

**VILLAGE OF BURBANK
REGULAR MEETING, NOVEMBER 2, 2023**

Mayor David Wilkinson, called the meeting to order at 7:02 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, Ben Berger – Zoning Inspector, Gary Harris – Fiscal Officer and visitors Cathy Kopp, Michael Graves, Zach Kelly, Deb Urban, Gary Daugherty, Rod Kelly, Bert Reed, Login Mast, Ingram McCord, Pat Murphy and Officer Fockler.

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

Chris made a motion to excuse Anna Dickson, seconded by Marti. Vote: 5 ayes, 0 nays

Minutes – October 5, 2023 Regular Meeting Minutes and October 25, 2023 Special Meeting

Minutes

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

Council Reports:

Safety

Marti reporting:

- reported that there were 4 Citations in October as well as 1 Criminal Investigation, 4 Warnings and 3 Service Calls as part of October’s activities
- confirmed that she has the 2024 Police Contract ready for reading – Gary asked if all rates and contract language are identical to the 2023 Contract and Marti stated “yes” – Gary reviewed the scheduled hours attached to the 2024 Contract and stated that they are too high and need to be in agreement with the 2023 Contract that had 1,000 hours, not the 1,300 hours attached, as the Village can only afford the 1,000 hour limit – Gary adjusted the scheduled hours document – before doing the first reading of Ordinance 2023-06 by Allan, Mr. Graves challenged Marti’s ability to vote as a conflict of interest, Marti stated that she is employed by the Village of Creston and is assigned to work as the Administrative Assistant in the Police Department – Allan stated that there is no conflict of interest since Marti has no financial interest in this Contract

- Allan did the first reading of Ordinance 2023-06, “an Ordinance approving a contract for Police Services from the Village of Creston, Wayne County, Ohio from January 1, 2024 through December 31, 2024 and declaring the same as an emergency
- **Jay made a motion to waive the 2nd and 3rd readings of Ordinance 2023-06, seconded by Chris. Vote; 5 ayes, 0 nays**
- **Jay made a motion to approve Ordinance 2023-06 as an emergency, seconded by Chris. Vote; 5 ayes, 0 nays**

Finance

Terry and Thomas reporting:

- read the November Paid Bills and the Automatic Deductions amounting to \$16,897.23 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 Marti. Vote - 5 ayes, 0 nays.**

Gary reporting:

- confirmed that a RITA link has been added to the Village website and he asked about the Facebook page – Cathy confirmed that she added the link before tonight’s meeting – Gary advised all visitors that all residents can now go to our Village website or Facebook page and have a direct link to RITA to assist them in processing taxes and/or seek assistance or information
- reminded Thomas and Cathy about the need to list all Special Meeting Notices onto their copies of the Affidavit’s, as well as posting the notices for the Regular November Council Meeting and all such meetings going forward – reminded Thomas and Cathy that he needs notarized Affidavits at the end of December for the 2023 postings and then as each Affidavit sheet fills in 2024 – Marti asked since she is a notary can she notarize these documents and Allan confirmed that she can do so
- confirmed that the Sky Lift Climber for the playground has arrived and that he sent out an email recommending that Council determine a date to install it by so we don’t let this extend beyond June 1st at the latest, Mayor Wilkinson stated that he and Jay are planning to install this unit next week – confirmed that the sidewalk has been constructed that leads to the ADA ramp in the new Playground area and once the Climber is installed he can request the final reimbursement monies from ODNR and this will close this project and Grant – he asked if there are any questions or comments – none were offered
- confirmed that the Front Street sidewalk project continues to be delayed until February of 2024 before we can expect any confirmation from the State that this Grant is now officially awarded to Burbank – confirmed that the trees and stumps have been removed in preparation for next year’s replacement of this sidewalk – he asked if there are any questions or comments – none were offered
- on the OPWC Grant Application – he announced at the October 25th Special Meeting that Wayne County rated Burbank’s OPWC Grant Application as the

number 1 priority for Wayne County – District 16 is to issue the Preliminary Project Ranking on November 24th followed by the Final Selection Meeting scheduled for December 1st at 10:00 AM which he plans to attend – this project may be impacted depending upon how Council wants to handle the “easement” issue at 231 E. Middle since no easement exists and at last month’s meeting residents asked the Village to investigate this as a possible solution for diverting water run-off from Diagonal and this area of E. Middle Street – stated that we need to make a decision so the engineer can complete the final drawings as this was also a factor in our being rated #1 for having these drawings completed – Allan stated that an easement can move rather quickly if the property owner is agreeable – Chris offered to contact the property owner and ask for a 20’ wide easement – Mr. R. Kelly stated that he will take the Village to court if they try to divert all of that water through the existing culvert located near the west side of his property due to the erosion that this will cause and he encourages the Village to obtain the easement – Mr. Reed asked about easements west of 231 E. Middle and was advised that the Village is not looking into this as this Grant Application does not cover that section of E. Middle Street

- Council asked Gary to contact our mowing contractor to remove a poison ivy vine at 31 Front Street – **Chris made a motion to remove the poison ivy vine in front of 31 Front Street at a capped cost of \$200, seconded by Marti. Vote: 5 ayes, 0 nays**

Parks

Terry and Marti reporting:

- ❖ confirmed that the last security camera has not yet been installed inside Village Hall
- ❖ Mayor Wilkinson reported that he will do the November Playground Inspection report
- ❖ Marti will call Liberty Fluid to remove the Park’s port-a-Jon

Water & Sewer

Thomas had nothing to report.

Streets

Chris and Jay reporting:

- A discussion took place about the number of signs to order, which signs and posts to order and the need to contact the correct agency to install a “No Trucks” sign at the intersection of Depot Street and SR 83 - Gary was asked to pursue the Depot Street sign issue
- **Marti made a motion to approve ordering 5 - No Engine Brake, 4 - End Engine Brake, 2 - Stop Light Ahead, 2 - One Way and 13 posts at a capped cost of \$600, seconded by Jay. Vote: 5 ayes, 0 nays**
- Council asked about having ODOT install the No Engine Brake signs further out away from the Village on SR 83 – Gary stated that there are regulations controlling the location of these signs

Zoning

Chris and Jay had nothing to report.

- ✚ Allan confirmed that he will send the Zoning Citation to Mayor's Court for 111 W. Middle Street for high grass, debris in the yard and a car without current plates
- ✚ Mr. Daugherty asked Council and Solicitor Michelson about a property that he is the executor for at 131 Mill Street and the ability to sell that property as two buildable sites, he distributed photos to the Village officials – a discussion took place including a review of the Zoning Code and the sections that Mr. Daugherty said are not quite clear and some appear to be non-applicable to our Village and there is a need for a review of the Zoning Code – Allan asked who owns the lots in question and Mr. Daugherty stated that they were owned by Dwayne Sayer who recently passed away and he has been appointed the executor – after further review and discussion, Allan stated that Mr. Daugherty does not need to complete a Variance based on how the Zoning Code is written and actions to date
- ✚ Allan stated that with the Village owning the lots at 133 Water Street for one year, as of November 21, 2023 and by keeping this a green area, tax exemption can proceed to move forward after the anniversary date
- ✚ Ben confirms having the citation ready for delivery to 54 Front Street to remove the dead tree
- ✚ Gary reminded Council of the need to enforce the sidewalk clearance issue not just for the properties along the east side of Front Street where the new construction is to take place next Spring but any sidewalk in the Village with brush clearance issues also next Spring
- ✚ confirmed that the re-survey of E. Middle Street was completed on Tuesday, October 31st and this survey showed the sidewalk at 215 E. Middle Street to be on private property and outside of the ROW – Wayne County Environmental Services (WCES) is now engaged in this matter as they state that per drawings used for the installation of the sanitary sewer system on E. Middle Street, they installed the system in the ROW – Gary confirmed being contacted by Wayne County and asked who did the most recent survey, he reported that this was done by Engineering Associates and he was informed that WCES will be contacting them to review their survey – this led to a lengthy discussion between Mr. Graves, the occupant at 215 E. Middle Street, Council, the Solicitor and the Fiscal Officer – the Fiscal Officer read from an email that he sent to Mr. Graves earlier today after the Fiscal Officer's discussion with WCES, stating “DO NOT do anything with the sidewalk or sanitary access cover or system” until the ROW is resolved as liability issues could result – a discussion continued about liabilities, bylaws, free speech, what people knew and when, etc. – this session ended with Gary once again reading the instructions that he received from WCES

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, December 7th at the Winter Start Time of 7:00 PM
- ✓ confirmed that he has deposited \$194 for July and September Traffic Fines
- ✓ Gary did the second reading of Ordinance 2023-05, “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”
- ✓ confirmed Ben’s request for ACH payment for snow plowing and offered to provide Ben the routing number and account number for his bank to make ACH withdrawals equal to the invoiced amount – stated that our bank offers Direct Deposit for payroll checks at a charge of \$3.30 per check then the question becomes who pays the fee – Council doesn’t need a decision tonight as he will continue to issue all checks as we have been doing for years by generating a paper check and distributing it to those being paid
- ✓ Chris announced that he will not be returning to Council at the end of his term that ends December 31, 2023 – Village officials and residents expressed disappointment at hearing Chris’ decision not to return and thanked him for his service and all that he has done for the Village
- ✓ announced that he would like to schedule the next Records Committee Meeting for 6:50 PM just before the start of the Regular Meeting on December 7th unless there are any objections – none were voiced so the meeting is set
- ✓ advised Council that at the December meeting he will be asking them to provide any adjustments to the 2024 Appropriations that they need for their departments – confirmed that he distributed the 2024 Draft copy of the Budgets at the April Council meeting to Village Officials and Council approved the final budget at the July Council meeting along with some modifications – Gary offered to provide copies to any Village Official needing these documents for review

Old Business:

Gary had nothing to report.

Public Comment:

- o Mr. R. Kelly asked for an apology for a misstatement in the October 7, 2021 Meeting Minutes where it stated that Ben gave a citation to Mr. Kelly and that Mr. Kelly tore it up in front of him and that Allan was going to pursue charges – a discussion took place with both parties expressing their positions, Mr. Kelly stated that this was a false claim and a defamation of character – the Mayor, Council and Ben apologized to Mr. Kelly for not reading or correcting the Minutes and Mr. Kelly accepted and thanked the Mayor, Council and Ben for their apologies
- o Mr. Graves pointed out a discrepancy in the Code of Miscellaneous Ordinances under Section VII, D. Parking versus the signs posted at Village

Hall - it was agreed to remove the existing signs and replace them with corrected signs and one should be labeled Handicapped Parking

- o Mr. Graves stated that he will be requesting records from the Village in writing - comments were exchanged between Mr. Graves and Council resulting in Allan recommending the exercise of discretion in such exchanges when discussing important issues

There being no further business to come before Council, Marti made a motion to adjourn at 8:44 PM, seconded by Jay. Vote; 5 ayes, 0 nays

X

Mayor, David Wilkinson

X

Fiscal Officer, Gary Harris