

**VILLAGE OF BURBANK
REGULAR MEETING, SEPTEMBER 3, 2020**

NOTE – DUE TO COVID-19, THIS MEETING WAS HELD VIA ZOOM MEETINGS

Mayor Carolyn Dibler, called the meeting to order at 8:04 PM.

A roll call was taken with the following officials present: Chris Norton, Dennis Rigerman, Ken Dibler, Thomas Lenhoff and David Wilkinson; also in attendance: Allan Michelson – Solicitor, Ben Berger – Zoning Inspector (joined at 8:14), Gary Harris – Fiscal Officer and residents Cathy Kopp, Terry Moore, Daniel Griffin.

Minutes – August 6, 2020 Regular Meeting

David announced himself and made a motion to waive the reading of the submitted August Minutes and to approve the Minutes as submitted, seconded by Ken who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David –aye.

Special Meeting Minutes – August 29, 2020

Dennis announced himself and made a motion to waive the reading of the submitted Special Meeting Minutes and to approve the Minutes as submitted, seconded by David who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David –aye

Mayor Dibler invited resident Daniel Griffin to present his Zoning question to Council – Daniel stated that he has been trying to contact Village authorities about obtaining a Zoning Permit and whatever else is required to build a garage on his property at 65 S. Front Street; Gary offered to forward Ben Berger’s contact information to him and Allan stated that Daniel will need to make an Application through Ben who will assist him in this process; Mayor Dibler stated that the application for a Zoning Permit is on the Village webpage – Daniel thanked Council for their assistance

Council Reports:

Safety

Ken and Thomas reporting:

- read the August Sheriff Reports
- Cathy raised concerns about the speed of traffic on Front Street – Ken offered to call to speak with the Sheriff's Office about this concern and to ask them to pay particular attention to this issue

Finance

Ken reporting:

- read the September Paid Bills and the Automatic Deductions amounting to \$57,486.88; **Ken announced himself and made the motion to accept these payments, seconded by Dennis who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David –aye.**

Gary reporting:

- **Nature Works Grant** – confirmed that all construction work is completed, all contractors have been paid in full and that he has filed our request for the reimbursement of \$31,125 from the ODNR, mailed on Thursday, August 27th – he asked if there were any questions or comments – Cathy stated that the Park looks very nice and that they did a good job, Mayor Dibler also stated that she has received calls on how nice the Park looks with the improvements
- **OPWC Grant Application (Front Street Storm Sewers & Repaving)** – confirmed that construction as of August 26th was 36% complete; that dust has been an issue and that the Village has activated our option to put dust control measures in place with the Engineering Associates Observer (EA) monitoring and instructing the contractor when to water-down the road surface at those times when the contractor is not proactive; “wash-outs” have occurred with good responses by the contractor each time that Gary has called them to correct the issue; a collapsed and fully clogged clay drain line was sealed and he has instructed EA to proceed to install a new lateral drain line with a stub for the 3 story apartment complex on the north side of Hower Street (this will be a cost adder); he inspected an underground “wash-out” on the west side of Front Street where a section of broken clay drain pipe has allowed water to erode under the road – he authorized EA to have the contractor excavate approx. 10’ of length (5’ each side of the broken pipe to see if the pipe is good so we can splice in a section to replace the broken section of pipe and before ODOT resurfaces Front Street – this will also be a cost adder; confirmed that we are still targeting a before the end of September completion date weather permitting – he asked if there were any questions or comments – Cathy and Terry raised a concern for the record about the stubbed drainage line running west that their basement sump pump empties into and the

potential problems caused by what the contractor did or did not do – Gary offered to meet with them at 10:00 AM Friday morning, the 4th of September, as he believes there is not an issue and that they misunderstood what was explained to them by the EA observer when he and Terry met with the observer yesterday

- **2019 CDBG Grant Application** – confirmed that the WCPD awarded the engineering to Engineering Associates; construction bid packages were submitted to WCPD on schedule on 8/31/20; the goal is to issue the construction award mid to late September; if weather holds we stand a very good chance of also completing this Grant project by the end of October; he met with the WCPD attorney and EA on August 27th – other than a few minor tweaks all looked good to go; he did authorize EA to list the 4 trees on the east sidewalk that are in the right-of-way to be removed as they are too close to the wider ADA sidewalks to be installed– he asked if there were any questions or comments – none were offered
- **Round 35 OPWC Applications** – confirmed that per last month’s meeting, he had EA rebid the sidewalk on the east side of Front Street and the resurfacing of Reed Court due to the age of the bid that we had, it was from 2017; the revised price for all work is at \$157,100; he does believe that we can proceed to apply for an OPWC Grant and if Council is comfortable enough to allow him to select the matching fund and/or loan option with the least financial impact to ongoing operations that he plans to have an application completed by next month’s meeting - any questions or comments – none were offered – he asked if he can have **“a motion authorizing the Contracts/Grants Administrator to proceed to prepare an OPWC Grant Application this year to resurface Reed Court and remove and replace the sidewalks on the east side of Front Street for presentation at the October meeting including the best financial method for Village Matching Funds – Ken announced himself and stated so moved, seconded by Dennis who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David –aye.**
- **2020 Revenue vs COVID-19 Impacts** – confirmed that earlier this afternoon he sent Council the August report that reflected only a 1.8% drop in total revenues over that of 2019 and thus far, our revenues are remaining in good shape while our Appropriations are much higher than in 2019 57.3% vs. 29% due almost entirely to the pre-payment towards the Park improvements and pre-paid engineering for the Front Street project
- asked Allan to comment about concerns on Facebook – Allan responded that we do need this listed as an “unofficial page for the Village of Burbank” due to legal liabilities brought about by published content, deleting some entries, etc. – Cathy indicated that she will change Facebook to be the “unofficial page for the Village of Burbank” and that she will do this yet tonight; Allan asked about the Village

website and Thomas confirmed that only email contacts are accepted and Allan felt that this is OK and no concern at this time

- reported the need to vote on and approve a Resolution that needs to be sent to the Wayne County Auditor's Office this coming week and asked Allan to do the 1st Reading – Allan did the 1st reading of Resolution R2020-04, "A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary Tax Levies and certifying them to the County Auditor"
- **David announced himself and made a motion to waive the 2nd and 3rd readings of Resolution R2020-04, seconded by Ken who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David –aye**
- **David announced himself and made a motion to approve Resolution R2020-04 as an emergency, seconded by Ken who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David –aye**
- reported that on September 2nd he sent all Village Officials a document entitled "Front Street Capital Improvement – Matching Funds Method of Payment" asking that they all read this document before tonight's meeting as he plans to ask all Village Officials sign the document as proof of discussion and reporting on how this incident occurred – he stated that due to an error on his part in setting an encumbrance in 2019 in the Street Fund and then generating Purchase Orders in the Capital Fund for Front Street, those encumbered monies were not available for use in 2020 as needed – this resulted in paying invoices from the General and Street Funds and how in 2021 he plans to Transfer monies from the Highway Fund back into the General and Street Funds to replenish those monies in those funds thus allowing the State Highway Fund to properly reflect the reduced monies it would have shown had the original payments been made from this fund as intended – he asked if there were any questions or comments – Mayor Dibler asked if this would result in a "hit" on our next Audit and Gary confirmed "yes it will be a hit" but he anticipates a non-serious "finding" due to the circumstances involved and the inability to withhold payments to contractors until 2021 when the funds in the State Highway would once again become available – he feels that coupled with his explaining what happened and offering Village government officials to ask questions about this issue the Audit will not find this to be a serious "finding" – he then asked if anyone did not wish to sign the document as proof of his presenting the situation to Council and his intended actions in 2021 – no one indicated a reluctance to sign the document

Parks

Dennis and David had nothing to report.

- ❖ Gary confirmed that the PEP Grant Application for \$1,000 has been received and deposited for spending as discussed at the August meeting pending the status of the juveniles sentencing for damages to the Park; Allan reported that both juveniles have their disposition sentencing scheduled, one on September 8th and the second on October 20th; Allan confirmed speaking with the County Prosecutor who assured him that they will make the preferences of the Village known to the Court before sentencing
- ❖ Cathy reported that the Park looked great and that she sent photos to JAG Healthcare in Burbank showing the paved parking lot, ADA sidewalks and the port-a-jon –pad; she asked if a port-a-jon was going to be installed this year and Council reported not so due to reduced attendance due to COVID-19 and then she asked about new picnic tables; Gary stated that the bid he was provided was only for 1 ADA table and 2 regular tables and suggested that Council consider 2 ADA tables and 1 regular – he also confirmed that money is available if Council wants to do anything with them yet this year or wait until next year due to the start of Fall weather
- **David who announced himself made a motion to appropriate up to \$3,235 for purchasing picnic tables, seconded by Ken who also announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David –aye**

Water & Sewer

Dennis and Ken had nothing to report.

Streets

Chris and David reporting:

- reported that the patching that was recently done did not get some of the deteriorated edges – David reported that this was above the capabilities of the paving company that he used - Mayor Dibler asked David to get estimates on repairing these damaged street edges
- Cathy asked about the missing signs around the Village and a discussion took place resulting in Council agreeing to take an inventory of all the missing signs in order to get a bid to have them all installed at one time

Zoning

Chris and Thomas had nothing to report.

- Ben reported receiving a call from Bert Reed (141 Water Street) asking for an extension to have his property and the floodplain, where it joins his property, surveyed – Allan stated that the survey is necessary and suggested Cornerstone Survey as a company who could do this for him – Gary confirmed receiving a call from Bert as well who reported problems in locating a survey firm within the time remaining and that he offered to see if he could also locate some sources for him and send him the names and phone numbers of anyone who might be able to survey his property; Council gave no indication of a willingness to extend the 30 days offered at the August meeting to complete the surveying by 9/29/20 nor any extension beyond the 60 days for correcting the Zoning violations on the residence and out building by 10/28/20
- Ben reported citing David Still for trash around his properties
- Allan reported he is preparing to send out the FEMA Application for 133 Water Street next week to meet the 9/11/20 deadline which will then require a Draft Application by 11/2/20 and a Final Application by 1/5/2021

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, October 1st at the new time of 8:00 PM via Zoom Meetings
- ✓ confirmed depositing \$16.00 for July Traffic Fines
- ✓ confirmed that he will drop off documents at Village Hall that need signatures tomorrow, he will leave the August Regular and Special Meeting Minutes along with the Ordinance passed at the August Special Meeting for Mayor Dibler to sign and the August Financial Reports for Council members to sign along with PO's needing signatures from Ken and Chris and the Resolution for David that needs the President of Council to sign
- ✓ confirmed submitting all but the last document to receive CARES Act monies in the amount of \$11,458 to Burbank for COVID-19 related expenses; last night he submitted documents sent to him by Allan and how Gloria Glens is managing their distributions; with the construction projects going on and the OPWC application to generate by October he reported needing the assistance of one or two people from Council to collect and review applications and authorize payments if we go forward with this project; a Guideline for Burbank will need to be generated using Gloria Glens as a guide and that needs to be wrapped up by mid-September as all monies must be distributed by October 15th, this is a very tight timeline and he is not certain it can be

put together in the time we have remaining – Terry asked to have the guidelines sent to him for review and possible assistance

- ✓ asked if the Village wants to go out for new bids or ask last year's snow plowing/salting contractor if he wants to bid the same pricing as last year – Council asked him to check with last year's contractor first
- ✓ reminded Council that the Sheriff's contract expires the end of this year
- ✓ Thomas announced that the funeral service for his mother (Tracy Lenhoff) will be held on September 19th at St. Mary's in Wooster, OH at 11:00 AM

Old Business:

Gary reporting:

- ✚ asked about the status of the 4-wheeler in the Village storage shed; Allan stated that if it is valued at less than \$1,000 the Village can sell it, but we will need to post an ad for a public auction, or we can give it away so long as we have a bill-of-sale generated for it with basic information; Gary to provide the VIN, make and model to Allan so he can generate the bill-of-sale

Public Comment:

Nothing offered.

There being no further business to come before Council, David announced himself and made a motion to adjourn at 9:28 PM, seconded by Ken who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David –aye.

X

Mayor, Carolyn Dibler

X

Fiscal Officer, Gary Harris