

**VILLAGE OF BURBANK  
REGULAR MEETING, OCTOBER 5, 2023**

Council President, Anna Dickson, 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; also, in attendance: Ben Berger – Zoning Inspector, Gary Harris – Fiscal Officer and visitors Cathy Kopp, Michael Graves, Zach Kelly, Deb Urban, Phylcia Edwards and Officer Collins.

Council President Dickson welcomed our guests and asked that they hold their comments and questions until Public Participation is opened later in the meeting.

**Jay made a motion to excuse Marti McCord and Allan Michelson, seconded by Chris. Vote: 5 ayes, 0 nays**

Minutes – September 7, 2023 Regular Meeting Minutes and September 16, 2023 Special Meeting  
Minutes

**Chris made a motion to waive the readings and to approve the September Regular and Special Meeting Minutes, seconded by Jay. Vote; 5 ayes, 0 nays**

Council Reports:

Safety

Anna reporting:

- reported that Officer Collins is now on active patrol and that Officer Stocker is still in training, reviewed the September Incident report and there was one traffic speeding citation and a check in the amount of \$30 was issued to the Village
- asked about the hours to be worked and the 2024 Contract for Police Services – Gary reported that it was his understanding that Mayor Wilkinson was to speak with the Creston Police Chief on both of these matters

Finance

Terry and Thomas reporting:

- read the October Paid Bills and the Automatic Deductions amounting to \$21,556.48 and asked if there were any questions or any details needing to be presented – none were requested
- **Terry made a motion to accept these October payments, seconded by Jay. Vote - 5 ayes, 0 nays.**

Gary reporting:

- confirmed that On October 2<sup>nd</sup> he sent Allan's Affidavit to Thomas and Cathy and also copied the Mayor and all of Council stating that Thomas and Cathy need to begin posting all future Notice of Meetings and Passed Legislation on the Village website and Facebook page this month - the Affidavit also detailed the need for a Notary Public to sign as each page is filled and/or before the end of any year - he asked if there any questions about the form or instructions - Cathy asked if the form needs to be sent to Gary every month and Gary said only once the form is completely filled in and/or before the end of each calendar year
- confirmed that the 2021 and 2022 Audit was completed as of October 3<sup>rd</sup> and that he sent an email to all Village Officials on this same date addressing the one minor issue discovered during the Audit - he asked if any Village Official has any questions or comments about the Audit or his email - none were offered - Gary advised the guests that they can go online to the Auditor's website to read the Audit Report once it is posted to the site in 2-3 weeks and stated that if anyone here wants the Auditor's website address to list their own email on the Sign-In sheet for tonight's meeting and he will send the website address to them
- asked for an update or if a discussion is needed about adding a RITA link to the Village website and Facebook page as suggested at last month's meeting by the President of Council - Thomas and Cathy stated that they will add it to their respective sites
- stated that the Sky Lift Climber for the playground is scheduled to arrive in Houston on October 15<sup>th</sup> and they report that it takes a week or more to get it ready for shipment and they will alert us once it is loaded with a Bill-of-Lading - confirmed that he sent the quote to pour the pad that will tie the parking lot into the ADA Ramp at the new Playground area - reported the bid price from M. Miller Construction is \$1,500 - he asked if there are any questions about the quote - none were offered - Gary asked **"may I have a motion approving M. Miller Construction to build the ADA pad for the Playground at a cost of \$1,500, Jay stated so moved, seconded by Anna. Vote: 5 ayes, 0 nays** - Gary stated that the Grant should cover 75% of the cost (\$1,125) and the Village pays the balance - he asked if there are any questions or comments - Anna asked where the unit will be installed and Jay stated in the older section of Playground and until installed it will be stored in the Storage Shed - Gary stated that he will check to see how much time we have before installing as there is a time limit if we want the Grant to reimburse the Village for any of this cost
- confirmed that on September 29<sup>th</sup> he sent all Village officials the latest update from Wayne County on the Front Street sidewalk project and the disappointing news that we will not hear anything from the State about this Grant until sometime in February of 2024 and that they are making some changes to the bidding requirements - reported that at this time it cannot be determined if we

will need to obtain an updated construction cost estimate from Engineering Associates or if the status of our award by Wayne County will be impacted – he asked if there are any questions or comments - none were offered - confirmed that On October 2<sup>nd</sup> he sent the Mayor and Council the two bids to remove the trees along Front Street and that Council needs to decide to either proceed to remove the trees next week or thereabouts or wait until next year while keeping in mind that the costs could be higher next year – a discussion took place and **Jay made a motion accepting the bid from AJ Tree Service to remove the 5 trees and grind the stumps on Front Street at a cost of \$2,000, seconded by Chris. Vote: 5 ayes, 0 nays** – confirmed that he did speak with the resident at 15 Front Street and they OK'd removing the Pine and Maple Trees and Bushes in front of their home

- Anna raised concerns about removing the 5 trees, two of which are at 39 Front Street – Jay said that he spoke with the owner once about this and then delivered the Notice with his phone number listed and has not heard back from the owner – Gary stated that if we are going to do the sidewalk on the east side of Front Street these 5 trees must go as they were planted too close to the sidewalk and would die anyway since the roots that undermine the existing sidewalk would need to be cut out and removed and cautioned Council to not consider giving the Grant back to the County if Council is considering now to not do the sidewalk replacement as this would impact our ability to win future grants
- confirmed that he attended the OPWC Application Review Meeting with the Wayne County Commissioners on Wednesday, September 27<sup>th</sup> along with Joshua from Engineering Associates – he pointed out, to the Commissioners, the commitment that the Village has made on this project by having the Fieldwork already completed as well as issuing the PO to Engineering Associates to complete all Final Design and Construction Bid drawings which are in process now, along with the financial commitment of \$217,000 between Matching Fund amount and an OPWC Loan and he stated that he hoped that the Commissioners would list Burbank as a priority since this is our second attempt at this Grant and also taking into consideration the level of financial commitment made by Burbank – the Commissioners are to release the list of priority projects next week – he asked if there any questions or comments – none were offered – Gary also confirmed that today he did submit the Grant Application to the OPWC website before the October 11<sup>th</sup> deadline

#### Parks

Terry had nothing to report.

- ❖ Anna confirmed that the last security camera has not yet been installed as they had the wrong parts but now have the correct parts and plan to finish installation on Saturday

- ❖ Anna did not do the September Playground Inspection report and had no update on the repairs for the Animal Spring Rider – Anna stated that she will do the inspection soon

### Water & Sewer

Thomas and Anna had nothing to report.

### Streets

Chris and Jay had nothing to report.

- Gary asked about the signs to be ordered, **Jay made a motion to approve ordering up to 4 - No Engine Brake, 4 - End Engine Brake, 2 - Stop Light Ahead and 6 posts, seconded by Terry. Vote: 5 ayes, 0 nays**
- Council decided that Gary is not to order any of the signs just voted on until he hears back from one of the Street Chairpersons with a confirmation of what to order

### Zoning

Chris and Jay had nothing to report.

- ✚ Gary read Allan’s report since Allan could not be here tonight: Allan reported that he reminded the Wayne County Auditor’s Office about sending out the Property Appraiser so they can finalize the reduced property taxes for 133 Water Street and he was advised that a decision will be coming soon – Allan said that October 1, 2023 was the deadline for Bert Reed to remove the red shed, building and materials inside of it and to also remove the wooden boards and fix two (2) windows on the front of the house and cut all the weeds and brush on the west side of the house and if he hasn’t done these things, the Village needs to take him back to Court to enforce contempt charges for his failure to follow the Court Order – Ben to advise Allan on the status – Allan reported that he is preparing a Notice to Bert Reed to remove the dilapidated garage/shed at 201 E. Middle Street and that the garage is around the corner on Water Street – Reminded everyone about the expiring Police Contract with Creston at the end of this year – Gary responded that Mayor Wilkinson was to speak with the Chief of Police about the contract and hours to be worked yet this year – Allan reminded Council that his contract expires the end of this year also and he is willing to submit a new contract at the same rate and terms for one (1) year starting January 1, 2024 – Gary did the first reading of Ordinance 2023-05 in its entirety - “an Ordinance approving a contract to employ Allan M. Michelson as Solicitor of the Village for a period of one (1) year from January 1, 2024 through December 31, 2024 – Now therefore, be it ordained by the Council of the Village of Burbank, Wayne County, Ohio, as follows: Section I: Allan M. Michelson, Attorney at Law, is

hereby retained by Village Council as Solicitor of the Village for a period of one (1) year from January 1, 2024 through December 31, 2024, the Contract services, duties compensation and designated employee terms, attached hereto, dated December 16 and 20, 2021 and incorporated herein is hereby approved by Council, and the Mayor of the Village is hereby authorized to execute said Contract on behalf of the Village. Section II: This Ordinance shall go into effect at the earliest date allowed by law.”

- ✦ Council elected to have the second reading at November’s Meeting
- ✦ Ben reported that Mayor Wilkinson and the renter corrected the issues at 124 W. Middle Street
- ✦ Jay asked Gary to communicate with Allan and to request the documentation that Ben needs in order to issue Notices when needed in the Village so this process can move forward – Ben stated that he also needs the authority so he can proceed to issue the Notice to 54 Front Street – Gary stated that as he is the Zoning Inspector, he already has the authority
- ✦ Ben reported that at 111 W. Middle the owner has covered the car and Ben will call Allan to ask how he is to proceed
- ✦ Mr. Graves asked about the ROW in front of his house at 215 E. Middle Street and stated that he is going to proceed to do the work on his sidewalk – Ben told him to not proceed as this was Allan’s instructions – Mr. Graves disagreed and a discussion took place between all of the parties pertaining to the right-of-way, road structure and formation, water drainage issues, etc. – Gary to contact Engineering Associates to obtain ROW information – Mr. Graves said that he is still proceeding and Jay told him not to until the ROW matter is answered

#### New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, November 2<sup>nd</sup> at the Winter Start Time of 7:00 PM
- ✓ confirmed that he has received the \$30 for September Traffic Fines
- ✓ reminded Council about the need to schedule the removal of the port-a-Jon by the end of October – Cathy asked to delay that until November 1<sup>st</sup> due to Halloween and Council agreed

#### Old Business:

Gary had nothing to report.

#### Public Comment:

- o Cathy reported that the Wayne County Visitor Bureau did not list the Village of Burbank in 2023 so she contacted them and Burbank will be added to the 2024 listing – this will allow Burbank to advertise for Village events in 2024
- o Cathy reported that Trunk or Treat will be held and will run from 4:00 PM until 7:00 PM in the Park with a costume parade at 6:00 PM, there will be face

painting, cider and donuts (contributed to by Village local businesses) and a photo booth at a cost of \$450 – Anna asked that we hold off on the Photo Booth until we see how well attended this year’s event is attended

- o Mr. Graves voiced concerns about the actions taken against the Reed properties – a discussion took place and Officer Collins stepped in when the discussion became a bit overheated
- o Anna asked that the vacant Council seats be posted onto the Village website – those openings will be Anna’s and Chris’ seats with appointments taking place at the January meeting – Jay asked Gary if the Village must accept anyone and everyone who might apply for these seats – Gary stated that this is a question for Allan
- o **Gary asked for a motion to approve paying Cathy Kopp \$30.00 for the Trunk or Treat flyers she paid to have produced, so moved by Terry, seconded by Jay. Vote: 5 ayes, 0 nays**

**There being no further business to come before Council, Anna made a motion to adjourn at 9:31 PM, seconded by Jay. Vote; 5 ayes, 0 nays**

X

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Mayor, David Wilkinson

X

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Fiscal Officer, Gary Harris