

**VILLAGE OF BURBANK
REGULAR MEETING, AUGUST 11, 2022**

Mayor David Wilkinson, called the meeting to order at 8:08 PM.

A roll call was taken with the following officials present: Chris Norton, Anna Dickson, Jay Byler, Thomas Lenhoff, Marti McCord; also, in attendance: Allan Michelson – Solicitor, Gary Harris – Fiscal Officer and visitors Dan Wiley, Linda Gray, Kathryn Laugesen, Katie Laugesen.

Mayor Wilkinson welcomed our guests.

Mayor Wilkinson invited Ms. Kathryn Laugesen to make opening comments as pertains to the property that she owns at 21 Front Street – Ms. Laugesen reviewed her history with the property and the continuing problem of a sink hole reappearing on what she feels to be Village property in the right-of-way, how she has complained to ODOT and the Wayne County Commissioners who have told her that the problem area is in the right-of-way and is therefore the responsibility of the Village and that she wants the Lien against her property removed and that she has now put this property up for sale – Chris reviewed how the Village had “jetted” the storm sewers on Front Street and discovered that 21 Front Street never tied into the storm sewer line; he confirmed that he lived in this very house from 1989-1991 and confirmed that there had been a tree in the area having the sink-hole problem and that it had been removed by the previous owner but the stump and roots had never been removed and this is what is causing all the problems – that being the rotting of the stump and roots thus sinking over time and causing the sink-hole problems and that he had inspected this area when the first report came in about the sink-hole in July of 2021 and that he found remnants of the rotting stump and roots; Allan stated that the right-of-way is 40’, 20’ from the center of Front Street going both east and west of the centerline; Chris and Ms. Laugesen left the meeting to take the measurement – they returned and Chris reported that the right-of-way, in front of this address, ends right at the curb edge of the street and thus the property owner is responsible for resolving this issue, not the Village – Ms. Laugesen is unhappy with this situation, asked again for the removal of the Lien and stated that she will remove the sidewalk and fill the sink-hole with backfill; the Mayor and Council confirmed that the Village will not remove the Lien

Allan reported on 133 Water Street and the offer that he had extended to Ms. Yost of \$76,857, per the FEMA Grant allowance, to purchase the residence and adjoining property which Ms. Yost rejected and asked for \$90,000; a discussion took place on the “budget” for the project as issued to Burbank by FEMA discussing anticipated cost overruns on the other elements of the project including asbestos inspection and abatement as well as demolition of the residence among other project costs that need to be paid; Gary recommended that the Mayor and Council not offer any additional monies for this property as the “budget is the budget” for the project and with our other Village projects for the Park along with infrastructure work on Diagonal Road, the Village cannot afford to offer any additional monies since we

are already obligated to spend nearly \$10,000 for the Village matching fund for 133 Water Street and possibly more if costs run higher than allowed once the FEMA maximum investment amount of \$91,671.30 is met – Allan to meet with Ms. Yost based on the motion passed by Council

Chris made a motion to continue the offer at \$76,857 with no increase for 133 Water Street, seconded by Jay. Vote: 5 ayes, 0 nays

Minutes – July 7, 2022 Regular Meeting & August 4, 2022 Special Meeting Minutes

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

Council Reports:

Safety

Marti and Anna reporting:

- ❖ reported that Creston issued 13 citations in July and worked 114 hours and the additional time was due to four extra service calls in the Village – she then delivered the check for July fines to the Fiscal Officer in the amount of \$512.00
- ❖ reported that Creston would like the Village to proceed to set-up next years contract for services with no increase in costs to the Village
- ❖ **Chris made a motion to renew the Creston Police Contract, for 2023, with no increase in rates, seconded by Jay. Vote: 5 ayes, 0 nays**
- ❖ Allan to proceed accordingly with renewing the Police Contract
- ❖ Dan raised concerns about cars speeding through the Village – Marti to mention this to the patrolling officers

Finance

Thomas reporting:

- read the August Paid Bills and the Automatic Deductions amounting to \$36,909.17 and asked if there were any questions or any details needing to be presented – none were requested; **Thomas made the motion to accept these payments, seconded by Marti. Vote – 5 ayes, 0 nays.**

Gary reporting:

- confirmed that the 2023 Budget was hand delivered to the Wayne County Auditor on August 5th – he thanked the Mayor and Council for attending the Special Meeting on August 4th and voting on the budget – he asked if there were any questions or comments – none were offered
- reported the need to vote on legislation adjusting the 2022 budget for revenue and appropriations per the emails sent to Council on July 21st and August 10th identifying those changes – he asked if there were any questions or comments – none were offered
- Allan did the first reading of Ordinance 2022-09, “an Ordinance approving amending the Certificate of Estimated Resources for the General Fund and the FEMA Grant Fund account codes 1000-130-0000 Municipal Income Tax and 2903-931-000 FEMA Transfer In and declaring this an emergency for the public peace, health, safety and welfare”

- **Chris made a motion to waive the 2nd and 3rd readings of Ordinance 2022-09, seconded by Jay. Vote: 5 ayes, 0 nays**
- **Marti made a motion to adopt Ordinance 2022-09 as an emergency, seconded by Chris. Vote: 5 ayes, 0 nays**
- Allan did the first reading of Ordinance 2022-10, “an Ordinance approving amending the 2022 appropriations and declaring this as an emergency for the public peach, health, safety and welfare”
- **Chris made a motion to waive the 2nd and 3rd readings of Ordinance 2022-10, seconded by Marti. Vote: 5 ayes, 0 nays**
- **Marti made a motion to adopt Ordinance 2022-10 as an emergency, seconded by Chris. Vote: 5 ayes, 0 nays**
- confirmed that the Nature Works Grant Application was delivered on Monday July 18th, it was mailed on July 15th (this was the deadline and needed to be postmarked by 5:00 PM on July 15th and ours was postmarked at 11:51 AM) – reported that we should hear back on this grant sometime during the 3rd Quarter or early in the 4th Quarter – he asked if there were any questions or comments – none were offered
- confirmed that he sent the Mayor and Council on July 20th on the overview of the OPWC Grant options for a 2022 Application – reported that he received questions from Anna and Terry with no other questions from the Mayor or Council – tonight Council needs to decide if we are going to proceed or not and if so, which option A. B or C are we to proceed with – a review and discussion took place about options A, B and C centering on what the Village can afford and the “points” impact of each option; Gary asked if Option C is the approved option and Council confirmed “yes” – he asked if there were any questions or comments – none were offered
- Allan did the first reading of Resolution R2022-02, “a Resolution authorizing David Wilkinson, Mayor, to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement program(s) and to execute contracts as required”
- **Marti made a motion to waive the 2nd and 3rd readings of Resolution R2022-02, seconded by Jay. Vote: 5 ayes, 0 nays**
- **Marti made a motion to adopt Resolution R2022-02, seconded by Jay. Vote: 5 ayes, 0 nays**

Parks

Marti reporting:

- ❖ reported no complaints with the mowing
- ❖ Mayor Wilkinson confirmed that Valley View Spraying is going good with no issues
- ❖ Mayor Wilkinson reported no update on the proposed ballfield
- ❖ discussed the Village Garage Sale and liability insurance issue – Gary stated that it appears Cathy will need to secure the insurance listing the Village as a Certificate Holder – Allan stated that he was not sure about this – Gary said he will go back to our carrier and ask again especially since there is not a group doing this event but one person, Cathy Kopp, setting it all up

Water & Sewer

Thomas and Anna had nothing to report.

Streets

Chris and Jay reporting:

- Invited Peters Landscaping to attend the September meeting so they can present a bid for snow plowing and salting; Gary raised concerns that they also cost the Village \$20,000 when they did the work but they were reliable and the work was good – Council said we will see what they have to say and then we may decide to proceed to obtain other bids
- Allan reported that Countryside, who plowed last year, is suing the Village for \$5,675 and Allan feels that the Village is on pretty solid ground for withholding these monies as they provided more materials than what was ordered – the Mayor and Council decided to let the complaint stand

Zoning

Chris and Jay had nothing to report.

- Allan reported that for 141 Water the inspection was completed by all parties, the primary structure is sound but it needs to be cleaned-up, debris removed, etc.; a status meeting is to take place on August 30th with the judge
- Allan reported that he is waiting on Ben to sign the documents before he can file with the Wayne County Prosecutor's office on the 111 and 124 W. Middle Street properties – Dan asked about the car on the property with outdated plates – Allan stated that he will get with Ben on this
- Allan stated that Ben told him that the property owner at 215 W. Middle Street is now getting a permit for the deck that he already installed
- Allan did the second 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” – Allan reported that the recommendation made by Gary to also include trimming back trees and shrubs away from sidewalks to allow clear passage is a good idea – Council advised Allan to include this language in the final Ordinance
- Gary asked about the camera issues in the Park and possible vandalism – Mayor Wilkinson stated that the company is coming out to inspect the two units that are not functioning

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, September 1st at 8:00 PM
- ✓ confirmed that he has deposited \$453 for the June Traffic Fines
- ✓ reported that we did receive the final and 2nd ARPA payment which has been deposited in the amount of \$10,411.75 – he asked if there were any questions or comments – none were offered
- ✓ the BWC Audit on our 2021 payroll records has been completed and the one finding, as reported as going to happen, did come up with a possible fee of \$26 – Gary is waiting for the final report as pertains to this fee – he asked if there are any questions or comments – none were offered
- ✓ reminded the Park Chairpersons to schedule the removal of the port-a-jon in September or October – Mayor Wilkinson said to schedule removal in October and asked if we were ever

invoiced by the vendor – Gary said he was just recently invoiced and paid for May – July at a cost of \$105 per month

Old Business:

Gary had nothing to report.

- ✓ Marti thanked Linda Gray for her \$800.00 donation to the Parks for the money Linda collected from selling the book on the history of Burbank from 1869 – 1969

Public Comment:

Nothing offered.

There being no further business to come before Council, Marti made a motion to adjourn at 10:22 PM, seconded by Chris. Vote; 5 ayes, 0 nays

X

Mayor, David Wilkinson

X

Fiscal Officer, Gary Harris