

**VILLAGE OF BURBANK
REGULAR MEETING, NOVEMBER 5, 2020**

NOTE – DUE TO COVID-19, THIS MEETING WAS HELD VIA ZOOM MEETINGS

Mayor Carolyn Dibler, called the meeting to order at 8:09 PM.

A roll call was taken with the following officials present: Chris Norton, Dennis Rigerman, Ken Dibler, Thomas Lenhoff, David Wilkinson; also in attendance: Allan Michelson – Solicitor, Ben Berger – Zoning Inspector and Gary Harris – Fiscal Officer

Minutes – October 1, 2020 Regular Meeting

Ken announced himself and made a motion to waive the reading of the submitted October Minutes and to approve the Minutes as submitted, seconded by Dennis who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David - aye.

Special Meeting Minutes – October 13, 2020 Meeting

Dennis announced himself and made a motion to waive the reading of the submitted Special Meeting Minutes dated October 13th and to approve the Minutes as submitted, seconded by David who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David - aye.

Council Reports:

Safety

Ken and Thomas reporting:

- read the October Sheriff's Report; a discussion took place about the Police Levy and confirmed that if we want a May ballot we will need to pass an Ordinance at the December Meeting and a Resolution at the January, 2021 meeting and/or if a November ballot is preferred we will need to pass the same legislation noted above but do so in June and July respectively; Allan confirmed that if there are no other governments wanting a ballot during any of these time periods, the Village will have to pay \$850-\$900 to generate the ballot; Allan estimated that each mil on this levy will

generate approximately \$4,600 in annual income; Gary reviewed the cost estimate provided by the Sheriff's Office for 2021 costs, which, if all associated costs are realized in full, they will amount to a per hour rate of \$45.64 versus the \$28.50 paid during the 2nd and 3rd Quarters of 2020 (lowered due to the Deputy patrolling in 2020 is relatively new, thus paid less, and he is on his wife's insurance policy as well) – a review of the Village's Police Fund took place and Gary stated that we can afford 810 hours in 2021 and 2022 at the increased rate but we will need to drop back to 540 hours beginning in 2023 unless we increase the Police Levy by 50% (based on the cost projections for 2021); Allan stated that each mil increase will cost homeowners in the Village approximately \$35 per \$100,000 home valuation

- Council decided to ask for a 2.5 mil increase on a May ballot and asked Allan to generate the legislation for the December meeting
- Allan did the first reading of Ordinance 2020-08 “an Ordinance approving a contract for Police Services from the Wayne County Sheriff's Office from January 1, 2021 through December 31, 2021 and declaring the same an emergency”
- **Dennis announced himself and made a motion to waive the 2nd and 3rd readings of Ordinance 2020-08, seconded by David who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David - aye.**
- **Dennis announced himself and made a motion to approve Ordinance 2020-08 as an emergency, seconded by David who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David - aye.**
- Gary was instructed to proceed to obtain the legislation and contract signatures and to forward the contract to the Wayne County Sheriff's Office for their signatures

Finance

Ken reporting:

- read the November Paid Bills and the Automatic Deductions amounting to \$143,429.98; **Ken announced himself and made the motion to accept these payments, seconded by David who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David - aye.**
- Gary reviewed the additional “hit” to Village expenses for the Front Street Project caused in part by his misunderstanding that the Village would need to pay an additional 36% (ODOT's value of work incorporated into the OPWC Grant Application) towards the total construction costs of the Village storm sewers on Front Street – he stated that had someone warned him about this during the application review stage,

he would not have included ODOT in the Application although by doing so it did assist in points earned and may have been a factor in Burbank's award of this grant; confirmed that he did request financial support from the agencies involved since the contract came in \$85,130 below budget but OPWC District and the Wayne County Commissioners decided that it was best to not offer any such support - due to the increased costs to be incurred by the Village he stated that we need to vote on legislation to adjust Appropriations thus permitting this payment to be issued

- Allan did the first reading of Ordinance 2020-07 "an Ordinance approving amending permanent appropriations for the Street and Permissive Funds and declaring the same an emergency
- **Ken announced himself and made a motion to waive the 2nd and 3rd readings of Ordinance 2020-07, seconded by Dennis who announced himself. Roll-call vote; Chris - aye, Dennis - aye, Ken - aye, Thomas - aye, David - aye.**
- **David announced himself and made a motion to approve Ordinance 2020-07 as an emergency, seconded by Dennis who announced himself. Roll-call vote; Chris - aye, Dennis - aye, Ken - aye, Thomas - aye, David - aye.**
- Gary also asked for a **motion authorizing the payment of \$78,640.15 from the Street and Permissive Funds to Rising Son Company for the increased Village Matching Fund for the Front Street/SR 83 Storm Sewer OPWC Project, Ken announced himself and stated "so moved", seconded by Dennis who announced himself. Roll-call vote; Chris - aye, Dennis - aye, Ken - aye, Thomas - aye, David - aye.**
- Gary also asked for a motion to clean-up a bookkeeping issue on the Front Street/SR 83 Storm Sewer project that does not impact any spending or additional costs for the Village as it is simply a bookkeeping adjustment
- Allan did the first reading of Ordinance 2020-09 "an Ordinance approving amending Permanent Appropriations for the Front Street/SR83 Storm Sewer Project Fund and declaring the same an emergency
- **Dennis announced himself and made a motion to waive the 2nd and 3rd readings of Ordinance 2020-09, seconded by Ken who announced himself. Roll-call vote; Chris - aye, Dennis - aye, Ken - aye, Thomas - aye, David - aye.**
- **Dennis announced himself and made a motion to approve Ordinance 2020-09 as an emergency, seconded by Chris who announced himself. Roll-call vote; Chris - aye, Dennis - aye, Ken - aye, Thomas - aye, David - aye.**

Gary reporting:

- **OPWC Grant Application (Front Street Storm Sewers & Repaving)** – confirmed that ODOT is scheduled to finish resurfacing Front Street by this Friday, November 6th; one open issue on Front Street is at 105 Front Street, they reported 4” of water in basement; advised resident to drain basement, reroute downspouts above ground and pay to have the storm line checked with a camera to determine blockage or break in line; the contractor, Mayor and Solicitor were all advised as well as Engineering Associates; once he receives the report on the location of the “break” he will request the contractor to return and repair unless it is outside of the right-of-way; he asked if there were any other questions or comments – none were offered
- **2019 CDBG Grant Application** – confirmed that construction and clean-up is due to finish by the end of this week- there was one reported incident on Mill Street with a resident reporting that they fell due to an orange barrel in front of their sidewalk – no serious injuries and no remaining open issue that he is aware of other than this resident stating that the street lighting on Mill Street is terrible – he updated them on the LMRE plan to replace all street lights in the Village with LED’s, as approved by Council, which has been delayed due to COVID-19 – he asked if there were any questions or comments – Mayor Dibler asked that he call LMRE and ask them to do Mill Street lighting upgrades as a priority
- **Round 35 OPWC Applications** – confirmed that when he realized the issue of the additional payment on the Front Street project, he advised Mayor Dibler that he was “pulling” our OPWC Application for this year as the impact from Front Street needed more evaluation before continuing due to financial impacts requiring further analysis- he also confirmed that he did not find out about this issue until the morning of his scheduled “Presentation” to the Commissioners and so advised the Commissioners upon his arrival about the decision to remove our OPWC Application from consideration- any questions or comments – none were offered
- **Snow Plowing** - reported that he did not receive any responses to the ads placed in the Medina and Wooster newspapers for Snow Plowing – confirmed that he contacted 9 companies, that he received one bid at excessive rates, he spoke with that contractor who was going to revise his pricing but as of now, no revision has been received; reviewed a second bid that he had forwarded to Council members earlier in the day today but Council felt the rates were not as competitive as they had hoped to see; Ben stated that he might know of someone willing to bid the work and asked Gary for a bid package – Gary confirmed that he will send one out to him; Gary asked if anyone knows people at Canaan Township as he cannot find any phone numbers listed for any of their public officials – Chris said he knows someone and Gary offered to call their Roads Department if Chris can get him a name and a number – Chris said that he would do so

- asked for **“a motion to appropriate up to \$400 towards the purchase and planting of a tree and the purchase and installation of a plaque in recognition of our late Mayor, Tracy Lenhoff, Thomas announced himself and said so moved, seconded by David who announced himself. Roll-call vote; Chris - aye, Dennis - aye, Ken - aye, Thomas - aye, David - aye.**

Parks

Dennis and David had nothing to report.

- ❖ Mayor Dibler asked Allan if he ever heard back from the Prosecutors Office about the sentencing of the second juvenile – Allan stated that he had not and will follow-up with them as the first convicted juvenile has until March, 2021, to complete his community service; Allan asked if David is still the contact person in the Village for these individuals and David responded yes; Gary raised concerns about the PEP Grant that we were going to use to purchase the mulch for the Park to be spread by these juveniles as part of their community service and that we only have until the end of December to purchase the mulch with these Grant monies – Mayor Dibler asked Gary to contact Frank Brothers to see if they will allow us to prepay the mulch and deliver it when needed – Gary stated that he will contact Frank Brothers
- ❖ Gary asked for **a motion appropriating up to \$1,000 to pay Frank Brothers for Park mulch, Chris announced himself and said so moved, seconded by David who announced himself. Roll-call vote; Chris - aye, Dennis - aye, Ken - aye, Thomas - aye, David - aye.**
- ❖ Gary asked about the status of the 4-wheeler – Mayor Dibler asked David to provide the information last requested and David responded that he would do so

Water & Sewer

Dennis and Ken had nothing to report.

Streets

Chris and David had nothing to report.

- Gary stated that he has not ordered any sign materials because no one has provided him with the list of signs and posts needed – Mayor Dibler asked where a key can be located for the storage shed and David told her it is in the Zoning filing cabinet

Zoning

Chris and Thomas had nothing to report.

- Ben reported filing 6 citations at 45 Front Street for 4 trailers and 2 cars with expired plates
- Mayor Dibler asked about the status of 141 Water Street - Allan stated that a warning letter was sent October 7th stating that if the survey and structure corrections are all not completed by October 28th , that a Civil Suit could be filed against the owner by the Village – the letter was sent to both the owner and his son but with no corrections made and no calls from the parties involved – Allan recommended that he be allowed to proceed to file a Nuisance Suit seeking Court Orders to take action as the Court can enforce fines and jail time where the Court determines the amount of the fine and/or any jail time – Allan indicated that the Filing Fee costs \$313 and he can proceed to file this next week if approved by Council
- **Chris announced himself and made a motion to appropriate up to \$313 for Allan to proceed to file a Nuisance Suit, seconded by David who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David - aye.**
- **Chris announced himself and made a motion to have Allan proceed to file the Nuisance Suit, seconded by Ken who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye, David - aye.**
- Mayor Dibler asked about the FEMA Grant for 133 Water Street – Allan reported that the Draft Copy was processed on November 4th and he confirmed speaking with the owner of the property who consented his continuation of filing for this Grant which has a due date of January 5, 2021 for the Final Application; what happens next is that FEMA appraises the property and they make an offer to the owner that includes demolition costs; the Village will be responsible to cover up to 25% of the value of the Grant that Allan estimated the Village costs to be somewhere between \$10-15,000 – Gary cautioned Council about taking another financial hit after the additional \$78,640.15 that we had to pay on the Front Street Project

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, December 3rd at 8:00 PM
- ✓ confirmed depositing \$182.00 for September Traffic Fines
- ✓ confirmed that he will drop off documents at Village Hall that need signatures after that will include the Regular Meeting Minutes along with Financial Reports for Council members to sign along with PO's needing signatures from Ken and Chris

- ✓ reported that he would like to schedule the Records Commission Meeting to take place at 7:50 PM on December 3rd, just before the Regular Council Meeting if everyone is OK with this – no one raised any concerns or offered another date or time

Old Business:

Gary had nothing to report

- ✚ Allan confirmed that Kimble is agreeable to renew the Waste Hauling Contract, Council advised him to proceed to obtain the contract documents
- ✚ Gary asked about the Park Levy renewal – Council instructed Allan to proceed with the legislation to be voted on at the December Meeting to put this Levy on the May Ballot with no changes

Public Comment:

Nothing offered.

There being no further business to come before Council, David announced himself and made a motion to adjourn at 9:41 PM, seconded by Ken who announced himself. Roll-call vote; Chris – aye, Dennis – aye, Ken – aye, Thomas – aye.

X

Mayor, Carolyn Dibler

X

Fiscal Officer, Gary Harris