

**VILLAGE OF BURBANK  
REGULAR MEETING, OCTOBER 3, 2024**

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

A roll call was taken with the following officials present: John Rutter, 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, Jamie Long, Zach Kelly, Rod Kelly, Autumn McCord, Mary Blough, Craig Purdy, Jason Holcomb, Joseph Cotton, Daniel Griffin, Interim Chief Kinney 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

Mayor Dickson read sections of the Rules of Conduct at Public Meetings, as posted inside Village Hall – “persons in the audience will refrain from behavior which will disrupt or impedes the orderly conduct of the public meeting – it shall be unlawful for any individual to disturb or interrupt any meeting – any individual who causes a disturbance of the meeting shall be warned by the Mayor and shall be given the opportunity to cease the conduct – if after the warning the individual fails to cease the offending conduct, the individual shall be removed from the meeting by the attending Police Officer - once removed, the individual shall be barred from further attendance for the remainder of the meeting”

Mayor Dickson reminded those in the audience that each attendee will have two minutes to address Council during the Public Participation of the Meeting Agenda

Mayor Dickson asked if anyone wanted to address Council for consideration to be appointed to the open Council seat – Michael Graves addressed Council stating that he knows Zoning rules and regulations and has read the entire Zoning Book cover to cover, he was his Senior Class Vice President in High School and he has been a resident for four years – Jamie Long asked to be considered but when asked about her residency, she has not been a resident for a full year thus, she could not be considered – Allan Michelson stated that if no one is appointed to Council within 30 days after a resignation, the Mayor has the authority, without a time limit, to appoint someone who is a Village resident to the Open Seat – Michael Graves stated that he prefers a vote today on his appointment – Mayor Dickson stated that Council will go into Executive Session later to discuss this matter

Minutes – September 5, 2024 Regular Meeting Minutes

**Marti made a Motion to approve and accept the September Regular Meeting Minutes, seconded by Ingram. Vote: 5 ayes, 0 nays**

Minutes – September 17, 2024 Special Meeting Minutes

**Terry made a Motion to approve and accept the September Special Meeting Minutes, seconded by Marti. Vote: 5 ayes, 0 nays**

Council Reports:

Safety

Marti reporting:

- reported a total of 5 Traffic Citations for September and apologized for not having the rest of her report available for tonight’s meeting due to computer problems at work and also reported that she does not have the check for traffic fines for September
- Interim Chief Kinney reported that Creston intends to renew the Police Contract for 2025 with no change in the fee structure and reported that Creston Council meets this upcoming Monday and the contract will be forwarded to Allan
- Gary provided an update on the Radar Speed Detectors, confirmed that he has spoken with Mr. Tim Baker in Richfield and was informed about the software process but on installation, they installed their units on Ohio Edison poles thus, no experience installing them on small diameter poles – also confirmed that he then contacted the Street Supervisor in Lodi who offered to check with Council, at their upcoming meeting to see if they will install these units for us – the units they installed are not Evolis units but they are solar radar speed detectors so the installation should be similar – we will need the Creston Police Department’s assistance to activate the units once installed but they will need a laptop with Bluetooth capability – Interim Chief Kinney confirmed that they are so equipped – Gary stated that he will keep Council updated on progress with installing these units if Lodi is able to assist – he asked if Council wants to issue **“a Motion to approve appropriating up to \$1,000 to install the two Evolis units and four posts”**, Terry said so moved, seconded by Ingram. Vote: 5 ayes, 0 nays – Gary asked Allan about our speed limit sign on SR 83 south of the Village and if we need to get approval to install our posts here and anywhere else in the Village or is it not required if we remain in the ROW – per Allan, no need to ask if we install them inside of the ROW

Finance

Terry reporting:

- read the October Paid Bills and the Automatic Deductions amounting to \$26,942.54 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.**

- **Terry made a Motion approving a \$40 reimbursement to Cathy for the printing of the Garage Sale Fliers, seconded by Marti. Vote: 5 ayes, 0 nays**

Gary reporting:

- confirmed that the Village has been reimbursed \$51,961.50 by OPWC for the portion of payments made by the Village against the Diagonal Road Project that were part of the OPWC obligation for this project – these monies will be used to continue to make our payments for the Diagonal Road project in addition to the other monies that the Village must pay as a part of our Matching Fund commitment – he asked if there are any questions or comments – Terry asked if we will continue to receive reimbursements and Gary said “no because going forward OPWC will pay contractors direct and the Village will pay our portion of Matching Funds directly to the contractor as well”
- reported that all Village Officials and employees have completed the mandatory Fraud Training and all was completed before the September 29<sup>th</sup> deadline – he stated that this will be reviewed as part of our next Audit scheduled to take place in 2025 - he asked if there are any questions or comments – none were offered
- OPWC Grant for the Diagonal Road Project – the current status is that work started Monday of this week – yesterday he visited the site met the Dirt Dawg Supervisor for this project and spoke with our inspector as well – at this time, Dirt Dawg is targeting completion of all work by October 31<sup>st</sup>, subject to any weather delays - he asked if there are any questions or comments – none were offered
- reported that he has some disappointing news - upon further consideration and further review of Village finances coupled with the “other work” that the Village has to do, he withdrew the East Middle Street OPWC Grant Application - when he attended the meeting with Joshua to present our Grant to the Wayne County Commissioners on September 25<sup>th</sup>, we were advised that this year they have applications that exceed available monies by the amount of \$1.8 million and after our winning two grants last year through Wayne County (for the Front Street Sidewalk and Diagonal Road projects) it was doubtful, in his opinion, that any award would be granted Burbank this year – reported that on Monday, September 30<sup>th</sup> he received a request from the Wayne County Engineering Department (WCED) asking for a letter of support for their effort to obtain an OPWC Grant to resurface County Road 70 aka West Salem Road – he confirmed that he did issue the letter and also stated our concern about the level of deterioration of this road and how great it would have been to have been able to have this road paved further into Burbank – he was advised by the WCED that if they “are successful, they will reach out to the Village prior to bidding to see what we can do to work together” on this matter – we will have to wait to see what if anything can be worked out and he will keep Village officials updated as

they occur - he asked if there are any questions or comments - none were offered

- reported that last month he was asked by the Mayor to get another bid to generate the Construction drawings and Material specifications for any future work done in the Village by utility companies and ODOT - confirmed that he obtained a bid dated October 1 from Cunningham & Associates at a bid price of \$8,500 versus the \$8,000 bid from Engineering Associates - he recommended that we do the third reading and vote on Ordinance 2024-06 - if it passes all of the Village documentation will be in place and ready to move forward with Thoroughfare Permits once we decide to complete the engineering work on the manual - he further recommended that we wait on generating the manual until we close the year and see how our financial position looks with year-end carryover - he asked if there are any questions or comments - none were offered
- Allan did the third 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 made a Motion to adopt Ordinance 2024-06 as an emergency, seconded by Marti. Vote: 5 ayes, 0 nays**
- confirmed that the work to clear the brush from behind Village Hall and the two storage sheds was completed on September 19<sup>th</sup> - reported that we have a bid from Ben to plant grass seed and overlay with "stick straw" at a cost of \$550 - he asked Ben if this price includes raking the area first to clear all of the leaves, etc. from the area and will anything be planted between the two sheds - Ben stated that it does but we also need to spray for poison ivy - Gary asked if this price includes this spray and Ben confirmed that it did - Gary **asked if Council wants to issue a Motion to proceed with this work at a cost of \$550, Terry said so moved, seconded by Marti. Vote: 5 ayes, 0 nays** - Gary stated that we have a challenge as we have no water to help the seeds take so we will be depending upon rain and if there is no rain or inadequate rain, we may have to do this again in the Spring unless there is another solution - Ben stated that we do have water in the Park that he can use to water this new planting
- Terry asked which Fund will pay for this and Gary stated the Park Fund - Terry asked if this could be paid from the General Fund and Gary reviewed the October financial report and stated that yes it could and he will charge this against the General Fund

#### Parks

Ingram had nothing to report.

- ❖ Gary was asked about the status of the Flagpole - he reported no change from last month's report
- ❖ Mayor Dickson asked if Justin would address Council on the baseball field in the Park - Justin confirmed that two years ago they decided to move ahead with other options available to them at other sites but this year there is renewed interest in getting an extra ball field in Burbank's Park - Mayor

Dickson asked about costs and Justin stated that the full reconditioning of the field and structures was \$30,000 two years ago or \$9,000 to replace the backstop with other minor repairs – Marti stated that Alcova remains interested in assisting but coupled with having a Beer Garden – Justin stated that the potential funding assistance from the Buckingham family is questionable at this point in time but did state that Joe Rice with Lodi Lumber is interested in helping to support such an effort – Mayor Dickson said we need a plan with sponsor support

- ❖ Mayor Dickson stated that mosquito spraying is finished for the year but Alien Pest Control will be spraying the pavilions and stage on October 15<sup>th</sup> and information about the contents of the spray will be available on Village social media sites – if residents do not want the Village to spray, an option is for the residents to do their own spraying

### Water & Sewer

Thomas reporting:

- confirmed that he added one cone to the catch basin needing a replacement cover - Gary reported that he has not yet had time to contact Chris to obtain information on the company who can assist with these covers

### Streets

John had nothing to report.

- Gary reported no change from last month's report regarding the Street Signs
- Gary reported that he was only able to obtain one quote for the pothole repairs on E. and W. Middle Streets and in his 14 years of doing this he has never had problems like he is now experiencing in obtaining bids
- **Gary asked for a Motion to approve issuing a PO to Most Paving in the amount of \$8,980 to do pothole repairs on E. & W. Middle Streets, so moved by Terry, seconded by John. Vote: 5 ayes, 0 nays**
- Gary reminded Council that he sent them a copy of Most Paving's bid earlier today and pointed out the comments in the bid about the poor road conditions and how these repairs are a very short-term fix

### Zoning

Open Position.

- ✚ Ben stated that Linda Gray will be getting a Permit for a shed she wants to put up on her property
- ✚ Marti confirmed no updates on 111 W. Middle and 12 Front Street since having their cases forwarded to Wayne County for further action by the County Courts
- ✚ Ben confirmed delivering the Motions to Proceed to Correct at 123 Mill Street and 130 E. Middle Street after last month's Council Meeting with no corrections having taken place yet – Allan said they have until October 6<sup>th</sup> to correct and then it needs to go to Mayor's Court

### New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, November 7<sup>th</sup> at the start time of 7:30 PM
- ✓ confirmed that he deposited the June and August Traffic Fines in the amount of \$911
- ✓ confirmed that he will file a PEP Grant Application for \$1,000 towards the purchase of the radar speed detectors unless Council disagrees - no disagreement was raised by Council
- ✓ 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 - reported that the other bids he received to do this work were higher than the lowest bid that we had from Smith Paving & Excavating - per Council's approval to appropriate up to \$8,730 for this work, he issued the PO to Smith Paving and they are scheduled to do the work this Friday with a possible carryover into Monday - Gary reported that he is unavailable on Friday so he contacted Eng. Assoc. to have an inspector on site during the work at a cost of \$90/hour + travel - he asked if there are any questions or comments - none were offered
- ✓ confirmed that he sent out two snow plowing bid packets with no responses yet - confirmed that we do have Ben's bid keeping all costs the same as last year
- ✓ offered a reminder to Ingram and the need to call to remove the port-a-Jon by November 1st
- ✓ recommended that the Mayor assigns one more Councilmember to be on the Audit Committee for signing PO's now that Chris has resigned and stated that he has an instruction sheet for that person once assigned - Mayor Dickson assigned Thomas as the third member of the Audit Committee
- ✓ reported that with the departure of Jay, he is now working with the bank to get Marti set-up as an authorized signer on checks
- ✓ Terry suggested getting volunteers to install the new speed radar signs - Gary voiced concerns that they do not have the equipment to sink the posts to the required depth

### Old Business:

Gary reporting:

- O Asked Council if they want the new flagpole installed in the Park next to the Memorial Stone and they confirmed "yes"

### Public Comment:

- Cathy announced that Trunk or Treat will be held on October 26<sup>th</sup> from 6-7:30 PM and that she will be retiring from the Event Committee
- Michael volunteered to work on the Street Signs - stated that since Council voted on legislation to submit the OPWC Grant Application for E. Middle Street that

Gary did not have the authority to withdraw that Application - **Marti made a Motion to withdraw the E. Middle Street OPWC Application, seconded by Terry. Vote: 5 ayes, 0 nays**

At 8:20 p.m. Mayor Dickson asked for a vote to go into Executive Session regarding applicant Michael Graves for Council, Roll Call Vote: John - aye, Ingram - aye, Terry - aye, Thomas - aye, Marti - aye - Roll Call Vote to return to Regular Session at 8:58 PM - John- aye, Ingram- aye, Terry - aye, Thomas - aye, Marti - aye

Mayor Dickson stated that no decision was made about the vacant Council seat and Michael's applying for the position will remain under consideration

A discussion about the open Council seat followed and Allan said that if no appointment is made by Council by October 6<sup>th</sup>, the Mayor can then appoint someone with no time limit as to when the seat must be filled and cautioned Council about the need to have five members present to vote on and pass legislation

**There being no further business to come before Council, Marti made a motion to adjourn at 9:00 PM, seconded by Ingram. Vote; 5 ayes, 0 nays**

X

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Mayor, Anna Dickson

X

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Fiscal Officer, Gary Harris