

**VILLAGE OF BURBANK
REGULAR MEETING, JULY 7, 2022**

Mayor David Wilkinson, called the meeting to order at 8:01 PM.

A roll call was taken with the following officials present: Chris Norton, Terry Moore, Jay Byler, Thomas Lenhoff, Marti McCord; also, in attendance: Allan Michelson - Solicitor (arrived at 8:33), Gary Harris - Fiscal Officer and visitors Cathy Kopp, Dan Wiley, Anna Dickson, Craig Purdy, Hunter McCord, Linda Gray, Jonathan Hofstetter, Brian Thunberg and Officer Stephey.

Mayor Wilkinson welcomed our guests.

Mayor Wilkinson announced that Ingram McCord resigned from Council last month and asked if anyone present would like to be appointed to fill his seat. Anna Dickson volunteered.

Marti made a motion to appoint Anna Dickson to fill the seat vacated by Ingram McCord, seconded by Jay. Vote: 5 ayes, 0 nays

The Fiscal Officer swore in Anna Dickson to Office and she took her seat on Council.

Marti made a motion to excuse Ben Berger, seconded by Anna. Vote: 6 ayes, 0 nays

Minutes - June 2, 2022 Regular Meeting

Chris made a motion to waive the readings and to approve as submitted the June Regular Meeting Minutes, seconded by Marti. Vote; 6 ayes, 0 nays

Mayor Wilkinson introduced Brian Thunberg from RITA to answer any questions about the new Village Income Tax going into effect as of July 1, 2022 and acknowledged that Brian was invited as a result of several complaints appearing on Facebook about the new Tax - The Fiscal Officer asked if a notice about tonight's Meeting announcing Brian's presence appeared on Facebook and Cathy confirmed that yes it did - Brian opened it up for questions - Cathy stated that one of the company's in the community was trying to get set up through Pay Cor to pay RITA directly but they could not find a Burbank link on the RITA website, Brian indicated that Burbank will be turned on sometime next week which should allow the link to go through - Linda voiced concerns about estimating income for the 2nd half of 2022 due to the fluctuating hours of her son's construction job, Brian stated to just do the

best that you can as there will be no penalties this year if you underpay (due to a low estimate) and if you overpay you can receive a refund or apply it to the next year's taxes, he also stated that if someone is retired and still working or if you own rental property, they do need to claim the earnings from the job(s) they work and income from rentals but do not have to report earnings from Social Security, retirement accounts, etc. - Marti asked how short term disability and long term disability income is treated, Brian suggested she and others contact his office to obtain the details involved - Terry asked if Brian's office has received any complaints or inquires about the income tax, Brian said yes, but not very many and nothing outstanding or too serious - Anna stated that we need to install a sign indicating that this building is Village Hall as some residents don't know where it is located - Chris asked if it is OK to post Brian's contact information on the Village website and Facebook, Brian said absolutely (440-922-3244, bthunberg@ritaohio.com) - no other questions were raised and Council thanked Brian for adjusting his schedule in order to be at tonight's meeting

Mayor Wilkinson introduced Jonathan Hofstetter who is running for County Commissioner and asked if he wanted to address Council and those present - Mr. Hofstetter thanked the Mayor for allowing him to speak and he confirmed that he is running for County Commissioner and wants improved communication between the entities and Wayne County, he is looking forward to working with Burbank and the other communities and hopes to be of service to all - Mayor Wilkinson thanked him for visiting us tonight

Council Reports:

Safety

Marti reporting:

- ❖ reported that Creston issued 13 citations in June and worked 100 hours - she then delivered the check for June fines to the Fiscal Officer in the amount of \$453.00

Finance

Terry and Thomas reporting:

- read the July Paid Bills and the Automatic Deductions amounting to \$9,354.77 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 Marti. Vote - 6 ayes, 0 nays.**

Gary reporting:

- advised Council that they need to vote tonight on a piece of Legislation and several motions as apply to the Nature Works Grant Application which is due to be submitted on or before July 15, 2022 - confirmed that earlier this week

he sent out emails to the Park Chairpersons and copied the Mayor and Council President – one decision is do we proceed with the playground equipment based on a requirement to meet handicap requirements that, in his opinion, will put us over our maximum limit of \$40,000 (to cover all equipment, materials, labor, engineering, construction based on the increased scope to meet basic requirements) or consider changing the grant from Playground equipment to the east side Hiking Trail – or proceed to file without meeting the handicap requirement for Playground Equipment and take our chances – he felt that the chances of not getting the Grant if we submit without meeting the handicap requirement is 80/20 – to enhance our chances of a “win” he stated that we need to have one or more of the Councilmembers trained as a Certified Playground Inspector and that we will need to install the equipment per the guidelines in the Public Playground Safety Handbook – Councilman Moore volunteered to be trained as a Certified Playground Inspector, Councilwoman McCord suggested going with the Hiking Trail and after further discussion it was decided to proceed with the Playground Equipment with the handicap access accessories and to file the Application for an amount as high as \$50,000 with a matching amount of \$12,500 – the Fiscal Officer raised concerns about the Village’s financial exposure on the FEMA Demolition and it’s higher costs as well as the matching fund requirement for the OPWC Grant, he was advised by Council to proceed with the increased Playground Application amount if necessary once all costs are obtained – he asked if there were any other questions or comments – none were offered

- **Gary asked for a motion to proceed to file the Nature Works Grant Application for the Playground Equipment with handicap accessories and authorizing the Mayor, the Contracts and Grant Administrator and other Village Officials to generate, sign and issue all appropriate Application documentation including final costs and matching fund amounts not to exceed \$50,000 with \$12,500 in matching funds, Terry stated so moved, seconded by Marti. Vote: 6 ayes, 0 nays**
- Gary did the first reading of Resolution R2022-01 “Whereas the State of Ohio through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the State of Ohio Nature Works grant program and Whereas the Village of Burbank, Wayne County Ohio desires financial assistance under the Nature Works Grant Program, Now, therefore, be it resolved by the Village of Burbank that the Village of Burbank approves filing this application for financial assistance as an emergency”
- **Terry made a motion to waive the 2nd and 3rd readings of Resolution R2022-01, seconded by Jay. Vote: 6 ayes, 0 nays**
- **Chris made a motion to approve Resolution R2022-01 as an emergency, seconded by Marti. Vote: 6 ayes, 0 nays**
- Gary asked Allan for a blank copy of the Special Flood Hazard Area Development Permit Application by Wednesday at the latest so we can fill it out and have Ben Berger sign it as the Village Flood Plain Administrator
- provided an update on the OPWC Application preparation for infrastructure work on Diagonal Road – this work was originally quoted at \$285,500 and he

estimated it at \$342,900, due to price increases over the last five years, and the new quote came it at \$365,000 on construction only, he also confirmed that with the work needed at the intersection of E. Middle and Diagonal it shot up to \$529,100 + \$96,000 for engineering and on-site observation covering 2.5 months (Total \$625,100) – the Village is looking at a 15% 30 year loan with payments estimated at \$3,125/year – he confirmed that OPWC Applications are due September 22nd – he reported that based on his inspection of the repair work done by Most Paving on Diagonal and Middle Streets and since no crack sealing was possible on E. Middle, due to its very poor condition, he recommends a shift to E. Middle Street infrastructure only would be appropriate – he confirmed that 5 years ago the estimate to do all of E. Middle was \$713,300 and now, based on the increase we see on Diagonal/E. Middle, this number is estimated to jump up to \$911,500 + (\$4,600/yr. at 15%, 30 years)– he reported that he will work with Engineering Associates to see how much, if any, we can legitimately reduce costs by to lower our annual payments – he confirmed that we do have time to pivot to make this change – if the construction were to take place in 2023, payments would not begin until 2024 and in 2025 we pay-off the OWDA loan thus freeing up \$7,500 in 2025 and \$15,000 per year thereafter making our ability to cover E. Middle and other high cost infrastructure work throughout the Village possible with no added burden to the Village especially with the Village Income Tax kicking in this year to cover routine maintenance of roads, Parks, etc. – he asked if there are any questions or comments – Council advised Gary to proceed to get a complete bid on doing both Diagonal and East Middle Streets simultaneously, Gary raised his concerns again about the impact to our financial reserves also taking into account the FEMA Demolition and Nature Works Grant impacts

- **Chris made a motion to proceed to obtain bid pricing for both Diagonal Road and East Middle Street storm sewers and resurfacing, seconded by Terry. Vote: 6 ayes, 0 nays**
- confirmed that Most Paving has completed the repair work on Diagonal and E. & W. Middle Streets and that he is waiting on the invoice
- confirmed that the PEP Grant check for \$1,000 has been received was applied against the payment for the basketball court repairs

Parks

Marti & Terry reporting:

- ❖ reported that he inspected the mowing and all work was acceptable
- ❖ Mayor Wilkinson confirmed that Valley View Spraying will be applying the mosquito spray tonight – a question was asked about the rate of speed they travel through the Village as they spray and Mayor Wilkinson stated it had to be no more than 35 mph – it was felt by some in attendance that they are traveling faster than that
- ❖ Marti displayed the Norma Buckingham plaque to be installed at the new baseball field once construction is completed and that the 3D Printer Lending Library, a part of the Romich Foundation out of Creston, did this work free of charge

Water & Sewer

Thomas had nothing to report.

Streets

Chris and Jay had nothing further to report.

Zoning

Chris and Jay had nothing to report.

- o Allan reported that for 141 Water Street the shed needs to be torn down, the owner will clean-up and cut the brush, replace windows and make it presentable and that the attorneys agree to settle once all work is done
- o Allan confirmed that 133 Water Street is waiting on feedback from FEMA that is needed before we can approach the owner with an offer and, then if accepted, we can move forward with demolition
- o Allan reported that he is waiting on Ben before he can file with the Wayne County Prosecutor's office on the 111 and 124 W. Middle Street and 215 E. Middle Street Zoning Violations
- o Allan did the first reading of Ordinance 2022-08, "an Ordinance declaring certain conditions in connection with trees, plants and shrubs to be nuisances, and establishing a procedure for abatement of the same"
- o Council stated that we will go through the process of all three readings to allow for public input

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, August 4th at 8:00 PM
- ✓ confirmed that he has deposited \$899.00 for April and May Traffic Fines and that he will deposit the \$453 that he received tonight for the June Traffic Fines
- ✓ reported that he did not participate in the webinar on June 29th covering new programs through ODOT known as INFRA and New Rural for use on road and storm sewer projects as they are geared towards municipalities with a Planning Department
- ✓ reported that the State Legislature has approved dispensing the 2nd ARPA payment and is scheduled to be deposited by July 15 - he asked if there were any questions or comments - none were offered
- ✓ reported that he was contacted by BWC for an Audit on our 2021 payroll records - he just completed this Audit in Chippewa Lake and found out after 10 years that "elected officials" are considered "employees" and thus need to be added to the total payroll when BWC computes our annual premium - no serious fallout appears to be forthcoming from this oversight based on the feedback that he has received thus far from the BWC auditor - any questions or comments - none were offered

- ✓ asked about the vandalism in the Park and if those responsible have been identified – Mayor Wilkinson said he will review the camera footage – Gary suggested adding cameras and/or obtaining higher quality cameras if needed to improve the chances of identifying anyone committing vandalism in the Park

Old Business:

Gary reporting:

- ✓ confirmed submitting the FEMA Quarterly report yesterday for 133 Water Street – initial indications are that the Village stands a good chance of having to pay more towards this demolition than originally planned based on feedback from FEMA and the low allowance for purchasing the home compared to the appraised value, this will impact Village financial reserves – any questions or comments – none were offered

Public Comment:

- ✚ Dan Wiley asked about the property issues at 111 W. Middle and was reminded that this is in the process of being handled
- ✚ Cathy announced a Village wide Garage Sale on August 20th from 9:00 AM to 4:00 PM and that Top Flite Financial in Burbank is assisting and considering having food trucks, inflatables, etc. for a daylong event and she plans on collecting \$10 for admission the proceeds of which will be donated to the Wigal Family – Council asked Cathy to be the lead person for this effort and she agreed – Gary to obtain the necessary insurance for this event (for Park property activities only)
- ✚ Cathy stated that she spoke with the new Postmaster in Lodi who confirmed that the Village will be getting the PO Boxes returned and perhaps the return of a Post Office – more information to follow

There being no further business to come before Council, Chris made a motion to adjourn at 9:51 PM, seconded by Marti. Vote; 6 ayes, 0 nays

X

Mayor, David Wilkinson

X

Fiscal Officer, Gary Harris