

**VILLAGE OF BURBANK  
REGULAR MEETING, NOVEMBER 7, 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, Michael Graves and Dan Wiley Sr.

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 her position statement regarding Michael Graves request to be appointed to Village Council to fill the seat vacated by Jay Byler – As Mayor, I recommend leaving the Zoning position open, this is because of the combative history Mr. Graves has shown in past Village Meetings, towards Village employees and with outside governing entities. It is my opinion that it would not be appropriate to place him in a position where residents may also be subjected to this behavior. It would also not be appropriate to place him in a position of representation and authority where he could speak on behalf, or make any commitments, for the Village. Mayor Dickson asked if anyone on Council wants to make a motion regarding this matter – Allan stated that no motion is needed.

Mayor Dickson asked if anyone wanted to address Council for consideration to be appointed to the open Council seat – no response from those in attendance

Mayor Dickson read her position statement regarding the sanitary sewer line on E. Middle Street - On October 8<sup>th</sup> Gary, Allan and I met with the Wayne County Solicitor, Commissioner and County Administrator to discuss the Village sewer line issue on East Middle St. From that meeting we learned that the project began as a Village project and was taken over and completed by the county in 2003. We do not have any information on why the system was installed where it was 21 years ago or if the homeowners disapproved of the project at the time. The cost to move the system would be in the hundreds of thousands of dollars, possibly \$.5 million. This would take away from much needed infrastructure projects and raise sewer rates for all village residents. In conclusion, as Mayor, I recommend the Village not take any action as it would not result in anything positive and would only negatively impact all residents of the community - Mayor Dickson asked if anyone on Council wants to make any motion on this matter – John asked what the materials of

construction were for this system – Gary responded that all materials of construction and design had to meet published standards at that time and he did not have details available tonight as to what materials of construction were used – Michael stated that a group of residents will be suing the Village to relocate the sanitary sewer system – Allan said that this will cause the Village to sue the County as we did not build the sanitary sewer system and it will have to go through the court system; Allan also stated that there is no apparent liability for the Village in this matter due, in part, to a lack of documentation and he offered to get the engineered drawings from his files

Minutes – October 3, 2024 Regular Meeting Minutes

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

Council Reports:

Safety

Marti reporting:

- reported that she has the checks for traffic fines for September and October, \$211 and \$179 respectively
- confirmed that a new Part-Time officer has been hired and is working with Officer Black and Village police coverage should continue as requested – Mayor Dickson stated that she asked the Chief to adjust patrol hours due to high speed traffic through the Village and asked Marti to investigate and report back on what changes Interim Chief Kinney has made
- Gary provided an update on the Radar Speed Detectors, confirmed that he is having problems with the supplier’s customer service in obtaining needed information about the pole size and length that we need to know before we can place an order for these parts as well as trying to obtain specific detailed installation instructions – he will continue to call daily until he gets the information needed – he also confirmed that our regular contractor has offered to bid the installation of these posts
- Marti confirmed that the 2025 Police Contract renewal was on the Agenda for Creston’s Council Meeting on Monday of this week but she heard nothing and will check on this matter for us

Finance

Terry reporting:

- read the November Paid Bills and the Automatic Deductions amounting to \$280,250.04 and reported that most of the expense was pass through payments on the Diagonal Road project, he 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 John. Vote - 5 ayes, 0 nays.**

Gary reporting:

- confirmed that At the April 4<sup>th</sup> Council Meeting he distributed the 2025 Proposed Budget that recommended spending reductions in two departments - Streets and Parks - he asked Council to review those budgets, especially the Expenditures, to see if they want to make any changes to spending - if not, then the expenditures listed in the April distribution will become the 2025 Appropriation Budget - as always, he stated that he is willing to meet individually or as a group - just ask; reminded Council that he needs any changes to the budget to be submitted to him on or before November 29<sup>th</sup> so Council can vote at the December 5<sup>th</sup> Council Meeting for the 2025 Temporary Appropriations - he also pointed out that the Police and Park Levy's will need to be on the May, 2025 Ballot so early in 1<sup>st</sup> Quarter of 2025 he will be asking Council to consider any changes that they might want to make to these Levy's - Allan stated that they need to be on the November ballot, not the May ballot - Gary asked if there were any questions or comments - John and Mayor Dickson asked Gary to meet with him on the budget and Gary asked to meet with them to set a date and time after tonight's meeting
- OPWC Grant for the Diagonal Road Project - the current status is that all storm sewers and catch basins, listed to be replaced have been replaced and the street has been resurfaced - we have two open issues that he has been working on (1) the old storm sewer line on the west side of Diagonal has been scoped today looking for any blockages or broken sections and the result of that work is good news from the southern end of the storm sewer up to newly installed CB7, the lines are clear and the line is CPP; we do have breakage and blockage in a few locations from CB7 north to termination into CB12 at the intersection at E. Middle St. and all of this line is clay tile - confirmed that he is now working on getting a cost estimate and asking for confirmation that this will qualify as "contingency" work - we are working with a tight schedule as this Grant expires on 12/2/24 - at 128 Diagonal we have a safety issue that we are working on as the result of lowering the catch basin that had been previously installed in an elevated and non-functioning mode down to grade level but now we have a fall hazard since we are now 3'+ below the existing sidewalk with a steep drop-off - engineering technical details on the wall and safety rail were submitted to the contractor this afternoon - both of these open issues can hopefully be paid as a part of the remaining contingency monies yet available to us with this grant amounting to \$22,000 - he asked if there are any questions or comments - Terry asked if the home owner at 128 Diagonal has agreed with the design and Mayor Dickson asked if the homeowner is aware of this issue - Gary stated that we alerted all residents on Diagonal Road about the upcoming construction that has now been ongoing for well over a month and also confirmed that the design of the safety rail will meet all safety standards and thus far, he is not aware of the homeowner having any issues or concerns

- Confirmed that the lateral repair at 15 Front Street has been completed
- Confirmed that the PEP Grant for \$1,000 has been applied for and that he received word that they are targeting sending the check to us by mid-December

### Parks

Ingram had nothing to report.

- ❖ Gary was asked about the status of the Flagpole - he reported that he was able to make contact with our regular contractor and they can install the flagpole but not until December, weather permitting - Gary to send them the installation instructions and obtain a quote
- ❖ Mayor Dickson addressed the current status of the baseball field in the Park - she has spoken with Justin Cotton who continues to express interest in getting the field in condition to play next Spring and she is asking for plans on how to proceed from Justin as well as revenue he is expecting from fund raisers, the Buckingham family and his belief that the concession stand in the Park can also bring in revenue and probably not go for all of the bells and whistles initially discussed a year or so ago - Mayor Dickson said that she and Gary will sit with Justin once he is ready
- ❖ Marti asked about getting dog waste bags for the Park as well as a sign for Park visitors to pick-up dog waste - Gary said that Chippewa Lake has these dog waste stations and he will get information on these units used in Chippewa Lake
- ❖ Mayor Dickson said she wants the Park Rules sign relocated in the Park

### Water & Sewer

Thomas reporting:

- O confirmed that he has spoken with a contractor who can assist but he has not yet heard back as to when they can meet to review the needs and obtain a quote - he will reach out to the contractor again next week and report back

### Streets

John had nothing to report.

- Gary reported that Mayor Dickson sent a map to a contractor showing sign locations that needed new signs or new poles and she is waiting on the bid from the contractor - Gary stated that as soon as he obtains the inventory list from John, he will compare it against the map detailing what needs replacement and then he can order the parts - Gary also reported that our regular contractor will also bid this work
- Gary reported that all pothole repairs on E. and W. Middle Streets has been completed and reminded Council that the repairs are only a temporary fix as E. Middle Street road surface is failing - he again reported Wayne County's comment about reaching out to the Village early next year if they are successful

in getting their grant to resurface West Salem Road to see what, if anything, can be worked out with the Village that might assist in paving E. Middle Street or a portion of it

- Gary reported that he sent out Snow Plowing bid packages to two other bidders but received no bids – confirmed that we do have Ben’s bid keeping all pricing the same as last year
- **Marti made a Motion to approve the Bid from Berger’s Lawn Care for the 2024 Snow Plowing contract, seconded by Ingram. Vote: 5 ayes, 0 nays**
- Gary confirmed that both Mayor Dickson and John received copies of the 2024/2025 Snow Plowing Contract listing when streets are to be plowed and salted as well as the limited sections to be salted – reminded John that he is the primary person to approve all payments for this work with Mayor Dickson being his backup in case he is unavailable
- Reminded Ben that Gary needs his current Liability Insurance Certificate listing the Village as a certificate holder as well as a copy of Vehicle coverage – Ben advised that Gary should have the current vehicle insurance and he will send a new Liability Certificate as he just changed insurance companies

#### Zoning

Open Position.

- ✚ Ben stated that Linda Gray has not yet decided what size barn she wants on her property and until that happens he cannot issue a Permit
- ✚ 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 – Marti to check the current status of these cases and report back
- ✚ 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 expired – for 123 Mill Street Ben is to speak with the children of the property owner who is currently unavailable to see if they will be doing anything to correct the Zoning violations and Allan will check on the ownership of this property and report back – for 130 E. Middle Street, Allan will process the paperwork to send this to Court

#### New Business:

Gary reporting:

- ✓ **Terry made a Motion to amend the Council Rules for the Regular Council Meetings to the new start time of 7:00 PM effective for the December Meeting and going forward, seconded by Marti. Vote: 5 ayes, 0 nays**
- ✓ confirmed the next Council meeting will be Thursday, December 5<sup>th</sup> at the new start time of 7:00 PM

- ✓ confirmed that he will deposit the checks received tonight in the amounts of \$211 and \$179 for the September and October Traffic Fines
- ✓ asked for approval to schedule the next Records Committee Meeting for December 5<sup>th</sup> at the start time of 6:50 p.m. – no exceptions taken
- ✓ asked if Council wants to proceed to install a “lock-bar” on the dumpster at a cost of \$50-75 plus a monthly fee of \$10 – Council asked Gary to bring this up at next month’s meeting
- ✓ confirmed that he recently reviewed salaries for Village Officials on the Ohio Municipal League’s website and based on that review he had intended to recommend an increase for Village Officials to be effective 01/01/25 - the Mayor and Village Council has not had an increase since he started in 2012 and, he believes, they all had a reduction in pay when they went into Fiscal Watch back in 2000 – 2003 – right now Council members earn \$30/month, he was going to recommend increasing this to \$50/month and the Mayor also earns \$30/month and increasing her pay to \$75/month – due to the ORC this will have to wait until Council members enter their new terms in office; current terms of office expire 12/31/2025 for the Mayor, Terry, Thomas, Ingram and Marti; for John and Jay’s replacement their term expires 12/31/27 – Allan stated that we can vote on this before August of 2025 if we want to move forward with this – Gary stated that the 2023 OML Wage Survey Report, that he sent to Council listing the Villages that had populations near that of Burbank, that the average Council Salaries amounted to \$49.60 per month, this the \$50.00 recommended rate is not out of line

Old Business:

Gary had nothing to report.

Public Comment:

- Cathy reported that Trunk or Treat went very well, Alcova Mortgage donated 10 gallons of Apple Cider, the Burbank Beauty Salon donated \$50 and Roberts Auto Care donated \$100. Also, Mark Buckingham donated 6 gift cards, Miller’s Grocery donated a \$50 gift card used for the Best Trunk Award and the weather was perfect and the Park looked great.
- Michael raised concerns about the road resurfacing on Diagonal Road with some areas potentially causing issues for snow plowing – Gary said that he will look for this during the final walkthrough inspection
- Michael asked if the Snow Plowing Contract was voted on tonight and he was informed that it was
- Michael asked for a copy of the statement made by the Mayor on the E. Middle Street sanitary sewer
- Michael wants to file a complaint about the purchase of the Park and Village Hall cameras and installation claiming no bids were received and he also stated that he wants to see the license for spraying chemicals in the Park that require a

license to do so – Council asked Gary to get a copy of the license from Ben – Gary asked Ben for a copy of the license in question

At 9:07 p.m. Allan suggested going into Executive Session regarding a claim against the Village, **Marti made a Motion to go into Executive Session, seconded by Terry. Roll-call Vote: John - aye, Ingram - aye, Terry - aye, Thomas - aye, Marti - aye.**

Council asked all visitors to depart Village Hall for the Executive Session, Michael refused as he claimed no reason was given for the Executive Session, Allan stated no further information is necessary than what was stated and told Michael he can file a complaint with the Ohio Ethics Commission – a phone call was placed by Council to the Creston Police to have Michael removed from Village Hall at which time Michael departed from Village Hall

At 9:26 p.m. Marti made a Motion to return to Regular Session, seconded by Terry. Roll-call Vote: John- aye, Ingram – aye, Terry – aye, Thomas – aye, Marti – aye

Visitors were informed that they could re-enter Village Hall

**There being no further business to come before Council, Ingram made a motion to adjourn at 9:27 PM, seconded by Terry. Vote; 5 ayes, 0 nays**

X

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Mayor, Anna Dickson

X

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Fiscal Officer, Gary Harris