

**VILLAGE OF BURBANK
REGULAR MEETING, JUNE 2, 2022**

Mayor David Wilkinson, called the meeting to order at 8:00 PM.

A roll call was taken with the following officials present: Chris Norton, Ingram McCord, 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, Dan Wiley, Anna Dickson, Craig Purdy, and Officer Stephey.

Mayor Wilkinson welcomed our guests.

Minutes – May 5, 2022 Regular Meeting Minutes & May 16, 2022 Special Meeting Minutes

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

Council Reports:

Safety

Marti and Ingram reporting:

- ❖ reported that Creston issued 17 citations in May – she then delivered the check for May fines to the Fiscal Officer in the amount of \$489.00

Finance

Terry and Thomas reporting:

- read the June Paid Bills and the Automatic Deductions amounting to \$21,469.58 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:

- asked Allan if we need a Motion or a vote on assigning RITA delegates, Allan stated that a Motion will suffice – Gary stated that per Brian, it is usually the Mayor and Fiscal Officer but it can be any Councilperson as well – Gary stated that this function is needed so as to have representation at the Annual Regional Council of Governments meeting which will also give the Village voting rights at these meetings– **Marti made a motion to appoint Mayor Wilkinson as the Primary Delegate and Gary as the Secondary Delegate, seconded by Chris. Vote; 6 ayes, 0 nays**

- Allan reviewed the changes needing to be made to the Village Income Tax Code as required by RITA and stated that these are mandatory and not optional – Ingram challenged the change requiring all residents, even those younger than 18 with an earned income, to be taxed – Allan stated that this is the law enacted by the Ohio Legislature and cannot be eliminated from our Tax Code – Ingram stated his disagreement with this requirement and others agreed
- **Allan did the first reading of Ordinance 2022-07 - “an Ordinance amending Ordinance No. 2022-05. The Municipal Income Tax Code in order to incorporate changes required by the Regional Income Tax Agency for administering the tax and declaring the same an emergency”**
- **Marti made a motion to waive the 2nd and 3rd readings of Ordinance 2022-07, seconded by Terry. Vote; 6 ayes, 0 nays**
- **Marti made a motion to adopt Ordinance 2022-07 as an emergency, seconded by Terry. Vote; 6 ayes, 0 nays**
- asked Council if there are any changes that they want to make to the 2023 Budget and reported that he has not yet finalized his review of the budget as of tonight and that at the July meeting he will have the budget finalized and ready for Council approval by voting on the legislation that he will also have available – he asked if there were any changes, questions or comments – none were offered
- 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 July 15, 2022 – he confirmed that in his May 25th email to the Park Chairpersons he recommended a revision to the new playground equipment that basically would not exceed the sale price of \$26,900 as the regular price due to extended delays by the State in determining the Grant Budget for ODNR thus delaying the Grant approval process and delaying any purchasing until sometime in 1st Qtr. 2023 – based on this, he asked if we want to change the playground equipment to be incorporated into this Grant Application – Marti asked that we delay taking action on changing any of the planned playground equipment until she can make contact with the current bidder to discuss this with him – Gary also asked about the email that he sent out on May 21st about the Playground guideline booklets that he had previously put on Dennis’ desk (now Terry’s desk) that describe instructions on installation needed to satisfy our insurance company as this may change the amount of materials needed to install any new playground equipment and asked if they were able to find the booklets and asked if there are any changes in materials needed – Terry reported that the booklet he just found is dated 2010 and David felt that they were very liberal in the materials that they reported as needed to install this new equipment – Gary stated that he will contact the insurance carrier to obtain new booklets as we need to follow these guidelines to avoid insurance issues once new equipment is installed – as a review the max we should apply for on the Grant Application should not exceed \$40,000 and this includes any engineering costs as well – our Matching Fund amount is \$10,000 which he will plan to split evenly between Parks and the General Fund – he asked if there were any questions or comments – none were offered

- provided an update on the OPWC Application for infrastructure work on Diagonal Road – Allan is working on getting easement information for 3 or 4 homes on Diagonal that is needed before he can obtain a bid from the engineer for engineering and construction – he asked Allan if there is any update from Wayne County on this – Allan said that the original cost estimate he offered by having a third party investigate this has dramatically increased and he asked for details on what Engineering Associates is exactly in need of - Gary stated that he will ask Joshua to give Allan a call on Monday as he could not offer any details – he reminded Council that Diagonal infrastructure was originally quoted at \$285,500 and he now estimates this to be at \$342,900 and with a 15% matching fund and/or a 30 year loan with payments estimated at \$1,714/year we may be able to afford doing this work but he needs the input from the engineering firm before he can say for certain – he asked if there are any questions or comments – none were offered
- confirmed that he contacted ODOT about a 25 mph speed limit on Front Street and they referred him to another department who informed him that we do not meet the minimum number of businesses on Front Street to be able to qualify for this reduction in speed limit – Council asked him to confirm the number of businesses required and he reported that he will contact them to provide him this information once again, he thought it was six businesses but he was not certain
- reported that Most Paving will be returning to seal the cracks on the streets just repaired as they are targeting completion this week
- confirmed that the PEP Grant check for \$1,000 has been received and will be applied against the payment for the basketball court repairs

Parks

Marti & Terry reporting:

- ❖ reported that she inspected the mowing and all work was acceptable – Gary recommended that they inspect the Park after each mowing and if there are issues to immediately contact the contractor to take care of the issue(s)
- ❖ reported that all playground equipment has been removed as written-up by our insurance inspector and thanked Jay and Mayor Wilkinson for their work on this project
- ❖ Mayor Wilkinson asked about renting a Jackhammer to remove the concrete base and pole that was for the merry-go-round that has been removed – Gary said he is OK with them proceeding from the financial side of things
- ❖ Mayor Wilkinson confirmed that he will contact Valley View Spraying as to when they are next scheduled to spray for mosquitos
- ❖ Mayor Wilkinson confirmed that he spoke with Justin Cotton about the new ballfield at the Old School Park and it is proceeding with donations made by the Buckingham family provided the Village continues to mow once installed – Gary asked about any Village liabilities associated with the construction and Allan felt that there are none – Marti asked Gary to provide details on the plaque the Village is to provide naming the field in honor of Norma Buckingham

- ❖ Mayor Wilkinson stated that he will get a quote from the local tree removal company as some trees need to be removed for the new ballfield

Water & Sewer

Thomas and Ingram had nothing to report.

Streets

Chris and Jay had nothing to report.

Zoning

Chris and Jay had nothing to report.

- o Ben reported that for 141 Water Street the inspection took place with the Wayne County Building Inspectors and the structure is “sound” but it will cost the owner \$75-80,000 to bring it up to code – Allan stated that the owner has agreed to hire a mowing company to keep a better looking property and because the structure is sound, except for the shed which does need to be torn down, the Village cannot condemn the property although in it’s current state it is uninhabitable, further, the owner will cut the brush, replace windows and make it presentable
- o Allan confirmed that 133 Water Street is in the midst of being appraised and that his office has sent Zoning information on the property to the appraiser, once appraised and after approval by FEMA, we can then approach the owner with an offer and if accepted we can move forward with demolition
- o Allan reported that he has not been as aggressive in preparing documentation for filing with the Wayne County Prosecutor’s office on the 111 and 124 W. Middle Street and 215 E. Middle Street Zoning Violations due to the very slow processing by that office – he stated that he will take a more aggressive position on these properties and will work with Ben to get what he needs to move forward including photos
- o Gary confirmed that the contractor has completed the work on the Culvert Area Repair on E. Middle Street but there is more work to do, in his opinion, based on the lack of sufficient inlet walls to that culvert – Chris expressed concern that some sort of railing may need to be installed on the east side of the culvert inlet due to the proximity of vehicles parking near the edge of that bank that drops into the drainage ditch

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, July 7th at 8:00 PM
- ✓ confirmed that he has not yet deposited the \$410.00 for April Traffic Fines and that he will do so tomorrow along with the \$489 that he received tonight for the May Traffic Fines

- ✓ reported that in an effort to locate more Grant monies to help with our infrastructure needs, he will be attending a webinar on June 29th covering new programs through ODOT known as INFRA and New Rural for use on road and storm sewer projects
- ✓ reported that the State Legislature has still not approved the dispensing of the 2nd ARPA payment to local governments – we may need to use our General or Street Fund to pay the remaining balance of monies now that Most Paving has completed their work – he will refund whichever fund we use once the 2nd payment is received – he asked if there were any questions or comments – none were offered

Old Business:

Gary had nothing to report.

Public Comment:

- ✚ Dan Wiley asked about chicken coops in the Village and he feels that we are not enforcing the Zoning Code as we need to and whatever we are doing isn't working – he also raised concerns about the business on the east side of Front Street, south side, is hanging “stuff” on the back-up electrical panel for our traffic light and is leaving “stuff” outside all night long – Cathy Kopp offered to contact the owner who she knows and review this with her
- ✚ Dan also asked about abandoned vehicles or unlicensed vehicles and taking action on these – Chris confirmed that he shares this concern and suggested to Ben that he utilize the Police when they are in the Village to observe as he presents violations to residents to both witness the violation presented to the owner and to be available if circumstances so warrant his involvement – Allan confirmed that the Officer cannot serve Zoning Violations as that is a Village responsibility and the Zoning Inspector is our enforcer
- ✚ Dan asked about the tree in the backyard of Joy's old property, next to Village Hall, as being a danger since it is dead and could fall down and cause injury and/or other damage – Allan stated that he can generate a Nuisance Tree ordinance, as he has done for other Villages, that we can use to enforce the removal of such potential safety hazards – Council advised Allan to proceed to do so

There being no further business to come before Council, Marti made a motion to adjourn at 9:25 PM, seconded by Ingram. Vote; 6 ayes, 0 nays

X

Mayor, David Wilkinson

X

Fiscal Officer, Gary Harris