

**VILLAGE OF BURBANK
REGULAR MEETING, SEPTEMBER 7, 2023**

Council President, Anna Dickson, called the meeting to order at 8:03 PM.

A roll call was taken with the following officials present: Anna Dickson, Terry Moore, Jay Byler, Thomas Lenhoff, Marti McCord; also, in attendance: Allan Michelson – Solicitor, Ben Berger – Zoning Inspector, Gary Harris – Fiscal Officer and visitors Cathy Kopp, Michael Graves, Chris Collins and Zach Kelly. Mayor Wilkinson arrived at 8:24 PM.

Council President Dickson welcomed our guests.

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

Minutes – August 3, 2023 Regular Meeting Minutes

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

Council Reports:

Safety

Anna and Marti reporting:

- reported that Creston has hired two officers which will help Creston to meet the requested hours of patrol in the Village, reviewed the August Incident report and provided the Fiscal Officer a check in the amount of \$164 that should have been part of the total July traffic violations
- Mr. Graves and Collins raised concerns about an issue that occurred on August 13th at or near 215 E. Middle Street where the Police were called in on alleged threats made by resident Ringus against residents Graves and Collins – the concerns expressed were that no arrest took place and the perceived lack of action by the Police – a discussion took place between the residents, the Mayor, Council and Solicitor about possible charges that may be pending – Councilwoman McCord, who also works for the Creston Police Department, will check on this matter tomorrow and Solicitor Michelson will follow-up as well

Finance

Terry and Thomas reporting:

- read the September Paid Bills and the Automatic Deductions amounting to \$14,602.90 and asked if there were any questions or any details needing to be presented – none were requested

- **Jay made a motion to accept these September payments, seconded by Terry. Vote – 5 ayes, 0 nays.**

Gary reporting:

- reminded Council that the approval of the Paid Bills had a Pending Approval amount of \$750 to reimburse Gary for the additional charges to attach the lateral on Henrietta Street as he proceeded to pay the contractor for this extra charge with a personal check rather than delay payment for work already completed in July for 21 Front Street, missed during the storm sewer replacement project in 2019 on Henrietta – this \$750 adder was in addition to the previously paid amount of \$1,100 to M. Miller Construction that had supplied an Estimate to do this work subject to final cost adders for what ending up needing to be purchased to correct this mistake – Council said they understood this and the approval to pay remains in effect
- as of September 1st, a total of \$65,953.38 has been deposited for the Village Income Tax receipts from RITA since July of 2022 – Gary then brought to the attention of those present that these monies are deposited into the General Fund monies and automatically become available for spending by being added to the pool of General Fund money – so any spending or transfers or advances out of the General Fund have probably already tapped into these monies – he stated that he does not want anyone to get the idea that this current \$65,953.38 is sitting waiting to be spent – he asked Council to look at the August Fund Status Report that he provided to Council tonight and that he distributes at every Council Meeting past, present and future, and asked them to look at Fund 1000, the General Fund and to the far right of that report you see the Fund Balance, which for August 31st was at \$130,369.80, the Income Tax monies are in this total – so based on this, he asked Council if they still want him to report the total amount of Income Tax dollars received since July of 2022 which he has no problem doing or is he to report it in some other manner – **Terry made a motion to report the Village Income Tax collections on an annual basis comparing the estimated receipts to the actual receipts, seconded by Marti. Vote: 5 ayes, 0 nays.** – he asked if there were any other questions or comments – none were offered
- Anna asked that the “links” to RITA be added to the Village Website and Facebook to assist our residents accessing RITA and also asked that the reason for this Village Income Tax, as discussed at the Public Meetings last year, also be posted to these sites to help residents to understand the reason why the Village Income Tax was and is important for the Village’s continued work with replacing Village infrastructure
- for the Nature Works Grant, with the ordering of the Sky Lift Climber for the playground and the pad that we need to pour for the ADA ramp leading to the new playground equipment, he is waiting on the check clearing the bank for the final purchases for the Sky Lift, pouring of the pad, volunteer labor and installation materials before sending in our final request for reimbursement from the ODNR for the Park Playground equipment which will close out this project once this final work is completed – as of today he confirmed sending in two reimbursement requests and the Village has been refunded a total of \$31,653.51 which includes our August 30th reimbursement request and we have

spent another \$10,551 of Village monies on this project - he asked if there were any questions or comments – none were offered

- for the Community Development Block Grant, he reported that the construction bid package for the sidewalks on the east side of Front Street were submitted to the Wayne County Planning Department on August 31st as we wait for final State approval of this Grant Award issued by the WCPD to the Village of Burbank – he confirmed reaching out to two contractors who previously replaced the sidewalks on W. Middle, Depot and Mill Streets but they cannot bid the work if we want it done this year as they are booked solid through the end of the year – he is hopeful that other contractors will be able to bid this work when the Notice of Bid is published by the WCPD once State approval is received – confirmed that we are trying to complete this project yet this year – he asked about the status of the sidewalk clearing by residents on the east side of Front Street, and was told they never received the first release of the Notice – Gary said that he had sent it out a second time right after the August meeting after this was first reported – Mayor Wilkinson found that email and sent a copy over to Anna – a discussion took place on revising the document now that we passed the dates listed in the original release and Gary said he will review and reissue – Gary stated that per the bid package, any tree or bush roots that are in the work area will be removed and for the 4' wide sections of sidewalk, this means that any root within 6" of the sidewalk will be cut and removed – he asked if there are there any questions or comments – none were offered
- for the OPWC Grant Application – Gary confirmed that he was delayed in submitting the Application in August as planned due to an OPWC issue that developed in Chippewa Lake as well as due to a question that Council needs to answer tonight – he also confirmed that the deadline to submit is September 21st by 3:00 PM for Wayne County which he stated he will be able to meet – he confirmed that the Fieldwork is done for this project – he stated that a decision needs to be made about either proceeding with the Final Design work at a cost of \$40,000, most of which would be paid yet in 2023, or wait until a decision on winning the Grant which should happen by the end of this year – he stated that by proceeding with the final engineering work we will be ready to go out for bids at the earliest possible date in 2024 but we cannot start construction any sooner than anyone else as we must wait for the Grant Agreement to be fully executed between the State and the Village of Burbank sometime in July of 2024 – by waiting we do not spend this money until 2024 and enter 2024 with a higher carryover of approximately \$100,000 versus \$60,000 – a discussion took place about timing and Gary stated that if we proceed with the final design now, he will use that in an attempt to win the Grant this year by showing how the Village is moving ahead and has spent monies up front to be ready to go immediately after Grant awards are announced and with the Village winning the Grant with hoped for assistance from the County Commissioners and their discretionary points – Gary stated that he cannot guarantee that by doing this we will win the Grant but he feels that it will assist us with the Commissioners and he confirmed to Council that if we do not win the Grant this year, the drawings can be used, and they will already have been paid for, if we have to apply once again – **Terry made a motion to proceed with the Final Engineering Design, seconded by Jay. Vote: 5 ayes, 0 nays.** – Gary stated that since Council has decided to proceed we need to pass two Resolutions to Appropriate the money to pay for the Final Design as well as increasing our Estimated Revenues to agree with

the amount of collections that the Village Income Tax is receiving and that will be used to help fund this work

- Allan did the first reading of Resolution 2023-6R, “a Resolution approving amending the Certificate of Estimated Resources and declaring this as an emergency for the public peace, health, safety and welfare”
- **Jay made a motion to waive the 2nd and 3rd readings of Resolution 2023-6R, seconded by Marti. Vote: 5 ayes, 0 nays**
- **Marti made a motion to approve Resolution 2023-6R as an emergency, seconded by Jay. Vote: 5 ayes, 0 nays**
- Allan did the first reading of Resolution 2023-7R, “a Resolution approving amending the 2023 Appropriations and declaring this as an emergency for the public peace, health, safety and welfare”
- **Jay made a motion to waive the 2nd and 3rd readings of Resolution 2023-7R, seconded by Anna. Vote: 5 ayes, 0 nays**
- **Jay made a motion to approve Resolution 2023-7R as an emergency, seconded by Marti. Vote: 5 ayes, 0 nays**
- Gary asked Allan to read the next Resolution that allows for the collection of Levy Taxes in 2024
- Allan did the first reading of Resolution 2023-8R, “a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor”
- **Jay made a motion to waive the 2nd and 3rd readings of Resolution 2023-8R, seconded by Anna. Vote: 5 ayes, 0 nays**
- **Marti made a motion to approve Resolution 2023-8R, seconded by Jay. Vote: 5 ayes, 0 nays**

Parks

Terry and Marti had nothing to report.

- ❖ Mayor Wilkinson confirmed that he and Gary will be meeting with the Baseball Association about a new ballfield at the Old School Park and funding of same in January, 2024
- ❖ Anna confirmed that the security camera installations have been started and they worked three days and have one-half of the cameras installed, all wiring is done and that Craig Purdy plans to attend next months meeting to finalize the location of the monitoring unit at Village Hall
- ❖ Anna reviewed the August Playground Inspection report and the need for something under the swings to help avoid the displacement of the Mulch – she also reviewed with Council what is needed for the Animal Spring Rider
- ❖ Jay reported that until his work slows down he does not have the time now to install the new Village Hall sign

Water & Sewer

Thomas and Anna had nothing to report.

Streets

Jay had nothing to report.

- Allan reported that he contacted ODOT about the Agreement document as it had the Village responsible for any damage caused by the snowplowing on SR 83, aka Front Street – ODOT confirmed this to be the case and he asked if in the past there has been any such damage caused by ODOT and Gary responded “not to his knowledge since he has been here” – Allan said based on this and that he was told this is per State law, he recommends that Council agree to sign the Agreement document
- **Jay made a motion to approve the ODOT Agreement, seconded by Marti. Vote: 5 ayes, 0 nays**
- Ben requested that for the Snow Plowing/Salting that he be paid electronically on the 15th and last day of each month – Ben to get with Gary at the end of the meeting

Zoning

Jay had nothing to report.

- ✚ Allan reported that he will follow-up with the Wayne County Auditor’s Office about sending out the Property Appraiser so they can finalize the reduced property taxes for 133 Water Street
- ✚ Allan confirmed giving Ben the paperwork to post at 111 W. Middle Street and Ben confirmed that he will post the notice about the car tag issue
- ✚ Ben reported that he posted the Notice to Correct at 124 W. Middle Street
- ✚ Ben reported that he will issue a citation for 141 Water Street due to high weeds and grass and that he needs an Order to Correct from Allan for 201 E. Middle Street for a barn that is in disrepair
- ✚ Ben spoke with the owner at 15 Front Street about removing the tree blocking view at that intersection on Water Street – the owner reported that they will remove the tree and transplant it in their back yard and before the sidewalk work begins
- ✚ Ben stopped to talk with the owner about the violation of the Zoning Code at 54 Front Street with the dead tree in the backyard but they were not home, he will stop again tonight after this meeting – Allan will prepare the Notice to Correct in case it is not corrected by October’s meeting that will then need to be signed by Ben and two members of Council

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, October 5th at the start time of 8:00 PM
- ✓ confirmed that he deposited the \$136 for the July Traffic Fines that included a Park Rental Fee of \$10 and he will deposit the check for the balance of July Traffic Fines that Marti gave him tonight in the amount of \$164
- ✓ confirmed that next month all notices for meetings and passed legislation are to be posted onto the Village Webpage and Facebook and not at the 5 locations we have posted at every

month over the past many years as the result of Allan confirming this new guideline issued by the State of Ohio – Allan to rework the Affidavit given to him by Gary and provide it to Thomas and Cathy for their use in recording each posting for Audit purposes

- ✓ Gary reported that he has been given invoices totaling \$320 by Cathy for the purchase of the Village Yard Sale signs – **Marti made a motion to approve paying \$320 for the Yard Sale signs, seconded by Jay. Vote: 5 ayes, 0 nays**
- ✓ Gary raised concerns about the 11 hours worked in July by Creston Police versus the 110 hours requested and then stated that with the two new officers hired this should not be a problem in the future – Mayor Wilkinson to speak with the Police Chief on the remaining hours for this year
- ✓ a question was raised about the Terms of Office and Gary confirmed that the Mayor, and Councilmen Norton and Byler terms expire at the end of this year – Allan confirmed that it is too late to get on the ballot now and reviewed how this will be handled at the end of the year – Anna as President of Council fills in as the Mayor, her seat can then be filled with Council appointing David to fill her seat and then Council can appoint the other two seats to be filled on Council – resident Graves voiced concern about this and several other matters such as Grant priority, Audits, etc. – a discussion took place and ended with Mr. Graves stating that he is going to contact the AG’s office
- ✓ reminded Council about the need to schedule the removal of the port-a-Jon by the end of October, that the Police contract expires at the end of this year as does Allan’s contract

Old Business:

Gary had nothing to report.

Public Comment:

Nothing offered.

There being no further business to come before Council, Jay made a motion to adjourn at 9:56 PM, seconded by Terry. Vote; 5 ayes, 0 nays

X

Mayor, David Wilkinson

X

Fiscal Officer, Gary Harris