

**VILLAGE OF BURBANK
REGULAR MEETING, APRIL 6, 2023**

Mayor David Wilkinson, called the meeting to order at 8:03 PM.

A roll call was taken with the following officials present: Chris Norton, Anna Dickson, Terry Moore, Jay Byler, Thomas Lenhoff; also, in attendance: Allan Michelson – Solicitor, Ben Berger – Zoning Inspector, Gary Harris – Fiscal Officer and visitors Cathy Kopp, John Rutter, Sarah Olenik and Todd Whitmer

Mayor Wilkinson welcomed our guests.

Jay made a motion to excuse Marti McCord, seconded by Anna. Vote: 5 ayes, 0 nays

Minutes – March 2, 2023 Regular Meeting Minutes

Terry made a motion to waive the readings and to approve as submitted the March Regular Meeting Minutes, seconded by Jay. Vote; 5 ayes, 0 nays

Council Reports:

Safety

Anna reporting:

- reported the total of hours worked in February as 48 out of 50 requested and for March, 80 out of 80 hours requested - she passed the traffic fine checks to the Fiscal Officer in the amounts of \$245 for February and \$363 for March
- Allan confirmed that he did obtain a copy of the Wayne County Prosecutor's Agreement first written in 1999 and then updated in 2008 which stated that they are to do our prosecutions for Zoning violations which so far he has not heard back on either of the two cases filed in March and he is preparing to generate a third case for prosecution – Allan indicated that he will remain involved in efforts to get the Prosecutor's Office to move forward on these cases

Finance

Terry and Thomas reporting:

- read the April Paid Bills and the Automatic Deductions amounting to \$5,919.55 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 Anna. Vote – 5 ayes, 0 nays.

Gary reporting:

- as of April 3rd, a total of \$33,713.49 has been deposited for the Village Income Tax receipts from RITA since July of 2022 – he asked if there were any questions or comments – none were offered
- announced that he is planning on distributing the 2024 Budget Worksheets and instructions and guidelines prior to the May Council Meeting and that he will put them at the Mayor and Council’s desk and send them an email once they are there - he plans to review the worksheets at the May meeting and requested that Council return any changes to the budget, if any, at the June 1st Council Meeting – he reported that as always, he is available to meet with any Council member(s) before the May or June meeting to assist anyone in interpreting or working with the Budget Worksheets - he asked if there were any questions or comments – none were offered
- announced that he is currently training the new Fiscal Officer at the Village of West Salem, that he started the process around mid-March and anticipates that it will wrap up in early May with only an occasional request for assistance after that – he stated that if he is late in responding this is why and he assured Council that he will get back to them as soon as possible and that they can always call or text if a faster response is needed
- reminded Council that by the end of this month the shipment must be released by Playground Boss shipping to Burbank, that we will need to have an unloading team with any equipment ready to receive and off-load on a weekday when it arrives and that he will stipulate a 48 hour notice before delivery is made – he still plans to request delivery via a flatbed truck with an accompanying forklift if at all possible or just a flatbed if one with a forklift is not available, otherwise it will arrive in a van type truck – he asked what date does Council want the equipment to ship and he was advised to have it ship on April 28th – he was advised to wait on ordering the border material and ADA ramp for access into the new playground until the Mayor or Jay gets back to him – he asked Council for **“a Motion to appropriate up to \$1,000 in case there is a cost adder for a truck to arrive with a forklift, Jay said so moved, seconded by Terry. Vote: 5 ayes, 0 nays “**
- Mayor Wilkinson stated that we need to level the area where the new playground will be installed and that he has a bid of \$1,000, Anna asked if other bids can be provided and the Mayor said yes with Jay stating that time is running short to get another bid
- **Jay made a motion to appropriate up to \$1,000 to level the playground location, seconded by Terry. Vote: 5 ayes, 0 nays**
- a discussion took place about the need to get a Village credit card – both the Fiscal Officer and Solicitor cautioned against it due to the level of control and associated documentation required by the Auditor’s Office
- **Jay made a motion to set up a Credit Account at Lodi Lumber, seconded by Anna. Vote: 5 ayes, 0 nays**
- Anna reviewed her training session to obtain a Playground Certified Inspector rating which she said was very informative and the exam took two hours – she said it will take 4-6 weeks for her to find out the test results
- confirmed that he reached out to the Wayne County Planning Department for an update on the CDBG Grant Applications and he was advised that they are now working on the details and the opening of the Grant Application period is imminent – he asked if there were any questions or comments – none were offered

- confirmed that he did contact PEP as he could not log into our account to be able to file the Grant Application for \$1,000 to pay towards the stage rewiring, he stated that as soon as he can gain access, he will file the Application now, that he was going to file in March – he asked if there were any questions or comments – none were offered

Parks

Terry had nothing to report.

- ❖ Mayor Wilkinson reported that he was contacted by the Baseball Association in desperate need of a field and asked to use our existing diamond in the main Park for T-Ball – Mayor Wilkinson approved this request and asked Berger’s Lawn Care to prep the field
- ❖ **Jay made a motion to approve paying Berger’s Lawn Care \$375 to treat the infield grasses, seconded by Terry. Vote: 5 ayes, 0 nays**
- ❖ Mayor Wilkinson reported that he is waiting to receive one more bid for the new security cameras for the Park
- ❖ Anna displayed the fabricated and ready to attach address sign that is going to be attached to the front door – she brought in an example of material now recommended to be used for the Village Hall sign and Council approved the new materials
- ❖ Allan reported that he sent out the recommended legal changes, minor in nature, to the document that Marti sent out to everyone regarding Park rental fees and he stated that Marti did a very good job with the initial draft
- ❖ Mayor Wilkinson stated that he will send a text to the electrician following-up on the rewiring of the Park Stage that the contractor has been given a PO for, Gary confirmed that he has not yet received any insurance documentation
- ❖ a discussion took place on spraying in the Park and around the Village as was done last year for pest and mosquito control
- ❖ **Jay made a motion to approve the quote for \$300 in total from Alien Pest Control, to treat the pavilions and stage, for hornet control with three applications once in the Spring, Summer and Fall, seconded by Terry. Vote: 5 ayes, 0 nays**
- ❖ **Jay made a motion to approve obtaining a bid for mosquito control spraying by Valley View Spraying, seconded by Terry. Vote: 5 ayes, 0 nays**
- ❖ **Jay made a motion to approve placing the handicap port-a-jon in the Park for the 2023 season, seconded by Terry. Vote: 5 ayes, 0 nays**
- ❖ Terry announced that one of the Church’s in the Village is going to have an Easter Sunday Sunrise Service beginning at 7:00 AM and all residents are invited to attend
- ❖ Mayor Wilkinson stated that he will research purchasing a new concrete trash container in the Park as well as new flags and flag pole

Water & Sewer

Thomas and Anna had nothing to report.

Streets

Chris and Jay had nothing to report.

- Allan confirmed the Village did not win the trial on the Countryside Law Suit and Gary needs to send him a check in the amount of \$4,798 that he will forward to the contractor’s attorney

- Gary asked about paying the court costs and Allan stated that we will be invoiced by the Court for those charges
- **Jay made a motion to approve paying the \$4,798 settlement to the contractor, seconded by Terry. Vote: 5 ayes, 0 nays**
- Mayor Wilkinson stated that we need to patch the pot holes in the streets – Gary will secure bids after Chris marks all of the holes to be filled/treated

Zoning

Chris, Jay and Ben had nothing to report.

- ✚ Mayor Wilkinson invited Sarah Olenik to address Council about the Sober House project if she proceeds to purchase a residence in Burbank – confirmed that she would be the owner of the property, clients would be referred to her by the Wayne County Probation Department for the 3-4 males who would live in the facility on a rotational basis – drug and alcohol testing would be ongoing – she confirmed that no sexual predators would be at this site and that New Day transports the individuals to counseling – she confirmed that this will not be a business – Allan stated that he will investigate our Zoning Code – Gary stated that the Village does have a 1% income tax and asked if increased police presence is a normal outcome of this type of facility as Burbank contracts for this work and emergency response time could be delayed – Mayor Wilkinson suggested that these individuals may want to work in the Park as part of their probation and Sarah thought this to be a great idea – Mayor Wilkinson thanked Sarah for attending and addressing Council
- ✚ Allan reported that he is working on the Application for Valuation Deduction for the property taxes on this property – Mayor Wilkinson stated that he has been unsuccessful in reaching Quality Excavating to find out the status on finishing the work at 133 Water Street and asked Gary to contact them
- ✚ Mayor Wilkinson asked about 23 Front Street and Gary reported that he contacted Palmer & Sons Excavating about doing the dig on the back of the property on Henrietta Street and they could not get to it until August or September – Gary then contacted Mules Hauling and Excavating and they can do it sooner, he is waiting to hear back with a date and time to meet them at the dig site – Gary stated that Allan has an Ordinance prepared that will obligate property owners to pay for such digs, related to laterals tying into storm sewers that are reported as having been missed by the contractors, if the dig reveals that no lateral is present in the right of way then the property owner will need to pay for the dig and any connection to the main storm sewer line, if the lateral is located and was missed at the time of the construction work, then the Village is responsible to pay for the dig and connection – a discussion took place with some objections to this proposed Ordinance and why the need to pass it as an emergency – Gary responded that with multiple millions of dollars of storm sewer replacement work yet to be done this may come up as an issue down the road and with a dig coming up for 23 Front Street we need to protect the Village now and not after this particular work is undertaken – the owner will let Gary know what he finds with the new camera he has to view this line to see if it is blocked and within the right-of-way

- ✚ Allan did the first reading of Ordinance 2023-03, “an Ordinance setting owner responsibilities for the cost of certain repairs to lateral storm water transmission lines in the Village and declaring the same an emergency”
- ✚ **Chris made a motion to waive the 2nd and 3rd readings of Ordinance 2023-03, seconded by Jay. Vote: 4 ayes, 1 nay – motion passed**
- ✚ **Chris made a motion to adopt Ordinance 2023-03 as an emergency, seconded by Jay. Vote: 4 ayes, 1 nay – motion passed**
- ✚ Allan reported that he has no update on 111 or 124 W. Middle Street – Anna is going to speak to the renter at 124 W. Middle about removing the couch from the front lawn area

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, May 4th at the start time of 8:00 PM
- ✓ confirmed that he deposited the \$105 for the January Traffic Fines and that he will deposit the February and March Traffic Fines that he received tonight in the amounts of \$245 and \$363 respectively
- ✓ confirmed that he plans to refile the OPWC Grant Application this year for Diagonal Road and East Middle Street from the intersection eastbound and asked if Council wants to include Reeds Court as recommended by Ben – Mayor Wilkinson stated to obtain a bid price first and let Council decide – Gary stated that applications should open up in 2nd Quarter
- ✓ confirmed that he did file the mandatory FEMA Quarterly Report on April 3rd as pertains to the 133 Water Street property
- ✓ confirmed that we did get reimbursed \$429.31 against the property lien for 21 Front Street

Old Business:

Gary had nothing to report.

- Kathy reported that the Event Committee met on March 11th and they would like to set-up a separate bank account for donations – Allan stated that this may be more involved than what they might be anticipating – Gary stated that we can set up a separate fund to collect all donations and restrict the funds for use on Park activities only although it will require accountability and record keeping for all monies spent, just as we did for the Village sesquicentennial event a few years back – Gary said he will check with our insurance carrier about the proposal to appoint Cathy as the Event Coordinator as an unpaid employee as she might be eligible for Workers Comp and Liability Insurance protections – Cathy announced that the next Event Committee Meeting is scheduled for 9:00 AM, April 15th at McDonalds and many activities are being considered for the Park this year

Public Comment:

Nothing Offered.

There being no further business to come before Council, Terry made a motion to adjourn at 9:38 PM, seconded by Jay. Vote; 5 ayes, 0 nays

X

Mayor, David Wilkinson

X

Fiscal Officer, Gary Harris