio Forward funds are available to absorb such costs; Ben will investigate this and report back to Council on the possibility of having the Fire Department covering our community use the structure as a test fire site; the Fiscal Officer commented that there would still be Village costs associated with this for site debris removal and clean-up but that such costs should be less than a full demolition of said structure

### Parks

Jason reporting:

- Per discussions with Lisa Johnson with the Wayne County Planning Board, based on Burbank's 2010 Census 50-54% of our residents fall into the Low to Moderate Income levels thus qualifying Burbank for County Block Grants and Issue 2 State Grants; Lisa will forward documentation as deadlines approach to file for such Grants; Fiscal Officer asked if by not completing a new Village Income Survey we lose consideration for Grants and he was informed that "no, we do not lose any consideration in being awarded Grants without this survey".

## Streets

Gary had nothing to report.

- ❖ Fiscal Officer reminded Streets that the current contract expires 12/31/2014 and that we still do not have all insurance certificates from our current contractor, who has not returned any call, thus we have no one to do any street repairs; stated the need to obtain bids and/or proposals in time to vote at December's meeting on a new contractor for road repair effective 1/1/2015
- ❖ Carolyn is following up with Chris on the status of feedback needed from Lampion Companies on the pending Traffic Light replacement

## Finance

Tracy reporting:

- Read the Bills to be Paid and the Automatic Deductions amounting to \$2,973.91. **Tracy made the motion to pay the bills, seconded by Jason. 5 ayes, 0 nays.**

Gary Harris reporting:

- Reminded Council of his comments at the June Council Meeting and his intention to request the transfer of monies from the Checking Account into a new CD, and now perhaps into an existing Money Market account (he stated that he is waiting to hear feedback from the Auditor of State Office before transferring these monies), to better isolate these monies for use in an Emergency Road Repair caused by a natural or other type of disaster that are the financial responsibility of the Village to repair; he advised Council that this action is not something that must be done immediately as it will draw down available monies from the Street Fund (-\$20,803), Highway Fund (-10,000) and the Permissive Fund (-7,000) and will impact the Traffic Light replacement project; he further stated that due to our annual revenues it will take some time to rebuild these balances in each fund and a review of the revenues collected YTD through October was conducted, those amounts being Streets \$13,600, Highway \$1,100 and Permissive \$754; a review of the total monies currently invested (towards the \$150,000 Emergency Road Repair targeted amount) is currently at \$112,197 and by transferring this \$37,803 the targeted goal will be met; Council asked if this was too much to put into reserve and the Fiscal Officer reminded everyone how we have all seen costs for all things grow at a very rapid rate, further, he did state that he does not have any specific numbers for major road repairs but still recommends this amount of reserve funding; a review of what the remaining monies in the various funds checking account balances will be if these funds are transferred was then presented; those amounts being Streets \$30,500 (of

which \$13,000 will need to be carryover), Highway \$1000 (which should all carryover) and Permissive \$1,200 (which should all carryover); all of the above balance amounts are based on Checking Account Balances as of 10/31/2014

- **Gary made a motion to transfer these funds in these amounts into an investment account, seconded by Tracy. 5 Ayes, 0 Nays**

#### Water & Sewer

Gary had nothing to report.

#### New Business:

Gary Harris reporting:

- Reviewed all deposits for October & early November: \$185 for September Court Fines, \$127 for October Court Fines, \$92.93 for a BWC Premium Refund, \$25 for a Fence Permit, \$2 for an OPERS refund and \$3,143.92 for the Traffic Light Damage Claim Payment by the Insurance Carrier for the truck that hit the light
- Our next Council Meeting is December 9<sup>th</sup>
- He will ask the Zoning Board of Appeals, the Zoning Inspector and the Zoning Chair if they want to have a December meeting
- Reported that he has a CD maturing on 11/26/2014 and he intends to roll it over for reinvestment at the annual interest rates of 0.25% based on the current interest rate
- Per Council's approval, he will be attending the Ohio Development Services Agency seminar in Huron, OH November 19<sup>th</sup> - 21<sup>st</sup>; it is the 2015 Community Development Conference covering Block Grants for Community Development
- Per his telephone conversation with Vince Crawford representing Waste Management, an updated WC Certificate is to be provided to the Village to replace that which expires on 12/31/2014
- Reminded Carolyn and Allan of the need to schedule a Records Commission meeting for December 9<sup>th</sup> at 6:50 PM and he confirmed with Carolyn that she will contact Janet McDermott to attend
- Confirmed that he submitted his report to Council on the meeting he attended on HB5 and that there is no impact to any Village revenues should this legislation be passed; he confirmed the need for due diligence if the Village were ever in a position to consider implementing a Village Sales Tax to confirm if it would profit the Village
- Confirmed that he contacted the Snow Plowing Contractor to obtain a signed agreement and the necessary insurance certificates and that these are needed before any plowing begins

Old Business:

Gary Harris reporting:

- ✚ Reminded Council of the need to complete the Zoning Inspector's review as required by agreement when he was hired; any pay adjustment needs to be effective 12/1/2014 and thus must be voted on in December

Public Participation:

- Mr. Wiley asked if the Village needs all of the changes now coming about with Zoning and a reported issue dealing with residents parking on the grass; he reported that the issue of parking on the grass was particularly upsetting to one resident; Mr. Wiley suggested using the pay for the Zoning Inspector and applying it to Police patrols; Jim Brandenburg confirmed that he misstated a parking ban on the grass as other Villages he is employed by have such bans but not in Burbank; Allan stated that the bulk of the Zoning work has been to "clean-up" the Zoning Book with no real changes beyond that; Carolyn stated her appreciation to Mr. Wiley for coming to Council to voice his concerns and opinions, and she stated that she wishes more residents would participate in our Council meetings; Carolyn also confirmed that by his bringing up the matter of parking on the grass this misunderstanding has been cleared-up and she understands how the misunderstanding developed since Jim works with three different Villages and codes
- Carolyn asked if there was any additional public business; none was offered

**There being no further business to come before council, Jason made a motion to adjourn, seconded by Gary at 8:15 PM. Unanimous.**

The Fiscal Officer remembered the need for one additional action by Council; **Gary made a motion to move to reconvene the Council Meeting, seconded by Jason. 5 Ayes, 0 Nays**

Allan did the first reading of Resolution 2014-03, a Resolution to transfer funds from the primary checking account into an investment account thereby isolating the funds to be used only for emergency road repairs as caused by a disaster or other serious and unanticipated event and declaring same as an emergency.

**Gary made a motion to waive the second and third readings of Resolution 2014-03, seconded by Tracy. 5 ayes, 0 nays**

**Gary made a motion to adopt Resolution 2014-03 as an emergency, seconded by Tracy. 5 ayes, 0 nays**

**There being no further business to come before council, Jason made a motion to adjourn, seconded by Gary at 8:20 PM. Unanimous.**

X

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Mayor, Carolyn Dibler

X

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Fiscal Officer, Gary Harris