

**VILLAGE OF BURBANK  
REGULAR MEETING, MAY 2, 2024**

Mayor Dickson, called the meeting to order at 7:35 PM.

A roll call was taken with the following officials present: Chris Norton, 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 Carolyn Dibler and Michael Graves

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

Minutes - April 4, 2024 Regular Meeting Minutes

**Jay made a Motion to approve as submitted the April Regular Meeting Minutes, seconded by Marti. Vote; 6 ayes, 0 nays**

Council Reports:

Safety

Marti reporting:

reported a total of 11 Traffic Citations for April, ten of which went to Mayor's Court in Creston and one to Municipal Court in Wooster and she delivered a check in the amount of \$107 for these citations

announced that Creston has hired two police officers making the department fully staffed and Officer Audrey Black will be the Officer assigned to Burbank

stated that illegal dumping is taking place on Water Street and if any resident sees this happening they are asked to contact Creston Police

a discussion took place about the Radar Speed Detectors and Gary reported sending Village Officials additional data on a second type offered by Elan City at \$500 less than the original unit as well as pricing from a second source that exceeds that quoted by Elan City

**Jay made a Motion to purchase two Mobility Radar Speed Detectors as bid by Elan City, seconded by Marti. Vote: 6 ayes, 0 nays**

Finance

Terry reporting:

- read the May Paid Bills and the Automatic Deductions amounting to \$11,061.08 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 - 6 ayes, 0 nays.**

Gary reporting:

- reminded Council that he needs any request for any changes to the 2025 Budget on or before June 1<sup>st</sup> and again offered to meet with anyone individually or as a group - he also reported that he will advertise a Notice of Public Hearing for the 2025 Budgets to take place at the start of the June Meeting unless Council objects - no objections were raised - he asked if there were any questions or comments - Mayor Dickson stated that she wants to meet with Gary to go over the 2025 Budgets and she will get with Gary to get the date scheduled
- reported that on April 23<sup>rd</sup> he sent everyone the notice from RITA to establish a Non-Filer Subpoena Program - any questions or comments - a discussion took place and Council determined to implement a portion of the Program and to revisit this matter after 2025 to see if the full program needs to be implemented
- **Marti made a Motion authorizing the Fiscal Officer to set up the Non-Filer Subpoena Program for the Village of Burbank with the “Letter Only” option as applies to the Village Income Tax, seconded by Chris. Vote: 6 ayes, 0 nays**
- In order to pay invoices for services provided to the Village, Gary needs approvals from the Department Chairpersons - this requires those Chairpersons to inspect the work completed and to confirm that all work is acceptable and complete the departments with the most activity by contractors is Parks and Streets - Gary stated that since he is the project manager on all Grant storm sewer and road construction he also must sign off on all such work - so when he sends out any emails asking for the approval to pay he asked all of Council to please respond promptly when you receive such an email - several members of Council stated that a phone call or text is better as they don't monitor emails as much
- CDBG Grant for the Front Street Sidewalks - on May 1<sup>st</sup> we had the pre-construction meeting attended by the Contractor (Smith Paving who did the sidewalks on Mill Street and who did an excellent job), Engineering Associates, the Wayne County Legal Department and County Administrator and Gary - the Contractor expects to begin work in June and to complete all work in June as well, weather permitting - Gary reported that after that meeting he emailed Council the block selection chart asking them to make a decision as to which block they want to use on the retaining wall to be installed adjacent to the existing steps that will be replaced with a “ramp”- if Council has no preference, he will proceed to have the Contractor order Sierra Unilock Blocks - any questions or comments - Mr. Graves asked if there will be a handrail along the ramp and has a concern about the fence that might collapse near this same area- Gary to check and advise Mr. Graves - a discussion took place along with a review of the block options
- **Marti made a Motion authorizing the Contracts and Grant Administrator to select the “River” Unilock Blocks for the retainer wall, seconded by Chris. Vote: 6 ayes, 0 nays**
- OPWC Grant for the Diagonal Road Project - reported that also on May 1<sup>st</sup> we did the Bid Opening for the OPWC Grant for the Diagonal Road Project to replace the storm sewers and resurface the road - the most competitive bid was by Dirt Dawg who also did the Water Street storm sewers and resurfacing several years ago and they did a great job - confirmed that this morning he sent Council the Bid Recommendation

analysis report- he asked if there were any questions or comments – none were offered - Gary asked if he could have **“a Motion to issue a Conditional Letter of Intent announcing the intention to award the Construction Contract to Dirt Dawg Excavating, LLC conditional upon the Village receiving, processing and being issued the fully executed documentation for the OWPC Grant and Loan Award after which the Solicitor and Contracts and Grant Administrator are authorized to issue the Contract and Purchase Order to Dirt Dawg Excavating, LLC for the Village of Burbank’s Phase IV OPWC Project, so moved by Jay, seconded by Marti. Vote: 5 ayes, 0 nays, 1 abstain**

- confirmed that he will be reviewing the Village financial status and will report to Council at the June meeting if the Village can afford to file a Grant Application for Phase V, E. Middle Street

### Parks

Ingram had nothing to report.

- ❖ Gary confirmed that on May 1<sup>st</sup> he sent everyone the bids to replace the roof on the West Pavilion in the Park – before deciding he proceeded to review the finances for Parks - the total monies available for the Park are roughly \$38,800; the preferred carryover at the end of the year is \$9,700, for 2024 we have already Appropriated \$27,500 which includes the monies needed for mowing, spraying, road repairs, a flag pole, mulch, etc. – if Council elects to proceed with the new roof, this could bring the carryover to near zero which means that spending next year would be limited to our annual estimated receipts of \$14,000 so no new projects for next year and perhaps for several years thereafter – Gary did say that of the Appropriated monies almost half of it is not yet committed to a project so we would be OK unless Council were to spend all Appropriated monies in addition to spending additional funds on installing a new roof on the West Pavilion – a discussion and a review of the bids took place and Jay felt that the bid from Homestead Exterior Solutions was for both Pavilions, not just the West Pavilion – he asked Gary to confirm this with Homestead before placing any order
- ❖ **Ingram made a Motion authorizing the Contract and Grant Administrator to issue a PO to Homestead to replace the roof on the West Pavilion in the amount of \$8,125.00 once Gary confirms pricing, seconded by Marti. Vote: 5 ayes, 0 nays, 1 abstain**
- ❖ Gary confirmed that on April 24<sup>th</sup> he sent everyone the pricing on flag poles for the Park asking which “type” do you want to order – none of the pricing included installation so this will be on top of the cost for the flag pole – once Council decides on which pole, he can then proceed to obtain the bid to install it – a discussion took place about trying to locate a source who might donate a flagpole to the Village and Marti offered to research this – Jay asked if Gary reached out to the individual who offered to supply flags for the Village and Gary confirmed that “yes, he did”, Jay asked Gary to send a follow-up to that first request
- ❖ Gary confirmed that on April 11<sup>th</sup> he sent Council the bid pricing for the Mosquito Spraying that has an 18% increase, last year the cost was \$220 per application and this year it will be \$260 to spray throughout the Village like last year; Gary also confirmed that pricing is \$100 if we only want to spray in the Park – Council does

want to proceed and have service on the same day as Lodi's spraying like we did last year

- ❖ **Jay made a Motion authorizing the Mayor to sign the Agreement with Valley View Spraying for the 2024 season, seconded by Ingram. Vote: 6 ayes, 0 nays**
- ❖ Marti obtained pricing for adding Mulch to the playground areas this year and recommended using Playground Chips versus Mulch as it does not break down as fast as Mulch – stated that we need 60 yards at a cost of \$1,860 – Ben offered to check with a source he knows to see if it is any less expensive
- ❖ **Marti made a motion to appropriate and purchase up to \$1,860 for Playground Chips and schedule delivery for May 11<sup>th</sup>, seconded by Jay. Vote: 6 ayes, 0 nays**

#### Water & Sewer

Thomas had nothing to report.

#### Streets

Chris reporting:

reported that he is waiting until the Speed Radar sign materials are finalized before contacting the contractor for a bid price to install all signs and posts at one time – Council suggested using the PEP Grant for this work and Gary said he will need the quote to install as he needs to include this with the Application – Jay asked Chris to also include moving the Park Rules sign from its current location near the storage garage to the sidewalk that meets the parking lot near the older section of Playground  
will mark all of the potholes, which are fewer this year due to the mild Winter we had, and he will get that to Gary so he can get a bid to do the work

Allan reported that he and Gary met with the Wayne County Engineering Department and Wayne County Legal Department this week and the County is working on the right-of-way matter on E. Middle Street and we will be hearing from them

#### Zoning

Jay reporting:

- ✚ Ben reported that two trees in the Old School Park need to be removed and that he sent pictures to Council – a discussion took place about removing the trees and Terry offered to investigate this and report back
- ✚ Marti reported that the property owner of 111 W. Middle failed to appear in Court and will now be issued a second Subpoena to appear
- ✚ 54 Front Street – Ben reported no change from last month – Council asked Allan to generate an Order to Correct and Allan said he will do so and then send it to Ben to sign and date it
- ✚ Ben reported that he issued a Citation to 120 Mill Street to remove a red barn and about a car without plates – Allan to issue an Order to Correct
- ✚ 12 Front Street – Ben confirmed that an Order to Correct is ready for delivery to the property owner

- ✚ 125 Mill Street - Council asked Allan to issue an Order to Correct due to trash on the front porch
- ✚ Allan reported that he has an Ordinance Amending the Village Code if the Village wants to permit the sale of alcoholic beverages in the Park - Gary reported that he does not have his Ordinance Book tonight to be able to assign an Ordinance number - the Ordinance will be read at the June meeting for a vote
- ✚ Council asked Ben to put a price together for spraying the Ballfield and removing the bushes along the driveway leading down into the Park as well as “dragging” the ballfield to be presented at the June meeting - Ben provided a cost estimate to Council for this work tonight
- ✚ **Jay made a Motion to appropriate up to \$1,000 for the ballfield work including removal of all debris, seconded by Marti. Vote: 6 ayes, 0 nays**
- ✚ Gary to confirm if the debris can be deposited into the dumpster

#### New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, June 6<sup>th</sup> at the start time of 7:30 PM
- ✓ confirmed that he deposited the \$175 for the March Traffic Fines and that he has received a check for \$107 for the April traffic citations
- ✓ suggested setting the Records Commission Meeting before the start of the June Council meeting - Allan stated that he will be out of town so we rescheduled the Records Commission Meeting to take place at the July 11<sup>th</sup> Council meeting

#### Old Business:

Gary had nothing to report.

#### Public Comment:

Mr. Graves asked if the sidewalk replacement project is inside or outside of the right-of-way - Allan will contact Engineering Associates on this matter  
Carolyn asked to be notified when and where the sidewalk replacement project will start - Gary said he will let her know once he is informed - asked if the empty lot on Water Street now owned by the Village can have a picnic bench installed - Chris stated that the Village is waiting to hear back from Rails to Trails as this area may be impacted by the trail they are trying to install between Creston and West Salem - Mayor Dickson said that she is giving thought to how best to use this area  
 Mr. Graves asked about the Zoning violations at 130 E. Middle Street that has a tarp and tires on the roof and a truck that is inoperable with a missing door and expired plates - Allan to look into an Order to Correct - Mr. Graves stated that he has a list of Zoning violations and Mayor Dickson thanked him and asked if he would give the list to Council and Mr. Graves said he wants to bring these up one by one and noted there is a violation

where a pool is located without a fence per 308.03 in the Code – he asked about burn barrels and was told that they are not permitted in the Village and that only a burn pit is permitted and it must be 4’ x 4’ x 4’ (high with debris) otherwise a resident can contact the Canaan Fire Department to investigate and/or extinguish the fire if it does not meet Village requirements – Mr. Graves is displeased with the lack of progress with the Zoning Code review and Mayor Dickson stated that she is going through the Code but she also has a full time job needing attention

**There being no further business to come before Council, Marti made a motion to adjourn at 9:45 PM, seconded by Chris. Vote; 6 ayes, 0 nays**

X

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Mayor, Anna Dickson

X

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Fiscal Officer, Gary Harris