

**VILLAGE OF BURBANK
REGULAR MEETING, SEPTEMBER 5, 2024**

Mayor Dickson, called the meeting to order at 7:30 PM.

A roll call was taken with the following officials present: Ingram McCord, Terry Moore, Jay Byler, 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, Dan Wiley Sr., Andrew Mohn, Kimmy Farone, Jamie Long, John Rutter, Zach Kelly and Officer Black

Mayor Dickson 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

Two residents, John Rutter and Andrew Mohn, stated their interest in applying for the vacated Council seat due to Chris Norton’s resignation from Council – Jay Byler stated that he is also resigning effective tonight due to family matters – both Andrew and John presented themselves to Council offering some background information for consideration on the two open Council seats – Council decided to wait for Allan to arrive before moving forward on these Council candidates

Minutes – August 1, 2024 Regular Meeting Minutes

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

Council Reports:

Safety

Marti reporting:

- reported a total of 25 Traffic Citations for August, 23 of which were for speeding and two were for non-speeding , she delivered a check in the amount of \$628 for August traffic citations
- reported that Chief Meshew was in a motor cycle accident with serious injuries and Jeff Kinney is the Interim Chief of Police
- Gary reported that he spoke with the Chief of Police in Richfield who installed identical units like those we have purchased and he has requested that their programmer contact me next week upon his return from vacation – Gary said he also plans on speaking with their Service Dept. as they installed the units

Finance

Terry reporting:

- read the September Paid Bills and the Automatic Deductions amounting to \$20,895.79 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 Jay. Vote - 5 ayes, 0 nays.**

Gary reporting:

- Every year we vote on accepting the rates on the tax levies – he confirmed that he reviewed the tax levies and their respective rates and all are correct as voted on and passed in the most recent elections – he asked if there are any questions or comments – none were offered – he asked Allan to please proceed with reading Resolution 2024-03R and if approved, please have Jay sign both sets as President of Council
- Allan did the first reading of Resolution 2024-03R, “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”
- **Marti made a Motion to waive the 2nd and 3rd readings of Resolution 2024-03R, seconded by Jay. Vote: 5 ayes, 0 nays**
- **Jay made a Motion to adopt Resolution 2024-03R, seconded by Marti. Vote: 5 ayes, 0 nays**
- the second Resolution is to have OPWC reimburse the Village for the advance payments we made on the Diagonal Road project to complete the engineering starting in 2023 and the payments made thus far in 2024 all totaling \$64,150 – based on our OPWC Application, our portion of the payments is set at 19%, thus, the Village will be reimbursed for the 81% that we paid that was OPWC’s portion for a total of \$51,961.50 – these monies will be used to continue to make our payments for the Diagonal Road project – he asked if there are any questions or comments – none were offered – he asked Allan to please proceed with the reading of Resolution 2024-02R and if approved this needs sign-off by Mayor Dickson
- Allan did the first reading of Resolution 2024-02R, “a Resolution declaring the official intent and reasonable expectation of the Village of Burbank on behalf of the State of Ohio (the Borrower) to reimburse its General and Street Funds for the Diagonal Road Storm Sewer Replacement & Resurfacing Project CP30AB with the proceeds of tax-exempt debt of the State of Ohio”
- **Jay made a Motion to waive the 2nd and 3rd readings of Resolution 2024-02R, seconded by Marti. Vote: 5 ayes, 0 nays**
- **Marti made a Motion to adopt Resolution 2024-02R, seconded by Jay. Vote: 5 ayes, 0 nays**
- last month we did the first reading of Ordinance 2024-06, an Ordinance that would have the Village generate Construction drawings and Material specifications for any future work done in the Village by utility companies and ODOT – he was asked by Council to make copies available of a similar manual which he did and notified Council on August 5th – he asked if anyone reviewed the manuals and no one commented – he asked is Council ready to vote on this

or do we do a 2nd reading giving Council another month to look at the Shreve Manual and then decide at the October meeting – Council asked for a second reading and the Mayor asked him to check with another engineering firm to see if better pricing is possible

- Allan did the second 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”
- 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 – the status of the Punch List is that all items have been addressed and no open items remain - based on the concrete samples taken at the time of pouring cement the results showed a less than specified strength – he then authorized core testing at 28 and 56 days, the results of the 56 day tests are that the concrete meets specifications – he reported that this closes this CDBG Grant project
- OPWC Grant for the Diagonal Road Project - Columbia Gas completed the base repair work on August 13th - the problem was that no inspector was notified to be on site as they did the work two days ahead of when the inspectors were told to be there on August 15th - on August 22nd our inspector was on site when the contractor was installing the asphalt/concrete base, asphalt intermediate and surface course on E. Middle and the same work on crossovers on Diagonal and found that two of the three areas he inspected, the base repair was $\frac{3}{4}$ ” to 1” less than specification - Joshua, our inspector and I met with Columbia Gas and their contractor on August 28th - when asked what needed to be done I told everyone it had to be done to meet specifications and that all of this could have been avoided had they followed instructions given to them, and they confirmed that they had received instructions, to have inspectors present when the base work was being done, further, I told them it needed to be done before September 16th, the targeted start date for Dirt Dawg and I was told by the Columbia Gas contractor that this would not be a problem - because no inspectors were on site they need to remove all of the surface work so our inspector can verify that the base repairs meet specifications along the length of Diagonal Road that had gas line work – the current status is we are waiting to be told the scheduled start date for this work - we had 2.5 months allowed for the completion of this project which would work out to a mid - November as latest date to complete all work pending any significant weather delays - he asked if there are any questions or comments – none were offered
- East Middle Street is next on the OPWC priority list as approved by Council back in 2023 – first thing he did was to point out that the Village was unable to obtain any financial assistance to install the curb, curb-catch basins, storm sewer piping and sidewalks on the north side of E. Middle, since the cost is approximately \$180,000 and the estimated assessment for each of the 9 parcels on the northside of E. Middle Street would have been \$20,000 per parcel the Village cannot afford to install the work on the northside of E. Middle Street – the Village recommends that any homeowner with water seepage in their basements should proceed to install basement sump pumps and install a drain line in their back yards draining towards Killbuck Creek –

what the Village can do is replace the existing storm sewer and catch basins on the southside of E. Middle Street and resurface from the east Village limits up to Reed Court at a cost of \$403,000 – reported that based on his calculations, the Village can proceed to file the OWPC Grant application, which is due on or before September 16th – we would have somewhere between a 12-15% Matching Fund amount with a 20% Loan and total OPWC monies between 85-88% - he confirmed that he cannot guarantee that we will win an OPWC Grant since we just won the Diagonal Road OPWC Grant last year – he estimated that if we proceed to do Village Construction Drawings + allow \$20,000 for street pot-hole repairs (still waiting on bids) and if we allow \$5,000 for the lateral repair on Water Street (still waiting for one more bid) and allow for snow plowing the year end carry-over for Streets and GF would be estimated at \$90,000 (lower than normal by 50% but doable) – he asked if Council wants him to proceed to file the Grant or wait one year – he reminded Council that E. Middle is in extremely poor condition

- **Marti made a Motion to have the Contracts and Grant Administrator proceed to file the OPWC Grant Application for E. Middle Street, seconded by Jay. Vote: 5 ayes, 0 nays**
- confirmed that on August 30th he sent Council the bids to clear the brush from behind Village Hall and the two storage sheds – the bids ranged from \$3200 down to \$1275 – he asked if Council is ready to vote on awarding a Purchase Order to the lowest bidder or are there any questions from Council – nothing was offered – he asked for **“a Motion to issue the PO to J&M Stump Grinding for the brush and debris removal behind Village Hall in the amount of \$1,275”**, so moved by Marti and seconded by Ingram. **Vote: 5 ayes, 0 nays**

Parks

Ingram had nothing to report.

- ❖ Gary was asked about the status of the Flagpole – he reported that he is waiting to have all of the information on the Radar Speed Detectors (programming, installation, etc.) along with details on the street signs so all the work can be done at one time – Gary asked where the new Flag Pole is to be installed and Jay stated near the memorial stone down in the Park

Water & Sewer

Thomas reporting:

- O confirmed that he covered and marked the three-catch basin covers that need replacement on Mill Street - Gary to contact Chris as it was reported that Chris knows of a company who can assist with these covers

Streets

- Gary reported that he is having problems getting bids for pothole repairs – our contractor that we have used for several years is not responding to emails or voice messages which is not a good sign so he is working with two other bidders to have them supply quotes

Zoning

Jay had nothing to report.

- ✦ Ben stated that he has spoken with the residents at 33-1/2 Front Street about the location where they park their cars and he has also spoken with the resident at 45 Front Street about overgrown weeds and outdated plates on a parked vehicle
- ✦ Marti confirmed that the property owners of 111 W. Middle and 12 Front Street have had their cases forwarded to Wayne County for further action by the County Courts
- ✦ Allan issued a Motion to Proceed to Correct 123 Mill Street and 130 E. Middle Street and Ben is to Post the notices and/or deliver them to the residents
- ✦ Terry stated that the dead tree reported at 54 Front Street is actually on the property line with 48 Front Street and reported that the home owners will handle this issue

New Business:

- ✓ Mayor Dickson asked Council how they wanted to proceed – **Marti made a Motion to appoint John Rutter and Andrew Mohn to fill the vacated seats of Chris Norton and Jay Byler, seconded by Ingram. Vote: 5 ayes, 0 nays** - Gary confirmed that their terms of office expire 12/31/2027
- ✓ Allan asked both about their residency and registration for voting, both candidates meet the necessary requirements and Allan swore John and Andrew onto Council – the Mayor assigned John to Streets and Andrew to Zoning
- ✓ **Ingram made a Motion to appoint Marti as President of Council, seconded by Andrew. Vote: 6 ayes, 0 nays**

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, October 3rd at the start time of 7:30 PM
- ✓ confirmed that he deposited the July Traffic Fine check in the amount of \$349
- ✓ confirmed that PEP gave the OK to use this \$1,000 Grant towards the installation of the radar speed detectors and other sign repairs
- ✓ 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 confirmed that he has received pricing from two bidders but feels that the bids are too high and he wants to contact two more bidders and hopefully get a lower bid price – to keep things moving along Gary asked for “**a Motion permitting him to issue a PO for this repair work on a not to exceed amount of \$8,730**”, so moved by Ingram, seconded by Marti. **Vote: 6 ayes, 0 nays** – this way, if he gets a lower bid he can proceed to issue a PO and avoid losing another month waiting for the October 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 this needs to be completed by the due date as it is a requirement for remaining an employee – Ben said he sent it to Gary before tonight’s meeting – Gary to check into this
- ✓ he plans to advertise for snow plowing in September, obtain bids so we can decide at the October meeting on a contractor – Council does not want to advertise but rather just post it on the Village social media sites – Ben reported that he is keeping the rates the same as last year
- ✓ Council decided to remove the port-a-jon the first week in November
- ✓ reminded Council that the Police Contract expires the end of this year – does Council want to renew with Creston and if so Marti can get with Interim Chief Kinney to ask if he wants to renew with Burbank at the same rates as we have in the 2024 contract – NOTE – when our Traffic Citations were heard in Wooster Traffic Court, they withheld \$35 for their expenses – Creston pays the Village \$35 and keeps the larger portion of the fines – Marti explained the distribution of the Creston retained monies to Wayne County and State of Ohio thus removing this as an issue
- ✓ Terry asked about purchasing a bench to be installed in the new green space on Water Street – Council decided to wait on this for the time being

Old Business:

Gary had nothing to report.

Public Comment:

- Cathy announced that Trunk or Treat will be held on October 26th from 6-7:30 PM
- Michael stated that he cannot run a drain line from his house towards Killbuck Creek as suggested by the Fiscal Officer as it would be a Zoning violation – Allan said he will look into this
- Michael stated that the newly poured sidewalk near the Floor Store on Front Street has broken corners at the “cuts” in the sidewalk and he asked what about residents who want to rework their sidewalks that are inside of the right-of-way – Allan said the owners would need to get permits from the Village – he asked if there is any scheduled meeting with Wayne County officials about E. Middle Street and easements – Allan said as of now there is no scheduled meeting and easements is an issue between the home owner and the County
- Dan asked about 4 wheelers running on the streets – Officer Black stated that they must be “plated” if they are driving them on the streets – Dan also stated that a lot of semi traffic is using E. Middle Street and that there is a dead pine on Depot Street that could become an issue if it falls down – Ben to check into this and report back
- Michael wants copies of the mowing invoices for the entire season and said that the Fiscal Officer never sent him the original bid document issued by Berger’s Lawn Care for the mowing contract and he also wants a copy of the document read at the August meeting pertaining to E. Middle Street – the Fiscal Officer told him that it is on the Village website under the Minutes but Michael stated that he wants a copy of it

There being no further business to come before Council, Marti made a motion to adjourn at 9:03 PM, seconded by Ingram. Vote; 6 ayes, 0 nays

X

Mayor, Anna Dickson

X

Fiscal Officer, Gary Harris