

**VILLAGE OF BURBANK
REGULAR MEETING, AUGUST 1, 2024**

Council President Byler, called the meeting to order at 7:30 PM.

A roll call was taken with the following officials present: Ingram McCord, Terry Moore, Thomas Lenhoff, Marti McCord; also, in attendance: Allan Michelson – Solicitor, Ben Berger – Zoning Inspector, Gary Harris – Fiscal Officer and visitors Cathy Kopp, Houston McCord, Michael Graves and Officer Black

Council President Byler welcomed our guests and announced that the meeting is being taped and requested that all questions and comments from the public be delayed until the Public Participation segment near the end of the meeting

Marti made a Motion to excuse Anna Dickson, seconded by Ingram. Vote: 5 ayes, 0 nays

Minutes – July 9 2024 Regular Meeting Minutes

Terry made a Motion to approve and accept the July Meeting Minutes, seconded by Ingram. Vote: 5 ayes, 0 nays

Council Reports:

Safety

Marti reporting:

- reported a total of 14 Traffic Citations for July, ten of which were for traffic signal violations and four were for speeding, she delivered a check in the amount of \$349 for traffic citations and they worked 149 out of the 150 hours requested
- requested that the Village contact Chief Meshew regarding the Radar Speed Detectors who offered to assist in the unpacking of these units – Burbank to contact Chief Meshew once a date is set

Finance

Terry reporting:

- read the July Paid Bills and the Automatic Deductions amounting to \$22,440.55 and asked if there were any questions or any details needing to be presented – none were requested; **Terry made the motion to accept these payments, seconded by Marti. Vote - 5 ayes, 0 nays.**

Gary reporting:

- Based on the events related to the gas line replacement on Diagonal Road and the potential \$15,000 cost hit that the Village may have had to pay for an on-site observer to confirm correct back-fill procedures were followed, Joshua from Engineering Associates sent him and he shared with Allan, the Permit and Ordinance used by Lodi to control this type of work and to charge the utility company for such work through the Permit and Review process – he and Allan have modified the Lodi documents so they better represent our conditions here in Burbank and he sent Council the Permit and Ordinance yesterday – he also sent Council the bid from Engineering Associates to create standard construction drawings and specifications that would be given to any utility company so they meet Village standards and we would have final drawings from the utility company with the changes/repairs they did for our records going forward - the cost to generate the standards and specifications is \$8,000 which, in this most recent case with Columbia Gas, would have avoided the Village paying any monies out and would have actually brought revenue into the Village, not much revenue but definitely no pay out by the Village – so if Council adopts this strategy, it will help the Village anytime that a utility company i.e. Columbia gas, LMRE, Wayne County Sanitary Dept or even ODOT should need to do work in the Village on, under or above Village roads and right-of-way’s – we may have to consider timing as to when to allow Engineering Associates to proceed with the drawings and specifications based on a discussion coming up about the 2025 OPWC Grant Application – so the question becomes, does the Village want to establish this procedure and the associated standards and specifications to protect the Village going forward - Council can elect to do all three readings of the Ordinance thus allowing Council time to consider this option - Council would just have to "hope" that no such work surfaces again in the Village until we have this procedure up and fully operational - Council also has to consider this cost as we consider an OPWC Grant for E. Middle Street for next year as well as our OPWC costs for this year with Diagonal Road - Terry asked to see an example of what the finished Construction and Material Specification Manual looks like – Allan asked why don’t they just copy the Lodi Manual and insert Burbank’s name to save the Village money – Gary said he will investigate both of these questions with Engineering Associates
- Allan did the first reading of Ordinance 2024-06, “an Ordinance regulating the use of highway, street, road or alley areas (hereinafter referred to as “thoroughfare”) within the Village of Burbank, Ohio, construction projects not related to Village Grant Projects”
- Terry asked that this Ordinance be posted onto the Village social media sites and Allan said it would be OK to do so even though it has not yet been passed
- CDBG Grant for the Front Street Sidewalks – all work on this project was completed on June 5th – we did the final walk through on June 18th and generated a Punch List and a copy was sent to Council this afternoon – as relates to the work done on Front Street – when he was with the contractor looking at another job to bid, he noted that many residents are not cutting the grasses just planted and weeds are taking over – he asked that Council/Zoning ask our residents to cut the grasses on a regular basis as they will take over and not allow the grass seed that has been applied to

grow - Gary asked if Council read the Punch List and since several had not, he read the Punch List items to Council - he reported that the final batch test reports were just received this afternoon and the engineer is now reviewing the results to see if the 56 day test meets the specification requirements on compression strength - he asked if there were any questions or comments - Council asked to get copies of the test results and Gary said he would get them

- OPWC Grant for the Diagonal Road Project - Columbia Gas is estimating that all of their work will be completed by August 8th - Dirt Dawg is estimating to begin construction on or about September 3rd or 9th - we had 2.5 months allowed for the completion of this project which would work out to a mid - November as the latest date to complete all work pending any significant weather delays - he asked if there were any questions or comments - none were offered
- East Middle Street is next on the OPWC priority list as approved by Council back in 2023 - due to complications that have developed as pertains to the ROW, Gary read the following statement:

“On July 30th, Village Officials and Wayne County representatives, including Legal Counsel from both parties, held an information gathering session. No majority of members of any public bodies attended this gathering. From this session the following information was offered without any decisions made or actions taken:

(1) with the reported water drainage concerns raised by some residents along the north side of E. Middle Street, the Village can consider applying for an OPWC Grant, with the participation of outside entities, that would include the installation of a curb and curb catch basins and the associated storm water drain line running east into the new and larger storm water drain line that will run directly into Killbuck Creek (Note - this may require the approval of the U.S. Army Corps of Engineers) as well as removing and replacing the existing sidewalk and tying in each resident - pre-installed lateral into the storm water drain lines to be installed on the north side of E. Middle Street and with no cost to the resident for tying those resident installed laterals, terminating at the edge of the right-of-way, into those same newly installed storm water drain lines;

(2) assess the property owners on the north side of E. Middle Street for the costs of the work listed in item (1) above; or

(3) waive the assessment for property owners listed in (2) in exchange for a 5-10-foot easement, from the edge of the existing right-of-way and extending north of the right-of-way from the area near the intersection with Reed Court out to the east Village limits.

It is felt that these considerations have the potential to eliminate the reported water drainage issue on the north side of E. Middle Street. Final considerations will be dependent upon the level of outside entities financial support and the

cost estimates yet to be determined. NOTE - the OPWC process is very competitive, not only within Wayne County (8 subdivisions) but also in the other 87 Counties in Ohio comprising the 19 Districts and each county is allocated a fixed dollar amount for awards each year."

Parks

Ingram had nothing to report.

- ❖ Council President Byler stated that he sees that the new Flagpole for the Park has arrived

Water & Sewer

Thomas reporting:

- Confirmed finding some catch basin covers that need replacement on Mill Street only and that no others were found on the other streets in the Village - Gary asked that markers be installed on or near each defective cover and Council asked Gary to contact Chris as it was reported that Chris knows of a company who can assist with these covers

Streets

- Gary reported that until the Radar Speed Detectors are unpacked and confirmed as all parts being delivered with no broken components, he will not proceed to get bids to install all signs including these radar speed detectors and the flagpole - once all is confirmed he will get pricing for the installations
- Gary reported that he is getting three bids for pothole repairs but all contractors are busy so it will take some time to get the bids and then do the work

Zoning

Jay had nothing to report.

- ✚ Marti reported that the property owner of 111 W. Middle failed to appear in Court once again and she will send it to Wayne County Municipal Court along with the violation for 12 Front Street
- ✚ Allan to issue a Motion to Proceed to Correct 123 Mill Street and 130 E. Middle Street giving owners 30 days to correct before the Village does so and liens the properties for the charges to do the work
- ✚ Terry stated that the dead tree reported at 54 Front Street is actually on the property line with 48 Front Street and asked Allan to send a Notice to Correct to 48 Front Street as well and that property owner at 48 Front Street has agreed to pay for half of the costs to remove the tree and Terry has a bid of \$1,600 to remove that tree

- ✦ Marti reported that there is a request to vacate some alleyways in the Village - Marti to get with Allan and report back to Council

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, September 5th at the start time of 7:30 PM
- ✓ confirmed that he misplaced the check for \$283 for the June traffic citations and asked that a new check be issued and he will deposit the check received tonight in the amount of \$349 for July Traffic Fines
- ✓ reminded Council that PEP is offering a \$1,000 Grant for safety related items - we do have all year to apply but we don't want to forget about it and lose this "free" Grant money - Council asked Gary to see if it can be used to install the radar speed detectors and other sign repairs
- ✓ confirmed that the dead bush stumps leading into the Park have been removed
- ✓ 15 Front Street - this is the work to repair the plugged drain line in the ROW and reroute that drain line to the man-hole on the northwest corner of Water Street - he has contacted 3 companies to bid this work, he has received one bid and he will follow-up with the other two and plans on presenting this to Council at the September meeting
- ✓ confirmed that on July 3rd he notified all members of Village government the need to take the Fraud Training as now required by the Auditor of State and all training must be completed by 9/29/24 - he confirmed that everyone except Ben has completed this training and sent in the required paperwork and Terry owes him Document #1
- ✓ a bid was received from Ben to clean-out the area around the storage units behind Village Hall and Gary stated that he would like to get two other bids
- ✓ Council President Byler read the following notice - "Open Village Council Seat - The Village of Burbank has an open seat available on Council. To apply for this seat, you must be a resident and have lived in the Village for no less than 1 year and you must be a registered voter in the Village of Burbank. The person appointed to this seat will finish out the term of office which expires 12/31/2027 and then you would need to run for election. The selected person must be available to attend Regular Council Meetings scheduled for the first Thursday of each month and the meetings start at 7:30 PM as well as any Special Meetings that could be called at any time by the Mayor. Members of Council are paid \$30/month, pay is issued every June and December.

Interested applicants should be prepared to address Council at the September 5th Council Meeting and share your background with those in attendance, offer reasons why you would like to be on Council and what experience or expertise you may have that you feel would be of benefit to the community and to Council. Council reserves the right to appoint the candidate that they deem best suited to serve the community and who will work as a team member with the Mayor and other members of Council."

Old Business:

Gary had nothing to report.

Public Comment:

- Mr. Graves stated his dissatisfaction with what was read regarding the E. Middle Street drainage issue and stated that he will not agree with any easement and then the discussion continued touching on subjects ranging from assessments to legality matters to the Village being told that they own the Sanitary Sewer System which the Village Solicitor disagreed with but stated that he will review the agreement signed 20+ years ago as well as sending copies of the Agreement to Council
- Mr. Graves stated that all street signs in the Village do not meet the published standards - Gary asked for an inventory of those signs so all work can be done at one time

There being no further business to come before Council, Marti made a motion to adjourn at 8:58 PM, seconded by Ingram. Vote; 5 ayes, 0 nays

X

Mayor, Anna Dickson

X

Fiscal Officer, Gary Harris