

VILLAGE OF BURBANK
REGULAR MEETING, DECEMBER 5, 2019

Interim Council President, Carolyn Dibler, called the meeting to order at 7:00 PM.

A roll call was taken with the following officials present: Chris Norton, Dennis Rigerman, Ken Dibler, Tracy Lenhoff and David Wilkinson; also in attendance: Allan Michelson – Solicitor, Ben Berger – Zoning Inspector, Gary Harris – Fiscal Officer; residents Linda Gray, Bert Reed, Cathy Kopp and visitor Nancy Seberiano.

Carolyn asked everyone to stand and Pledge Allegiance to the Flag.

Minutes – November 7, 2019 Regular Meeting

Tracy made a motion to waive the reading of the submitted November Minutes and to approve the Minutes as submitted, seconded by Ken. 6 ayes, 0 nays

Committee Reports:

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

Council Reports:

Safety

Carolyn and Tracy reporting;

- reported that West Salem is interested in providing Police coverage for our Village once the Creston contract expires on January 4, 2020; Allan recommended that we consider starting the new contract with West Salem effective January 1, 2020 and that they are willing to maintain the same rates as were charged by Creston that being \$35 per hour for the officer and car and \$15 per hour for Administrative costs
- Bert asked why don't we reactivate our own Police Department as one of the past Officers for the Village, Ken Lambert, is available and interested; Allan stated that Ken would need to contact West Salem to offer his services and that it is too expensive to operate our own Police Department once you add in car costs and maintenance, benefits, insurance, etc.; Gary confirmed that the Village does not have the money to afford our own Village Police Department

- Allan did the first reading of Ordinance 2019-07, “an Ordinance approving a contract for Police Services from the Village of West Salem, Wayne County, Ohio from January 1, 2020 through December 31, 2020 and declaring the same an emergency”
- **Chris made a motion to waive the 2nd and 3rd readings of Ordinance 2019-07, seconded by Ken. 6 ayes, 0 nays**
- **David made a motion to approve Ordinance 2019-07 as an emergency, seconded by Tracy. 6 ayes, 0 nays**

Finance

Ken and Tracy reporting:

- read the November Paid Bills and the Automatic Deductions amounting to \$21,616.61 – offered the detailed list to anyone wanting to know the specific payments – no requests were made; **Ken made the motion to accept these payments, seconded by Tracy. 6 ayes, 0 nays.**

Gary reporting:

- **Nature Works Grant** – confirmed that we were notified in a letter dated November 4, 2019 that our grant application has been conditionally approved, at 92% of our requested funding or \$31,125/33,750, pending the State of Ohio Controlling Board sign-off; confirmed that he has notified Engineering Associates of our desire to move forward with the engineering on this project once the official “sign-off” is received with a Spring 2020 preferred construction initiation; this will make the Park handicap accessible for the first time and may offer the residents at JAG Health Care an opportunity to enjoy some park visits and cookouts– any questions or comments – David suggested that we hold off construction until the end of the baseball season in the Park, Gary asked that the start and end dates be forwarded to him so he can allow for this adjustment to the construction schedule
- **OPWC Grant Application (Front Street Storm Sewers & Repaving)** – he confirmed that he was able to attend the District 16 OPWC Grant Review meeting held on November 22nd; at that meeting it was confirmed that Burbank will be awarded the Front Street Storm Sewer Replacement Grant; he confirmed that he has notified both Engineering Associates and ODOT of this award and our targeted date for the completion of all construction, that being August 31, 2020 thus allowing ODOT to resurface Front Street in September of 2020 as they had scheduled it to be done; he also proceeded to issue the second PO to Engineering Associates in the amount of \$14,108 towards the final design with a requested March 20 completion date for construction bid packages with a construction start date of July 8, 2020; surveying has begun and is underway and yesterday the

engineer confirmed the schedule is looking doable as of this point in time – any questions or comments – none were offered

2019 CDBG Grant Application – this is the approved Grant for replacing the sidewalks on Mill Street – he confirmed that he was notified on November 22nd that the awarded grants documentation were received by the WCPD from State, they were signed by Wayne County and returned to State for final sign-off; once signed and returned to WCPD, this will clear the way to complete the environmental study and once that is finished it will move into the design engineering bid process and then release into the construction bid process; depending upon timing, this project may need to move out to 2021 if the process is slowed for any reason and/or construction award is too late to start in 2020– any questions or comments – none were offered

- confirmed that he forgot to bring the November Monthly Financial Reports for Council review and sign-off and that he would provide them at the January Meeting; he confirmed that all accounts are in balance with no open outstanding issues
- reported the need to vote on legislation to pass the Ordinance for the 2020 Temporary Appropriations
- Allan did the first reading of Ordinance 2019-06, “an Ordinance to set temporary appropriations for the current expenses of the Village of Burbank, state of Ohio, during the year ending December 31, 2020 and declared to be an emergency for the public peace, health, safety and welfare”
- **Carolyn made a motion to waive the 2nd and 3rd readings of Ordinance 2019-06, seconded by Chris. 6 ayes, 0 nays**
- **Tracy made a motion to approve, as an emergency, Ordinance 2019-06, seconded by Carolyn. 6 ayes, 0 nays**

Parks

Dennis and David had nothing to report.

Water & Sewer

Dennis and Ken had nothing to report.

Streets

Carolyn and Chris had nothing to report.

Zoning

David and Chris reporting:

- a discussion took place about a “home based business” located at 100 Grant Street and if they are in compliance with our Zoning Code, section 705.08; it has been reported that a beauty salon is operating in this home with a sign out front; Allan reported that the sign must be removed and that she can only have a sign with her name listed and attached to the house also, she cannot be using more than 20% of the total floor space for her business and there can be no visible activity, no increase in traffic and no complaints, if all of these and any remaining elements in 705.08 are satisfied, she can have her business and no permit or rezoning will be required; Bert asked about the need for her to pay for a second sewer connection to the property; Allan stated that since the Village has no authority over the sewer’s that Bert will need to contact the Wayne County Sewer Department for clarification on this matter
- Allan stated that the Village is listed in a lawsuit filed by the Burbank Community Action Group (BCAG) as relates to the Fire House and old Post Office property; the Village is listed only because the matter at hand is located in the Village and for no other reason; the issue at hand is the desire of the BCAG to sell the property to Roberts Auto Care but the title is being “tied-up” due to a dispute in ownership and transfer between the original owners named Shad and the old Burbank Firemen’s Association; all that Allan needs is for the Village to confirm whether the Village wishes to remain involved or not, there is no legal reason to remain involved; Bert and Linda asked who will get the money from the sale and Allan stated since the Village has no part in this and no claim to the dollars involved the Village has no say in this matter; Allan stated that the sole purpose of the lawsuit is to clear up the title
- **Tracy made a motion to not object to the lawsuit and to allow the lawsuit to go forward, seconded by Ken. 6 ayes, 0 nays**
- Carolyn asked Gary to report on the Water Street Culvert repair; Gary confirmed has had discussions with the Director of Wayne County Environmental Services. Steve Wolfe, since October 15th; based on his research, no records can be found supporting the technical details of this design or the approval process and we are now at a crossroads of how to proceed; since no design details are available, yesterday he contacted Engineering Associates to run calculations to determine if the culvert meets current “rain event” standards and they responded that for a cost not to exceed \$500 this could be done and completed in about 1 week – he asked if Council wants to proceed with this work and if so he will need **a motion from Council to authorize the Fiscal Officer to issue a PO to Engineering Associates in the amount not to exceed**

\$500 for culvert rain event calculations on the Water Street culvert so moved by Chris, seconded by Tracy. 6 ayes, 0 nays

- Gary reported that there is a possibility, which he believes it to be minimal, as he would expect that URS did run the calculations before sizing the culvert that was eventually installed, and that if the calculations prove a change in culvert size is required, this may very well increase this initial estimate of costs for the permanent repairs; he also stated that he had two Grant Applications ready with different matching fund amounts for the permanent repairs to this culvert but now feels that it is best to wait for the results of the calculations – any questions or comments – none were offered
- Carolyn asked Gary to report on the debris removal from the Killbuck Creek – he confirmed that the Army Core of Engineers (ACE) did send a letter stating that no permit was required for the clearing of Killbuck Creek; the homeowner signed a release to allow access to the creek from her property; the contractor (DC Landscape) was notified to proceed and work was completed on November 15th; a refund request was signed and sent to the Muskingham Watershed Conservancy District (MWCD) on November 26th and receipt was confirmed by MWCD and we are now awaiting full reimbursement – he asked if there were any questions or comments – Chris asked Gary to confirm with the ACE if they have any jurisdiction or input in the culvert drainage issue on Water Street

New Business:

Gary Harris reporting:

- ✓ confirmed the next Council meeting will be Thursday, January 2nd at 7:00 PM and he reminded Council that this will be the annual Organizational Meeting for electing a Council President and the assignment of Chair's
- ✓ confirmed depositing \$556.50 for October Traffic Fines
- ✓ Linda asked about the status of the Old School Park Property; Carolyn confirmed that the Village is still waiting to hear if the Post Office is going to use part of this property for a new Post Office or drop box and mailbox pick-up station; Allan confirmed that the Village will need to receive a formal proposal from the Postal Service for consideration; Linda asked if a new business could be located on this property; Chris stated that it is not zoned for business

- ✓ Tracy reported that other street lights are out in Burbank; Gary stated that pole numbers are needed and that any resident can call LMRE to replace a burned out street light

Old Business:

Gary reporting:

- asked Council if they are ready to make a decision about conducting a Wage Survey on Front Street by the end of this year or early next year in preparation for filing a CDBG Grant to remove and replace the sidewalks on the East side of Front Street; he stated that this is the only way to get this done if we are to apply for a CDBG Grant in 2020; Carolyn stated that they will discuss this further at the January meeting
- Tracy reported that the two (2) street lights on Depot Street that were burned-out have now been replace with LED's and are very bright compared to the old street lights

Public Participation:

Nothing offered.

There being no further business to come before Council, Carolyn made a motion to adjourn at 8:23 PM, seconded by Tracy. Unanimous.

X

Acting Mayor, Carolyn Dibler

X

Fiscal Officer, Gary Harris