

**VILLAGE OF BURBANK**  
REGULAR MEETING  
AUGUST 5, 2014

Mayor Joy Sherwin called the meeting to order at 7:00 PM.

A roll call was taken with the following officials present: Jason Balyer, Dennis Rigerman, Carolyn Dibler, Chris Letzelter, Tracy Lenhoff and Gary Gallion. Also in attendance: Allan Michelson - Solicitor, Gary Harris - Fiscal Officer; Bob Morehead with The Post, Abby Armbruster with The Daily Record and Village residents Ben and Hannah Berger, Leo Rowe and Dan Wiley Sr.

The Mayor asked everyone to stand and Pledge Allegiance to the Flag.

Minutes - July 1, 2014 Regular Meeting

**Jason made a motion to waive the reading of the Minutes as issued, seconded by Gary. 6 ayes, 0 nays.**

**Gary made a motion to approve the Minutes as issued, seconded by Carolyn. 6 ayes, 0 nays.**

Committee Reports:

Council agreed that each Committee Chair will write a report and submit the report to the Fiscal Officer at the end of each Council Meeting. These reports will then be included in this section of the Meeting Minutes. No reports need to be submitted if a particular Committee did not discuss any Village matters and this will be so noted in the Minutes.

Streets - Chris and Gary discussed the Traffic Light repair issue of non-payment by the insurance company and the need for Carolyn to report on the updates from Lampion for the new Traffic Light installation.

Parks - Jason and Dennis discussed the need for the account information for Waste Management in order to schedule a pick-up of the Park dumpster.

Safety, Finance, Zoning and Water/Sewer - nothing to report

Council Reports:

Safety

Tracy had nothing to report.

Joy read Officer Brian's text message:

- 12 citations issued in July along with two arrests, one on a Warrant and one for a suspended driver's license
- Reported that he is investigating a reported break-in

### Zoning

Carolyn reporting:

- ✓ Read the Zoning Inspector's report (copy included) for all those present at this meeting
- ✓ Allan once again suggested that Council consider having the Mayor appoint the Zoning Board of Appeals members each January as opposed to the current 3 year term; with three (3) members on the Board (2) members need to be present to vote on any related matters - it is not required that a Board member must be a Village resident; a discussion took place on the frequency of meetings and Allan indicated that some meet monthly while others only meet as needed - the Board should be as active as the Village wants it to be; he also reported that the Zoning Inspector normally attends these meetings
- ✓ Joy asked if all Council members had reviewed the revised Zoning Book and all indicated that they had done so with no issues being noted; Council requested that Allan also prepare a Maintenance Code for the Village; Allan indicated that this will require an Ordinance
- ✓ Allan indicated the need for a Public Hearing on the Zoning Book and Maintenance Code 30 days before these take effect; a copy of these documents must be available for anyone wanting to review these documents; Council instructed Allen to proceed to publish a public notice for this meeting which will take place on October 7, 2014 prior to the Regular Meeting
- ✓ Village resident Dan Wiley Sr. voiced dissatisfaction with the new Zoning Inspector; he was advised that this can be discussed during the Public Participation portion of the Council Meeting

### Parks

Jason and Dennis reporting.

- o Our Community Service worker is sporadic when it comes to showing up to work; he has until September to complete the number of assigned hours and his work at the nursing home also counts towards these hours
- o The port-a-jon is going to be removed in August since Little-League has completed; Gary requested that this unit remain until after the family reunion scheduled in September; Park Chairs agreed to this request; Gary Harris reminded Parks of the need to call and schedule the removal of this unit to avoid the Village incurring additional charges as happened last year

- o A question was raised about the old picnic tables in the Park; it was confirmed that they are still in the Park and will either be repaired or removed
- o Gary Harris requested the status of the repairs on the five Park issues noted by our Insurance carrier during the last visit; it was reported that no progress has been made; Gary Harris voiced concern about Village liability and the fact that it is going on two years since these have been pointed out as needing correction; Gary Harris stated that he would like to see Council agree upon a completion date to avoid having these repairs extend out much further
- o The Income Survey that was completed several years ago had 48.9% of those surveyed at the Low/Moderate income levels – to qualify for priority in receiving Grant monies we need to be at 51%; reported that the Village has 81 households and we must receive survey's from 67 of these households for submitting to the State; random sampling is required and the website "random.org/sensus.gov" has tools available to assist; reported that Grant monies for a particular street repair only requires survey's from those residents living on that particular street; Chris stated the need for all of Council to participate in this effort by each member being assigned a particular street/area, collecting all completed survey's (which remain sealed by the resident with all information remaining confidential) and sending them to the appropriate agency; Jason reported resistance from Village residents; Chris asked if training is available and suggested that a presentation sheet be created so all Council members say the exact same thing to each resident and also suggested creating a "Frequently Asked Questions" handout for Village residents
- o Gary Harris recommended to Council that they promote the Village Income Survey by telling residents that if the Village is awarded Grant monies this may avoid the need for additional Tax Levies and this is why these surveys are so important to the Village; Allan also pointed out that Grants can be free money and that our Village may be able to acquire our fair share of Grant monies from all of such monies available
- o It was pointed out that we have lost any opportunity to receive any Grant monies in 2014 as we needed to have our survey's and Grant applications submitted earlier in 2014; Gary Harris requested that Council assign a deadline for completing the Survey so as to be able to apply for Grants in 2015; Jason stated that he would find out from his contact what that deadline date is for 2015

### Streets

Chris and Gary reporting:

- ❖ Requested the current status from Lampion in response to Carolyn's letter asking for clarification on several points for the new Traffic Light installation; Carolyn reported no communication has been received and that she will make contact with Lampion for an update

### Finance

Tracy reporting:

- ✓ Read the Bills to be Paid and the Automatic Deductions amounting to \$2,773.50. **Tracy made the motion to pay the bills, seconded by Carolyn. 6 ayes, 0 nays.**
- ✓ Gary Harris reviewed the "claim denial" received from the insurance carrier for the trucking firm that hit and knocked-down the Traffic Light in June citing that the light was too low (below State standards); Allan offered to contact Lampion, who did the light repair, to see if they can provide any documentation stating our Traffic Lights were at the proper elevation and also stated that he can write a letter/make contact with all parties involved in this accident in an effort to recover all or a portion of the costs paid for this light repair amounting to \$3,143.92; Council approved Allan proceeding with this initial low-cost effort
- ✓ Gary Harris reviewed the status of the vehicle insurance requirements for our contractors based on MB Excavating wanting a lower coverage from that of the \$1million dollar requirement in our current contract documents; Allan recommended, going forward, that on all future contract documents we only require "proof of insurance" on vehicles used by our contractors doing Village work and not require or specify exact amounts needed to be carried; Gary Harris stated that his only concern is to limit Village financial liability exposure in such matters; Council approved Allan's recommendation going forward with all new contracts

### Water & Sewer

Gary and Chris had nothing to report.

### New Business:

Gary Harris reporting:

- He deposited \$320 in July for June Court Fines
- Our next Council Meeting is September 2<sup>nd</sup>
- He will post the next Zoning Board of Appeals Meeting for September 4<sup>th</sup> at 6:00 PM
- Reported that he distributed copies of the Record Retention requirements, as required by the State of Ohio, to the Mayor, all of Council, the Zoning Inspector, the Solicitor and each Chairperson for Finance, Streets, Zoning as

well as the Board of Zoning Appeals members; he condensed these requirements and removed all of those that the Fiscal Officer is already retaining; the requirements handed out detail the “other” documents that those copied may at some point generate and they now know which such documents must be retained by them; he offered to file such documents, if requested, provided they are submitted to him clearly labeled and sorted

#### Old Business:

Gary Harris reporting:

- ✚ Asked about the status of the soon to expire (8/31/2014) Worker’s Comp. Insurance for MB Excavating; Chris responded that he will contact MB for the new certificate and will provide them with the Fiscal Officer’s contact information
- ✚ Asked if any Council Member is going to attend the upcoming Rural Community Assistance Program offering guidance and assistance for obtaining Grants; Council responded that no one will be attending; the Fiscal Officer again pointed out the importance and need for Grants to meet the projects wanting to be done by Streets and Parks
- ✚ Asked about obtaining approval on the Ordinance or Resolution for the Solid Waste Management Plan; Allan did the second reading of Resolution 2014-01 and pointed out the need to approve before the deadline of September 14<sup>th</sup> if Council is going forward with this Resolution

#### Public Participation:

- Resident Dan Wiley Sr. stated that he heard through the “grapevine” that people are upset with “how” the new Zoning Inspector is approaching people on Zoning matters; Joy reviewed Jim Brandenburg’s credentials and experience and the fact that he is the current Zoning Inspector for two other communities; it was also stated that his objective is not to site people but only to abide by and enforce Village Zoning requirements; Mr. Wiley still felt that Jim was out of line in how he spoke to his wife about their business sign and the repairs needed
- No other public comments or questions

**There being no further business to come before council, Carolyn made a motion to adjourn, seconded by Tracy at 8:12 PM. Unanimous.**

X

Mayor, Joy Sherwin

X

Fiscal Officer, Gary Harris