

**VILLAGE OF BURBANK
REGULAR MEETING, MAY 5, 2022**

Mayor David Wilkinson, called the meeting to order at 8:05 PM.

A roll call was taken with the following officials present: Chris Norton, Ingram McCord, Terry Moore, Marti McCord; also, in attendance: Allan Michelson - Solicitor, Gary Harris - Fiscal Officer and visitors Cathy Kopp, Linda Gray, Anna Dickson, Craig Purdy, Jay Byler and Officer Stephney.

Mayor Wilkinson welcomed our guests.

Mayor Wilkinson announced that Councilman Danuel Priebe has resigned from Council and that we have two residents wanting to apply for this position. Those residents are Anna Dickson and Japheth (Jay) Byler - Allan asked each individually if they are registered voters in Burbank and if they have lived in the Village for at least one year, both responded yes - Mayor Wilkinson invited both to address Council and say why they have an interest in being on Council and both made presentations to Council - Council then voted on which applicant to appoint to Councilman Priebe's seat on Council and they selected Japheth - Allan then swore in Japheth who took his seat on Council

Marti made a motion to excuse Thomas Lenhoff and Ben Berger, seconded by Ingram. Vote: 5 ayes, 0 nays

Minutes – April 7, 2022 Regular Meeting Minutes

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

Council Reports:

Safety

Marti and Ingram reporting:

- reported that Creston issued 16 citations in April and 63 citations thus far in 2022 - she then delivered the check for April fines to the Fiscal Officer in the amount of \$410.00
- confirmed that Creston Police worked 98.2 hours in April out of the 100 hours budgeted

Finance

Terry reporting:

- read the May Paid Bills and the Automatic Deductions amounting to \$11,685.15 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 Ingram. Vote - 5 ayes, 0 nays.**

Gary reporting:

- a discussion took place on the two options to generate additional revenue for the Village, those being a tax Levy and for every 1 mil, the Wayne County Auditor estimated that we will generate \$5,600 in revenue, we would need approximately another 6 to 9 mil levy to generate the same revenue (\$35-\$50,000) as estimated by RITA or we opt for the 1% Village Income Tax - a discussion took place about the opportunities offered to our residents, through two Public Hearings, to discuss the tax and how Village officials also delivered Flyers to every residence and business in the Village announcing the meetings as well as advertising these meetings in the newspaper and on FaceBook - Allan stated that the one meeting he attended went well and the residents in attendance seemed agreeable with the reasons for the Income Tax and Mayor Wilkinson said the same was true for the second meeting as well - Gary asked Allan to do the first reading of Ordinance 2022-05
- Allan did the first reading of Ordinance 2022-05, "an Ordinance containing the Municipal Income Tax Code to be effective July 1, 2022" - a discussion then took place about passing this as an emergency or letting it take effect in 30 days - Fiscal Officer Harris stressed the need to begin receiving revenues as soon as possible based on the current financial situation versus the Village projects needing immediate attention and the need to avoid any potential delays that may be brought about by a referendum challenging the tax especially with the opportunities afforded our residents to attend two meetings and with the positive feedback received from those residents who did attend the meetings and appeared to support this tax
- **Marti made a motion to waive the 2nd and 3rd readings of Ordinance 2022-05, seconded by Terry. Vote: 5 ayes, 0 nays**
- **Marti made a motion to adopt Ordinance 2022-05 as an emergency, seconded by Chris - Allan asked for a roll-call vote; Chris - aye, Ingram - aye, Terry - aye, Jay - aye, Marti - aye**
- Allan suggested that **a motion be issued instructing the Solicitor to generate the legislation appointing the Regional Income Tax Agency as Burbank's tax collection agency and tax administrator in preparation for voting on this legislation at the June meeting, Ingram stated so moved, seconded by Terry. Vote: 5 ayes, 0 nays**
- reminded Council that he distributed all of the necessary documents to review the proposed 2023 Budget and that he needs Council input no later than May 31st if there are going to be any recommended changes and if no changes are recommended then the proposed Budget will become the 2023 Budget subject to changes that the Fiscal Officer may recommend based on his ongoing review of revenues and expenditures - he asked if there were any questions or comments - Terry asked about setting up a separate fund for the tax revenues to be received into until such time that Council

determines where to use these funds – Gary stated that these are going into the General Fund with its own account number and upon receipt of the first dollar and every dollar going forward he will report to Council at each meeting the value of monies received

- reported that we were unable to file the Guardians Grant last month, to be used as a part of the funding for a new ballfield on the Old School property, as the outside sources that he needed data from could not meet the deadline requirement (he needed all data by April 20th) – he stated that we can try again for a Grant submittal in June if we are still going to pursue this Grant – he stated that if the Association has a person responsible for the finances, they can file the Grant directly with the Guardians, Mayor Wilkinson stated that he believed that they have such a person and Gary stated that he will remove himself from the project until advised otherwise by the Mayor
- reminded Council that they need to decide tonight which items to include on the Nature Works Grant Application due to be submitted on or before June 1, 2022 – he confirmed sending the survey scoring to Council on Tuesday, May 3rd – reported that he will need pricing from the Park Chairpersons no later than May 20th, sooner if at all possible, for the playground equipment – reported that he also needs to know the area where Council wants to locate the hiking path so he can obtain construction bids – confirmed that the max we should apply for on the Nature Works Grant Application should not exceed \$40,000 and this includes any engineering costs as well – our Matching Fund amount is \$10,000 which he plans to split evenly between Parks and the General Fund – as pricing is received and cost estimates for any construction/engineering are received, he may need to modify what the scope of the Application will cover (to keep us at no more than \$40,000) – he stated that we can also apply for a smaller Grant if Council prefers – a discussion took place and the Park Chairpersons confirmed that they will have pricing to Gary on or before May 20th on the playground equipment – Council suggested a hiking path around the perimeter of the Park starting on the west side of the Parking Lot and as an option including the east side of the Parking Lot based on the pricing received - he asked if there were any questions or comments – Council suggested an asphalt trail versus concrete to help reduce costs
- reported on some of the comments expressed by residents who spoke with our survey team – some residents were not aware that the Village has a Park, some asked for more activities for resident involvement, adding grills, a fitness course, Village supported cook-outs, fairs and car-shows, younger children playground equipment, winter ice skating, the need to repair playground equipment, one resident stated that they will move if baseball field is located at Old School Park
- reported that of the three streets identified by Chris as needing the most work, the least expensive to do a complete resurfacing and storm sewer replacement is Diagonal, originally quoted at \$285,500 he now estimates the potential cost at \$342,900, suggesting a 15%, 30 year loan with payments estimated at \$1,714/year + maybe some matching funds we may be able to afford – he asked if Council is interested in having him obtain updated pricing, look at dollar options and report next month – he also told

Council that Todd Meng, a resident on Diagonal, took him to 3 catch basins (2 on Diagonal and 1 on E. Middle near the intersection with Diagonal) that are holes in the ground with busted storm sewer piping that needs repair ASAP - these are in terrible condition

- **Chris made a motion to have Gary proceed to obtain updated pricing and options on Diagonal Road for a possible OPWC Grant Application, seconded by Ingram. Vote: 5 ayes, 0 nays**
- confirmed that he filed the PEP Grant for \$1,000 to be used against the basketball court repairs and that we are now waiting for a decision

Parks

Marti & Terry had nothing to report.

- ❖ Mayor Wilkinson stated that the mowing contractor did not mow on the hill near Village Hall nor trimmed around Village Hall – Park Chairs confirmed that they will contact the contractor

Water & Sewer

Ingram had nothing to report.

Streets

Chris had nothing to report.

- Gary confirmed sending the bids to Council on street repairs for East and West Middle and Diagonal Roads - reviewed the fact that since we are using Federal monies for this work it is required that all contractors pay their laborers the Prevailing Wage Rates (PWR) - he confirmed that Mules Hauling and Most Paving provided revised bids with PWR included and that Buckeye is working on their revised bid - he recommended awarding Most Paving the work even though they are not the lowest bid due to their bid quoting the use of more patch material and detailed descriptions of how the work would be completed - he stated that since they are a paving company it is not a surprise that their bid would be more detailed to meet the repair needs on these streets - Allan did not feel that selecting the higher bid for the reasons stated, violated any legal guidelines
- **Chris made a motion to proceed to award Most Paving with the road repair work on Diagonal Road and East and West Middle Streets, seconded by Marti. Vote: 5 ayes, 0 nays**

Zoning

Chris had nothing to report.

- o Allan confirmed that for 141 Water Street an inspection is scheduled for June 1st with all parties, including the Wayne County Building Inspectors to confirm the status of the cited violations
- o Allan confirmed that the Appraiser has been hired for 133 Water Street and that the property owner is not pleased with the amount of time it has taken to get to

- this point - Gary stated that the Appraiser's quoted price exceeded the allowed costs by 40% and that he spoke with FEMA and both parties agreed to do all cost sharing at the 90%/10% ratio - Gary pointed out that this will remain in effect for the duration but in the event that the allowed Federal maximum match of \$91,671.30 is exceeded then the Village pays all costs above this maximum
- o Allan reported that he is waiting on Ben for information and photos on the 111 and 124 W. Middle Street and 215 E. Middle Street Zoning Violations before he can submit the information to the Wayne County Prosecutor for action - Allan will follow-up with Ben
 - o Gary confirmed that the contractor is scheduling to start work on the Culvert Area Repair Work on E. Middle Street and/or the basketball court next week pending weather conditions
 - o Council asked about Mosquito Spraying this year - Gary confirmed that in Chippewa Lake they were quoted \$375 per application
 - o **Marti made a motion to proceed to set-up mosquito spraying twice per month, beginning in May, at \$375 per application, seconded by Terry.**
Vote: 5 ayes, 0 nays

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, June 2nd at 8:00 PM
- ✓ confirmed that he deposited the \$596.00 for March Traffic Fines and that he will also deposit the \$410 that he received tonight for the April Traffic Fines
- ✓ asked to schedule the next Records Committee Meeting for 7:50 PM on June 2nd unless there are any objections - none were offered
- ✓ asked if the Mayor and Council wanted to consider reducing the speed limit on Front Street, SR 83, down from 35 mph to 25 mph in an effort to slow down all traffic on this main street and the hazards it represents - Allan stated that we will need to work with ODOT on this and it is a complicated process - Council advised Gary to look into this matter and Allan asked to be updated with his findings

Old Business:

Gary reporting:

- ✓ asked Allan about the continuing emails from Countryside Lawn Care and monies that they feel are due from the Village - Allan asked if Council would be interested in splitting the contended total amount due of \$6,000+ - Council reported that they have no interest as they feel he was more than properly compensated for his services including the final street salting of the season
- ✓ reported that at Saturday's Income Tax Meeting, Chris Letzelter recommended pulling the concrete barriers from 133 Water Street as well as the steel wall erected by the past property owner - Gary stated that 9 of the barriers could be

used for the Culvert Area Repair Work on E. Middle Street thus reducing the number of barriers to be purchased for that project and saving the Village money – Council gave the OK to proceed – Allan stated it was OK to remove the barriers since this had been work done by the Village in the drainage ditch at no cost to the previous owner – Council stated to not remove the steel walls until the home is demolished

Public Comment:

- Anna asked why are we considering building a new ballpark and doing mosquito spraying – Mayor Wilkinson stated that both of these are due to mosquitos in the Park behind Village Hall and the flooding that this area is exposed to
- Anna asked if Grants can be used for storm sewers and water – Gary stated that we already have used and will use Grants once again for all storm sewer work as this is the only way we can afford to do this work – on water Allan stated that years ago the Village looked into this and it was determined that due to the very high costs of building a water system and with the low number of residences in the Village, the cost impact to the homeowners would be excessive making it unaffordable for the Village to consider
- Anna suggested a Flea Market or Farmers Market be held in the Park – Council thought this to be a good idea

There being no further business to come before Council, Marti made a motion to adjourn at 9:43 PM, seconded by Chris. Vote; 5 ayes, 0 nays

X

Mayor, David Wilkinson

X

Fiscal Officer, Gary Harris