

VILLAGE OF BURBANK
ZONING ORDINANCE PUBLIC HEARING & REGULAR MEETING
OCTOBER 14, 2014

Acting Mayor Carolyn Dibler called the meeting to order at 7:02 PM.

A roll call was taken with the following officials present: Dennis Rigerman, Carolyn Dibler, Chris Letzelter, Tracy Lenhoff and Gary Gallion. Also in attendance: Allan Michelson – Solicitor, Gary Harris – Fiscal Officer; James Brandenburg – Zoning Inspector; Officer Brian, Emily Votaw with The Daily Record and Village residents Leo Rowe, Dan Wiley Sr., Ben Berger and Kenneth Dibler.

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

Public Hearing - Zoning Ordinance

- ✚ Allan asked if anyone present had any questions or matters that they want to discuss pertaining to the proposed changes in the Zoning Ordinance; no questions and no discussion took place with those in attendance; based on this, the Public Hearing concluded

Regular Meeting

Allan read the letter of resignation from Mayor Joy Sherwin; Allan explained that Carolyn can remain Acting Mayor or take the role of Mayor at this time – Carolyn expressed her desire to become Mayor; Allan conducted the Oath of Office swearing-in Carolyn as the new Mayor of Burbank

Chris made a motion to accept Ben Berger, who stated his desire to become a member of Council, as the new member of Council, seconded by Tracy. 4 ayes, 0 nays

Allan issued the Oath of Office to Ben.

Gary made a motion to excuse Jason Balyer, seconded by Chris. 5 ayes, 0 nays

Minutes – September 2, 2014 Regular Meeting

Gary made a motion to waive the reading of the Minutes as issued, seconded by Tracy. 5 ayes, 0 nays.

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

Committee Reports:

Streets - contact was made with Nev's to ask if he was interested in renewing the Snow Plowing and Salting Contract with the Village; we were advised that he was interested and would keep the fees the same as for the 2013/2014 contract; no one had received any updates from Lampion for the proposed new traffic light; Reed Court reported pot holes needing repair

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

Council Reports:

Safety

Tracy reporting:

- o Trick or Treat is scheduled for October 31, 2014 from 5:30 to 7:30 PM and this has been advertised within the Village
- o 16 additional hours of Police Service time was used by Creston to attend a court appearance on a local homicide case that they are involved in

Officer Brian reporting:

- o Confirmed that Creston Police will be present during Trick or Treat
- o 15 citations issued in September
- o A local resident was arrested on a theft charge, which is a felony, along with resisting arrest and is now in jail; the theft took place at 45 Front Street and the stolen items have been recovered
- o Chris raised concerns about the potential for "drifters" to use the arrested resident's house while in jail and asked Police to monitor this situation
- o Reported that there is the possibility that a Laser unit for determining traffic speed will be purchased by Creston and can be used for officers on patrol in Burbank

Zoning

Ben had nothing to report.

James Brandenburg reporting:

- ✓ Read the Zoning Report
- ✓ A new "draft" letter was submitted to Council for their review and input; this letter is to be distributed to Village residents introducing the Zoning Inspector

and some important information for the residents to be aware of; Council commented about possible changes to the letter, how to present the information in a possible different format with comments to follow; Tracy offered to put the final document along with photos onto the Village website once they become available

- ✓ Allan reported that resident Tanya Smith-Maynard signed an agreement tonight that authorizes the Village to apply for Grant Funds to demolish the structure located at 101 Front Street, under Moving Ohio Forward; the cost exposure to the Village is the need to pay \$125 for a title search which is refunded if the Grant is approved; it also requires the Village to sign an agreement to pay any other costs not approved by the Ohio Attorney General's office in this matter and that the Village has the legal authority to demolish this property and that the Village will abide by all rules and hold harmless Moving Ohio Forward
- ✓ **Chris made a motion to proceed to move forward in demolishing the above property, seconded by Dennis. 5 ayes, 0 nays**
- ✓ **Gary made a motion to apply to Moving Ohio Forward for any available Grant monies for this demolition, seconded by Chris. 5 ayes, 0 nays**
- ✓ Allan did the 2nd reading of Ordinance 2014-08 an Ordinance amending Ordinance 2004-10, the Village of Burbank Zoning Ordinance, and its amendments and amending the Zoning Map of the Village of Burbank and the Districts contained therein
- ✓ Allan advised Council that the Property Maintenance Code for the Village under Ordinance 2014-09 could be voted on tonight if the Village so desires; Council asked the Zoning Inspector if there is an immediate need for this code for him to perform his duties and he responded that yes there is such a need; Allan pointed out that based on a review conducted by himself and Jim a change to Section 109.1 Demolition needs to change to read "Final determination for demolition of a structure shall be made by Village Council." without any County approval being required; Allan did the second reading of Ordinance 2014-09
- ✓ **Chris made a motion to waive the 3rd reading of Ordinance 2014-09, seconded by Dennis. 5 ayes, 0 nays**
- ✓ **Chris made a motion to adopt Ordinance 2014-09, with the revised language, as an Emergency, seconded by Tracy. 5 ayes, 0 nays**

Parks

Dennis had nothing to report.

Streets

Chris and Gary reporting:

- ❖ Recommended that the Village contract with Nev's for the 2014/2015 Snow Plowing and Salting; Allan did the 1st reading of Ordinance 2014-10; an Ordinance approving an agreement with Jim Neveadomi, dba Nev's Landscaping, for snow plowing and street salting services for the Village during the 2014-2015 winter season, and declaring the same as an emergency
- ❖ **Chris made a motion to waive the 2nd and 3rd readings of Ordinance 2014-10, seconded by Dennis. 5 ayes, 0 nays**
- ❖ **Gary made a motion to adopt, as an emergency, Ordinance 2014-10, seconded by Tracy. 5 ayes, 0 nays**

Finance

Tracy reporting:

- ✓ Read the Bills to be Paid and the Automatic Deductions amounting to \$3,079.15. **Tracy made the motion to pay the bills, seconded by Dennis. 5 ayes, 0 nays.**

Water & Sewer

Gary and Chris had nothing to report.

New Business:

Gary Harris reporting:

- deposited \$47 for August Court Fines
- signed up to attend a meeting in Orrville, Oh reviewing HB5 and potential impacts to budgets and asked Council if they want him to attend; the only costs will be for mileage and lunch; Council agreed that he should attend
- Our next Council Meeting is *November 11th
- He will ask the Zoning Board of Appeals and the Zoning Inspector if they are going to want to have a November meeting
- Recommended to Council to either go for bids or renew the existing contract with MB Excavating for the 2015 Road Maintenance Contract; advised Council that no response to his phone message has been received asking for a current Workers Compensation Certificate and he therefore recommends that no maintenance work be performed by them until the new certificate is in our possession to avoid added liabilities in such matters; Chris advised that he will again place a call requesting this certificate; Gary Harris stated that without the certificate and with agreement to not use this contractor until this document is received he does not know what Streets will be able to do on any Street maintenance issue

- Reiterated that any new bids need to be received in November so voting can take place at December's meeting with a January 1, 2015 effective date
- Reminded Council of the need to complete the Zoning Inspector's review as required by agreement when he was hired; any pay adjustment needs to be effective 12/1/2014 and thus must be voted on in November
- Reported that he has a CD maturing on 10/16/2014 and he intends to roll it over for reinvestment at the annual interest rates of 0.25% based on the current interest rate
- Advised Council of an important upcoming training session sponsored by the Ohio Development Services Agency in Huron, OH November 19th - 21st; this looks to be important to our Village if we are going to pursue obtaining Grant monies as this training covers such topics as eligibility, audits, finances, etc. and that one of the sessions also covers Income Survey's that has been stressed as needing to be completed over the last several months; he offered to attend if no one else from Council is able to attend; Council agreed that he should attend this training session
- **Chris made a motion to approve sending Gary Harris to the 2014 Community Development Conference paying the \$185 fee and reimbursing him his mileage; seconded by Dennis. 5 ayes, 0 nays**
- Confirmed the need to transfer monies within the General Fund for the Zoning Inspector wages and related accounts due to the higher rate of pay now being paid versus what was budgeted; he also stated the possible need to do the same for the Solicitor due to the trending of costs running higher than budgeted mostly the result of heavier Zoning involvement this year
- He reminded Council of the need to fill the vacancy of Council President due to Carolyn becoming Mayor; a discussion took place and Gary Gallion offered his services in this capacity
- **Chris made a motion to appoint Gary Gallion as Council President, seconded by Tracy. 4 ayes, 1 abstain, 0 nays**

Old Business:

Gary Harris reporting:

- ✚ Reminded Council of the expressed need, over the last 4 months or more, to complete a Village income survey to improve our chances of obtaining Grant monies; this is most important to avoid missing out again in 2015 due to the "limited window" to apply for grants
- ✚ Congratulations to Allan for receiving a check for payment in full in the amount of \$3,143.92 for the street light damaged caused by an oversized load on a truck while driving through Burbank; the insurance paid in full after receiving correspondence issued by Allan's office

Public Participation:

- Mr. Wiley asked why there is consideration for moving the Council meetings to Burbank Parke especially since we invested monies to “fix-up” this location; Council responded by saying that it is under consideration as there is better parking, they have rest rooms and residents at Burbank Parke would be able to attend; this was countered with the comment that it will be noisier and that we would need to enter through the main entrance; it was agreed that further investigation and consideration is needed so Council can make a fully informed decision; no relocation will take place at this time
- Jim Brandenburg asked if Council would consider permanently changing Council meetings to the 2nd Tuesday of each month; Allan indicated that it would require changing the first sentence of Council Rules to make this change; Council discussed this and with no one having any problems with this change agreed to proceed
- ***Gary made a motion to change Council Rules and make Council Meetings the 2nd Tuesday of each month effective November, 2014, seconded by Tracy. 5 ayes, 0 nays**

There being no further business to come before council, Chris made a motion to adjourn, seconded by Gary at 8:25 PM. Unanimous.

X

Mayor, Carolyn Dibler

X

Fiscal Officer, Gary Harris