

**VILLAGE OF BURBANK
REGULAR MEETING, DECEMBER 7, 2023**

Mayor David Wilkinson, called the meeting to order at 7:00 PM.

A roll call was taken with the following officials present: Chris Norton, Anna Dickson, Terry Moore, Jay Byler, Thomas Lenhoff, Marti McCord; also, in attendance: Allan Michelson – Solicitor, Ben Berger – Zoning Inspector (arrived at 8:10 PM), Gary Harris – Fiscal Officer and visitors Cathy Kopp, Michael Graves, Deb Urban, Ingram McCord, Ray Kinney and Officer Haven.

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

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

Minutes – November 2, 2023 Regular Meeting Minutes and November 14, 2023 Special Meeting
Minutes

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

Council Reports:

Safety

Marti and Anna reporting:

- reported that there were 8 Citations in November and she gave the Fiscal Officer a check for \$100 for these citations
- confirmed that she will obtain a copy of the 2024 Contract that was approved by the Creston Village Council and forward it to the Fiscal Officer on Monday

Finance

Terry and Thomas reporting:

- read the December Paid Bills and the Automatic Deductions amounting to \$24,545.40 and asked if there were any questions or any details needing to be presented – Anna asked if Cathy’s reimbursement for Trunk or Treat was paid out of the collected donations, Gary said he wasn’t sure and will check and if it wasn’t, he can make an accounting correction to deduct it from the proper account and not impact the processing of the check that he issued to Cathy

- **Terry made a motion to accept these December payments, seconded by Jay. Vote - 6 ayes, 0 nays.**

Gary reporting:

- asked if there is any update on the proposed Rules of Conduct for Village Meetings - Anna reported that Council is working through the proposed rules and refining them
- reported that tonight we need to vote on the 2024 Temporary Appropriations - confirmed that he sent the revised report to Council on November 29 with updated amounts - he asked if Council has any questions or comments - none were offered - he asked Allan to do the first reading of Ordinance 2023-09 - Gary noted that he will need Anna's signature on this Legislation, if passed, since she is Council President
- Allan did the first reading of Ordinance 2023-09, "an Ordinance to set the Temporary Appropriations for the current expenses of the Village of Burbank, State of Ohio, during the year ending December 31, 2024 and declaring this an emergency or the public peace, health, safety and welfare"
- **Marti made a motion to waive the 2nd and 3rd readings of Ordinance 2023-09, seconded by Jay. Vote: 6 ayes, 0 nays**
- **Chris made a motion to approve Ordinance 2023-09 as an emergency, seconded by Jay. Vote: 6 ayes, 0 nays**
- reported that tonight we also need to vote on the Advance Collection of Taxes in 2024 as contained in Resolution 2023-09R - this allows for the early release of tax monies, from the County, as opposed to receiving these monies only twice a year - he asked if Council has any questions or comments - none were offered
- Allan did the first reading of Resolution 2023-09R, "a Resolution requesting the Wayne County Auditor pay the Village Fiscal Officer advance payment of taxes for the year 2024, and declaring the same an emergency"
- **Jay made a motion to waive the 2nd and 3rd readings of Resolution 2023-09R, seconded by Marti. Vote: 6 ayes, 0 nays**
- **Marti made a motion to approve Resolution 2023-09R as an emergency, seconded by Jay. Vote: 6 ayes, 0 nays**
- reported that tonight we also need to vote on amending the Municipal Income Tax Code based on the passage of House Bill 33 - he asked if Council wants to proceed with the first reading and they responded "yes"
- Allan did the first reading of Ordinance 2023-10, "an Ordinance amending the Municipal Income Tax Code of the Village of Burbank, Ohio, Ordinance No. 2022-05, in order to incorporate changes in the Ohio Municipal Income Tax Law set forth in Ohio House Bill 33, Ohio Biennial Budget Bill and declaring the same an emergency"
- **Marti made a motion to waive the 2nd and 3rd readings of Ordinance 2023-10, seconded by Jay. Vote: 6 ayes, 0 nays**
- **Jay made a motion to approve Ordinance 2023-10 as an emergency, seconded by Marti. Vote: 6 ayes, 0 nays**
- reported that tonight we should have the third reading to employ Allan as Solicitor for 2024 - does Council wish to proceed with the third reading - Council responded "yes"

- Allan did the third reading of Ordinance 2023-05, “an Ordinance approving a Contract to employ Allan M. Michelson as Solicitor of the Village of Burbank for a period of one year from January 1, 2024 through December 31, 2024”
- **Marti made a motion to approve Ordinance 2023-05, seconded by Jay. Vote: 6 ayes, 0 nays**
- reported that he closed out the Nature Works Grant last week and we have already received our final reimbursement – the new playground equipment including installation costs were \$47,116.94, the Village was reimbursed a total of \$35,802 (76%) and the Village spent \$11,314.94 (24%), in other words, for every dollar in cost, the Village only paid 24 cents – he asked if Council has any questions or comments – none were offered
- reported that he attended a meeting with the Director of Planning for Wayne County and other Wayne County officials on November 21st pertaining to the Front Street sidewalk project and he received the great news that the project has been officially approved at the State level to be awarded this Grant – Wayne County will advertise for bids starting on February 23rd, Bid Opening will be March 19th and Bid Award will be either March 27th or April 3rd – there will be a pre-bid meeting the first week in March that he and our engineering firm will attend to answer any questions from potential contractors – Gary says that he reviewed the bid construction drawings and they are ready for distribution and he also gave a list of contractors to Wayne County who he requested they send bid packages to as they were past contractors used by the Village who all did a great job – reported that this is a \$201,500 project, the Grant will pay up to \$170,500 (85%) and the Village will pay \$31,000 (15%) + any cost overruns if this should happen – in other words if the project comes in at estimated costs, for every dollar in cost, the Village only pays 15 cents – he asked if Council has any questions or comments – none were offered
- reported that for the OPWC Grant Application – on December 4th, he notified all Village officials that we are being awarded the Grant for the Diagonal Road storm sewer project- this is a \$617,500 project, the Grant will pay up to \$399,999 (65%) + issue a 0% Interest Loan to the Village for 30 years in the amount of \$100,000 (16%) and the Village will pay \$117,501 (19%) between now and when the construction ends – in other words, the Village will pay 19 cents of every dollar in cost in the near term and pay an additional 16 cents per dollar of construction over 30 years – we are altering the original construction plans to now include two easements on E. Middle Street intended to discharge a portion of storm water from Diagonal Road and a section of E. Middle Street directly into the Killbuck Creek – reported that he plans on advertising for bids starting in early April of 2024, award the bid by mid-June and he is targeting starting construction in early July – he asked if Council has any questions or comments – none were offered
- Gary stated that with these three Grant awards this year, with a total project cost of \$866,117 and with the monies that will be spent by the end of this year and next year on all three Grants, we will not be able to determine if the Village can afford to apply for another OPWC Grant until sometime in June of 2024 when we analyze our financial position – as a point of interest, Gary stated that to date, including the three Grants awarded this year and

once these three Grants are completed, your Village government will have invested \$2,340,036 in Village infrastructure repairs and upgrades as well as Village Park improvements and upgrades since 2016 - Gary stated that

without grants, very little if any of this work would ever have taken place

- confirmed that last month he did distribute to Council a previously generated OPWC Priority Listing and that the next project on that schedule is Phase V for E. Middle Street from Diagonal Road to Front Street for replacement storm sewers and street resurfacing - he asked if at this time, does Council wish to change any of the priorities - Council responded "no"
- **Jay made a motion to pay \$700 to the property owner at 117 S. Front Street for the tree removal in preparation for CDBG Block Grant sidewalk replacement project along Front Street, seconded by Marti. Vote: 6 ayes, 0 nays**

Parks

Terry and Marti had nothing to report.

- ❖ Anna confirmed that the last security camera needs to be installed inside Village Hall and reported that they are looking for a better-quality microphone system
- ❖ **Jay made a motion to approve purchasing this final camera with a microphone system capped at \$500, seconded by Marti. Vote: 6 ayes, 0 nays**
- ❖ Jay reported that the sign to be installed on Village Hall will be done when he gets time to do the installation
- ❖ Anna confirmed doing the Playground Inspection Report for December and that we need more mulch as it is so compacted - Gary stated that Chippewa Lake, who also had a recent inspection, is going to use "pea gravel" versus mulch - Council liked this idea and will explore how they will want to proceed as we approach Spring - Anna reported that some of the playground equipment needs to be repainted this Spring - Gary asked about correcting the handles on the spring playground merry go-round, Anna reported that she has purchased new rubber handles to fit over the existing ones and they need to be installed
- ❖ Mayor Wilkinson asked Jay about finishing up the Sky Climber and Jay said he would do so

Water & Sewer

Thomas had nothing to report.

Streets

Chris and Jay had nothing to report.

- Gary reported that the No Truck sign for Depot Street has been installed thanks to the Medina County Director of Engineering Andy Conrad and Patrick Church with Medina County Highway Dept. - the two Traffic Signal

ahead signs have been installed by ODOT District 3 along with input from Scott Norheim with LMRE, Brock Yoder with Wayne County Highway Dept and ODOT employees Jeremy Adato, Chris Easy and Charles Laughrey and of course the installation crews – Gary stated that he communicated with all but one of these gentlemen and he thanks them for their very prompt support of Burbank and saving the Village time and money

- Council revised the list of signs for Gary to order – 2 ea. One Way signs (arrows pointing left), 2 ea. Stop signs, 3 ea. No Engine Brake signs and 1 ea. End Engine Brake signs – Gary asked about posts and he was told that we have enough

Zoning

Chris and Jay had nothing to report.

- ✚ Allan confirmed that he has now filed for tax exemption for the old 133 Water Street property that the Village now owns and that he will follow-up with the Auditor's office
- ✚ Allan confirmed that 111 W. Middle Street is going to the Creston Mayor's Court for high grass, debris in the yard and a car without current plates
- ✚ with Ben not here, no update on the dead tree at 54 Front Street
- ✚ Gary was asked about the status of the ROW matter on E. Middle Street – Gary reported that the survey's conducted by the Village showed the sidewalks along a portion of E. Middle Street are outside of the ROW as well as sections of the sanitary sewer systems – Mr. Graves stated that Wayne County had a meeting this past Tuesday on this matter for the properties between 215 and 209 E. Middle Street and how they plan on approaching the property owners for easements and that Mr. Graves is not inclined to offer an easement and that he plans to remove his sidewalk since it is on private property – Gary expressed a concern that he has with this ROW as the future work on Phase V could use easements to take street drainage water off of E. Middle and run it back directly to Killbuck Creek unless we also run into issues with proximity to the sanitary sewer system
- ✚ Allan stated that he has an Ordinance to accept the Wayne County Hazard Mitigation Plan as requested by Wayne County – Anna stated that she has attended five meetings with the County on this matter and didn't feel there to be any showstoppers to prevent passing this Ordinance
- ✚ Allan did the first reading of Resolution 2023-10R, "a Resolution of the Village of Burbank to adopt the 2023 update of the Wayne County Mitigation Plan"
- ✚ **Marti made a motion to waive the 2nd and 3rd readings of Resolution 2023-10R, seconded by Jay. Vote: 5 ayes, 1 nay**
- ✚ **Marti made a motion to approve Resolution 2023-10R, seconded by Jay. Vote: 5 ayes, 1 nay**

New Business:

Gary reporting:

- ✓ confirmed the next Council meeting will be Thursday, January 4th at the Winter Start Time of 7:00 PM
- ✓ confirmed that he deposited traffic fines for October \$19 received from Wayne County Courts – nothing from Creston for October, confirmed that he will deposit \$100 for November received tonight – note – on November 3rd Gary said he sent all Village officials a summary of hours worked versus hours requested and recommended a meeting with Creston in January to talk about the hours requested for 2024 and how with our Police Levy we need to spend these Levy monies on Police coverage and not carry over tens of thousands of dollars and we do this by obtaining the coverage hours requested
- ✓ reconfirmed 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
- ✓ issued a reminder to Thomas and Cathy that he needs notarized Affidavits for our social postings on meetings and legislation at the January 2024 Council meeting for the year 2023
- ✓ confirmed that next month's meeting is the Annual Organizational Meeting where the Mayor appoints Council Members for any open Council seat as Motioned by Council, Chairpersons are assigned and reviews of any changes needing to be made to the Code of Miscellaneous Ordinances – Allan stated that Council has up to 30 days to appoint Councilmembers and after 30 days the Mayor can do so

Old Business:

Gary reporting:

- confirmed that last night he emailed the ACH Payment procedure for snow plowing – he asked if Council has any questions or comments – none were offered

Public Comment:

- o Cathy reported that a Community Event for “Deck the Halls” competition will take place to determine the first, second and third best decorated homes in the Village and she would like to offer prize money, \$100 for first place, \$50 for second place and \$25 for third place – a discussion took place about how to vote, obtain pictures, etc.
- o **Jay made a motion to appropriate up to \$175 towards Deck the Halls prizes, seconded by Terry. Vote: 6 ayes, 0 nays**
- o Mr. Graves stated that the flags that are on the telephone poles are tattered and should only be installed under a light and that the Trunk or Treat signs need to be removed
- o Mr. Graves stated that we need to fix the Zoning Code – Mayor Wilkinson agreed that a Committee should be formed to review the entire Zoning Code

manual, page by page, and present them to Allan for updating the Code book as well as preparing the legislation to incorporate the changes and corrections

There being no further business to come before Council, Jay made a motion to adjourn at 8:14 PM, seconded by Marti. Vote; 6 ayes, 0 nays

X

Mayor, David Wilkinson

X

Fiscal Officer, Gary Harris