

VILLAGE OF BURBANK
REGULAR MEETING, MARCH 21, 2019

Acting Mayor and President of Council Tracy Lenhoff called the meeting to order at 7:02 PM.

A roll call was taken with the following officials present: Chris Norton (arrived at 7:46 PM), Dennis Rigerman, Ken Dibler and David Wilkinson. Also in attendance: Allan Michelson - Solicitor; Ben Berger - Zoning Inspector, Gary Harris - Fiscal Officer, residents Cathy Kopp and Lori Menk.

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

Minutes - February 7, 2019 Regular Meeting

Dennis made a motion to waive the reading of the submitted Minutes and to approve the Minutes as submitted, seconded by Tracy. 4 ayes, 0 nays

Committee Reports:

Finance, Parks, Safety, Streets, Water/Sewer and Zoning - nothing to report

Council Reports:

Safety

Tracy reporting:

- reported that she contacted Chief Meshew as the Village had not yet received the February Police Report and he confirmed that he will forward the report to her this upcoming week
- confirmed that she plans to speak with Chief Meshew about timely submittal of these monthly reports

Finance

Tracy and Ken reporting:

- Ken read the Paid Bills and the Automatic Deductions amounting to \$5,105.00 -
Ken made the motion to accept these payments, seconded by Tracy. 4 ayes, 0 nays.

Gary reporting:

- **Nature Works Grant** – he asked the status of the Village survey that has an April targeted completion date and he recommend April 12th as the target date due to the work involved once the surveys are completed; he asked if Council is still committed to a May 9th Public Meeting on Park Improvements (NOTE the normal date for the May Council Meeting would have been the 2nd but he is going to be out of state until May 6th and he asked if Council would offer **a motion to change the May Meeting date to May 9th so moved by Tracy and seconded by David. 4 ayes, 0 nays**); he confirmed that all Applications are due to ODNR on or before June 1, 2019; he recommend that we advertise the Public Meeting twice once in late April and once in early May; he asked if he may have **a motion authorizing the placement of these two notices in the newspaper for the Public Meeting on Park improvements, so moved by Dennis, seconded by Ken. 4 ayes, 0 nays**
- **New OPWC Grant Application (Front Street Storm Sewers & Repaving)** – he confirmed that the meeting with the Small Government Committee to determine who will win Grants remains scheduled for May 9th at 10:30 AM in Columbus which, he will be attending – he asked if anyone else will be attending and if so to please let him know – he asked if there were any questions or comments - none were offered; he confirmed that he had a meeting with ODOT personnel on Monday, February 25th, called by ODOT, to review the repaving of SR 83/Front Street – at that meeting he did request a letter of support to present to the Small Government committee members that may assist Burbank in winning this Grant and that letter from ODOT has been received; the deadline for submitting additional documentation and revisions to the application is March 26th and on Monday, March 18th he did forward that ODOT letter as well as a corrected Score Sheet that had two errors on it dropping our points from 55 to 51 (impact, if any is not yet known) – he asked if there were any questions or comments – none were offered; he stated that he needed to correct a misunderstanding on the scope of work for this application that has had 3 revisions to it – in the last revision and as noted in the November 1st Meeting Minutes – he dropped the sidewalks on the west side of Front Street so this Grant Application only covers the storm sewers and associated work to improve our scoring – he asked if there were any questions or comments – none were offered
- **2019 CDBG Grant Application** – he reported that the Application is due March 25th for the Sidewalk work (removing and replacing the sidewalks on the east side of SR 83/Front Street) is completed and that he will deliver 5 sets to the WCPD tomorrow if Council agrees to proceed with filing the application; at last month's meeting he had recommended delaying any motion to approve proceeding with the application and sign-offs until he completed his financial review on this along with the other grants we have in process; he reported completing that review and he forecasted impacts out to the year 2030; General Fund carryovers from 2020

through 2025 will be at low levels (compared to past years) where in 2026 we begin a quick acceleration due to the OWDA loan payoff; so long as our spending in the General Fund remains at the average levels of \$62,000 per year through 2025 and then decreases down to \$47,000 due to no OWDA loan payoff and with no decrease in annual revenues (with the State, County and Levy monies) we will be fine; this will require close monitoring of spending and revenues during this time period and so long as the basis of his analysis remains intact no serious negative issues are anticipated; each new grant considered after 2020 will need to be fully analyzed on its impact to the budget to make certain that no negative long term impacts will be encountered – he asked if there were any questions or comments – none were offered; he stated that if we are to continue moving forward with this project, he does request **a motion** to be issued by Council **authorizing the Grant Administrator to continue to proceed with filing and processing the 2019 CDBG Grant Application and all related documentation and authorizing the Mayor and Council President to sign the Application so moved by Dennis, seconded by David. 4 ayes, 0 nays;** secondly, he requested **a motion**, to be issued by Council, **committing the Village to pay the engineering costs and the construction oversight costs amounting to \$15,000 along with any costs that exceed the CDBG funding amount, so moved by Dennis, seconded by David. 4 ayes, 0 nays** – he asked if there any questions or comments – none were offered

- **2019 Permanent Appropriations** – he reported on the changes that were made to the 2019 Permanent Appropriations; General Fund – added \$33,000 committed for the Nature Works Grant that will not be spent in 2019 but will only be committed to and furnished to ODNR as proof of commitment + \$1,500 towards the Bicentennial party + \$6,000 in the Street Fund towards Snow Plowing/Salting + \$10,000 in the Park Fund for the Nature Works Grant (same conditions as those stated above for the General Fund) + \$1,500 towards the Bicentennial party for a revised Total Appropriations of \$587,371.13 up from the \$535,371.13 issued as Temporary Appropriations – he asked if there were any questions or comments – none were offered; he asked Allan to please read Ordinance 2019-02; Allan did the first reading of Ordinance 2019-02, “An Ordinance to set Permanent Appropriations for the current expenses of the Village of Burbank, State of Ohio, during the year ending December 31, 2019 and declared to be an emergency for the public peace, health, safety and welfare”
- **Chris made a motion to waive the 2nd and 3rd readings of Ordinance 2019-02, seconded by Tracy. 5 ayes, 0 nays**
- **Tracy made a motion to adopt Ordinance 2019-02 as an emergency, seconded by Chris. 5 ayes, 0 nays**
- **Small Government – the Grant Agreement for Small Government/OPWC (for the Henrietta and Hower Streets Storm Sewer and Pavement Improvements)**

- he read the Bid Summary to Council for each of the six bidders with \$181,300.66 as the lowest bid and \$279,999.40 as the highest bid - he asked if there were any questions/comments - a concern was raised by Chris about the lowest bid being so far below the allowed costs of \$265,000; a discussion followed and the end result was that Engineering Associates had stated to Gary that they have prior working experience with the low bidder and with no negative experiences and that unless someone has specific knowledge as to why this contractor should not be selected we are obligated to approve this lowest bid contractor for this project - no one had any specific knowledge about any issue to support not accepting this bid from this contractor; Allan did the first reading of Ordinance 2019-03 "an Ordinance accepting the bid of Palmer and Sons Excavating, Ltd. For the Henrietta and Hower Streets storm sewer and pavement improvements project of the Village, authorizing the Mayor to execute a contract for the same and all documents necessary to implement it, and declaring the same an emergency"; he confirmed that the Pre-Construction Meeting date is scheduled for March 29th at 1:00 PM to review the scope of work and to set a construction schedule, he stated that all Council members are welcome to attend if they are available - he asked if there were any other questions or comments - none were offered

- **Ken made a motion to waive the 2nd and 3rd readings of Ordinance 2019-03, seconded by David. 5 ayes, 0 nays**
- **Ken made a motion to adopt Ordinance 2019-03 as an emergency, seconded by David. 5 ayes, 0 nays**
- Allan reported that past due property taxes for 12 Front Street have begun to be paid while similar taxes for other properties have not been paid

Parks

Dennis and David had nothing to report.

- ✚ reported that Patty Murphy from Norwayne Schools had been invited to attend tonight's meeting to discuss students volunteering to do work in the Park on April 13th or 20th from noon until 2:00 PM; Lori suggested that Dennis or David contact Wooster Brush who may be able to donate brushes and rollers if Council wants the students to do any painting in the Park; Allan confirmed that no "Waivers" will be necessary from the student volunteer's parents
- ✚ **Tracy made a motion to approve spending up to \$200.00 for paint and supplies towards the Park Clean-Up, seconded by Dennis. 4 ayes, 0 nays**
- ✚ Council also decided to have David be the point of contact and coordinate with Patty for this activity
- ✚ reported that Julie Underwood, with Norwayne Youth Baseball, contacted Dennis to use the baseball field in the Park this season and asked if the Village would get a

Port-a-Jon installed next week; Dennis confirmed that a Port-a-Jon would be installed by the end of next week and that he will respond to Julie and also confirm that they can prepare the field for use this season

- ✚ confirmed that Liberty Fluid is donating 2 out of 5 port-a-jon's for the Village's 150th Anniversary; Cathy reported that she recommends changing the date for this function to August 17th due to a conflict with other events taking place that might reduce the attendance at the Village Anniversary celebration; Cathy requested that power be reactivated in the Park; Ken, David and Dennis stated that they will obtain bids for this work to present to Council; Cathy confirmed that the celebration will last from noon until 5:00 PM and that she has the Sheriff's department as well as the Canaan Fire Department scheduled to be on site and the Fire Department will also provide water for the "dump" tank; Cathy confirmed that she is working on having food trucks at the celebration as well; Allan will process the necessary documents that will permit alcohol to be sold at the celebration
- ✚ **Tracy made a motion to appropriate up to \$3,000 for expenditures for the August 17th 150th Anniversary celebration, seconded by David. 5 ayes, 0 nays**

Water & Sewer

Dennis and Ken had nothing to report.

Streets

Chris Reporting:

- reported no update yet on the sign installation; Gary gave Chris the layout for the signs, as generated by Lori, to be installed by Larsco Construction and he will be in touch with them
- asked Allan if the No Engine Brake sign could be installed outside of Village limits for northbound traffic and Allan responded no, unless the Village obtains approval from ODOT and Canaan Township, Chris plans on making contact to determine if this will be possible

Zoning

David and Chris had nothing to report.

- ❖ Ben reported that he was contacted by a resident about pot holes needing repair on Reed Court and East Middle Street; Council confirmed that \$500 had been appropriated to procure "cold patch" for making such repairs

- ❖ Ben confirmed that there is a condemned house on Water Street, lot number 8130, that has cut trees stacked on the property as well as the house being in bad condition with doors open and easy access to the house for animals, etc.; Allan and Ben will look at the Zoning and Maintenance Codes for the Village to determine the next step
- ❖ Ben confirmed issuing two citations for vehicles on Front Street, one for having no plates and one for illegal parking on the tree lawn
- ❖ Ben reported that pallets are being built on a property on East Middle Street that is a non-commercial property; Allan confirmed the need for Ben to take photos and supply reports on his findings and he will generate a letter for the owner of that property to cease operations and remove the pallets

New Business:

Gary Harris reporting:

- ✓ confirmed the next Council meeting will be Thursday, April 4th at 7:00 PM
- ✓ confirmed depositing \$160.50 for February Traffic Fines
- ✓ confirmed that our Insurance company is now requesting the Village to take a position about allowing employees to carry firearms; a discussion took place and it was decided to have the Fiscal Officer determine the cost and coverage impacts if the Village wants to permit employees to carry firearms
- ✓ reviewed the potential revenue impacts should the Governor's proposed gas tax go into effect; reported that the potential additional earnings from this tax would be \$10,635 at the Governor's recommended 18 cents per gallon or down to \$6,321 if the State House recommendation at 10.7 cents per gallon is adopted; the measure has moved to the State Senate for consideration with a final version due on the Governor's desk no later than March 31st; reported that any such additional revenues will be restricted for use on streets only

Old Business:

Gary Harris reporting:

- ✚ confirmed that the tree stumps have been removed from Depot and Front Streets and the contractor has been paid
- ✚ requested a decision by Council as to the status of the School Park based on the discussion at the February meeting and the consideration of closing the Park and returning it to a green space

✚ **Tracy made a motion to close the School Park in 2019 and to make this area a green space, seconded by Dennis. 5 ayes, 0 nays**

Public Participation:

Nothing offered

There being no further business to come before Council, Tracy made a motion to adjourn at 8:28 PM, seconded by Chris. Unanimous.

X

X

Mayor and Council President, Tracy Lenhoff

Fiscal Officer, Gary Harris