

West Union Village Council

February 14, 2022

West Union Village Council met in regular session at 7:00 p.m. on 2-14-2023, at the Municipal Building. Mayor Jason Buda Presiding. Call to order, roll call and pledge to the flag: John R. Lafferty – absent, Mark Brewer – present, Jason Francis – present, Mary Jane Cambell – present, Randy Brewer – present, Donna Young – present, also in attendance: Melissa J. Hall – Fiscal Officer, Shelley Gifford – Treasurer, Jerry Kirker – Village Administrator, JR Kirker – Fire Chief, Danni Studebaker, EMS, Chief Timothy Sanderson, WUPD, Tom Mayes, - Village Solicitor, Kent Bryan – CT Consultant, Visitors – Ryan Myers, Rebecca Myers.

**Motion** by Jason Francis, second by Randy Brewer to approve the Minutes of the regular meeting on 1-24-2023 as distributed, roll call vote: all yea, motion passed.

**Motion** by Donna Young, second by Jason Francis, to accept state of receipts for Mayor's Court for the month of January in the net amount of \$1,265.00, roll call vote; all yea, motion passed.

Bill Lewis, sent a letter to Council in regards to the new Zoning Ordinance. (a copy of the letter is in the file folder located in the Clerk's office, in the Village Municipal Building, at 33 Logans Lane, West Union, Ohio.

*Mayor Buda* asked council if they wanted to take a minute to read it and discuss it later or discuss it next meeting.

Mayor Buda asked Council if they have had a chance to review the bills. Some Council members needed more time to review, so they will revisit later in the meeting.

Lawn mowing contract discussion – The last contract was around April 12<sup>th</sup> of last year. Mayor Buda asked if council wanted to bid it out or how they wanted to handle it. *Tom Mayes* was not able to locate a copy of the last contract and not sure who had prepared it last year. *Jerry Kirker* stated that he was unable to locate the contract as well, but it was in the minutes and it showed that council had approved Randy Adams at \$50.00 per yard. *Tom Mayes* said that if Mr. Adams is willing to continue with the contract and Council is willing to extend the agreement, it should be memorialized in the contract for auditing purposes. He also recommended that Council authorize Jerry to contact Mr. Adams and contract him for \$50.00 a yard, if he is still interested in continuing with the contract. *Jerry Kirker* will contact him with Council's approval.

Jerry Kirker asked about the Cemetery contract. Shelley said it is through this year, it was for a five-year contract. After this year, both the Cemetery and Lawn mowing contracts can be bid out at the same time.

**ORDINANCE 2023-6** - AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF WEST UNION, ADAMS COUNTY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023 APPROPRIATIONS.

**Motion** by Mark Brewer, second by Donna Young, to suspend the rules, roll call vote; all yea, motion passed.

**Motion** by Mark Brewer, second by Jason Francis, to accept Ordinance 2023-6, roll call vote; all yea, motion passed.

**RESOLUTION 2023-4**- A RESOLUTION TO RESCIND RESOLUTION 2023-3, AMENDING 2023 APPROPRIATIONS.

Melissa J. Hall - Resolution 2023-3 was titled incorrectly.

**Motion** by Jason Francis, second by Donna Young, to rescind Resolution 2023-3, roll call vote; all yea, motion passed.

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**RESOLUTION 2023-5** – A RESOLUTION TO AMEND THE OFFICIAL CERTIFICATE FOR 2023 APPROPRIATIONS IN THE ENTERPRISE IMPROVEMENT FUND.

Melissa J. Hall – this is the correct title for the Resolution needed.

**Motion** by Jason Francis, second by Randy Brewer, to accept Resolution 2023-5, roll call vote; all yea, motion passed.

**RESOLUTION 2023-6** A RESOLUTION TO ENTER INTO A CONTRACT WITH THE BOARD OF TOWNSHIP TRUSTEES OF BRUSH CREEK FOR THE VILLAGE OF WEST UNION TO PROVIDE FIRE PROTECTION AND EMS SERVICES FOR SAID.

Tom Mayes – This is the same as last year, some of the rates increased, but they should be the same as last year.

Jerry Kirker - Tiffin and Liberty will stay the same since it is a tax levy. Brush Creek paid \$5,000.00 last year, 2022 and they went to \$7,500.00 for 2023 and \$10,000.00 for 2024. The Fire Levy will not bring in the \$10,000.00, but they have made arrangements for 2024 to make the payment and it was agreed to and signed. Tom Mayes reminded Council that last year they had made it for Fire and EMS protection. This is the same contract that was drafted last year.

**Motion** by Mark Brewer, second by Randy Brewer, to accept Resolution 2023-6, roll call vote; all yea, motion passed.

**RESOLUTION 2023-7** A RESOLUTION TO ENTER INTO A CONTRACT WITH THE BOARD OF TOWNSHIP TRUSTEES OF LIBERTY FOR THE VILLAGE OF WEST UNION TO PROVIDE FIRE PROTECTION AND EMS SERVICES FOR SAID TOWNSHIP FOR A PERIOD OF ONE YEAR AND DECLARING AN EMERGENCY.

*Jason Francis* asked if this was for the same totals as Brush Creek. *Jerry Kirker* stated they are on a levy. *Tom Mayes* said it was drafted for what the levy brings in for the Liberty contract and Tiffin contract. *Jason Francis* asked if they knew in 2022 how much they generated from that levy. *Shelley* said it was around \$25,000.00 and that is what we are anticipating this year. (*Shelley Gifford* made a correction that was the total for all of them)

**Motion** by Randy Brewer, second by Donna Young, to accept Resolution 2023-7, roll call vote; all yea, motion passed.

**RESOLUTION 2023-8** A RESOLUTION TO ENTER INTO A CONTRACT WITH THE BOARD OF TOWNSHIP TRUSTEES OF TIFFIN FOR THE VILLAGE OF WEST UNION TO PROVIDE FIRE PROTECTION AND EMS SERVICES FOR SAID TOWNSHIP FOR A PERIOD OF ONE YEAR AND DECLARING AN EMERGENCY.

*Jason Francis* asked if that was the same thing with their levy and do we know how much they generated last year. *Shelley Gifford* said that was the total and I want to correct that. That was for all the millage. *Jerry Kirker* said he believes Liberty brings in right around \$13,000.00 *Mayor Buda* said Tiffin brings in around \$7,000.00, they are based off land tax rate.

**Motion** by Jason Francis, second by Mark Brewer, to accept Resolution 2023-8, roll call vote; all yea, motion passed.

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**RESOLUTION 2023-9** A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF WEST UNION TO EXECUTE AN ENGINEERING AGREEMENT WITH CT CONSULTANTS FOR THE NORTH STREET WATER MAIN REPLACEMENT PROJECT.

*Jerry Kirker* said this is what we have done on all projects. *Jason Francis* asked “when do we think this will start?” *Jerry Kirker* said “we don’t know yet. We are going to discuss it here in a little bit.”

**Motion** by Donna Young, second by Mark Brewer, to accept Resolution 2023-9, roll call vote; all yea, motion passed.

**RESOLUTION 2023-10** A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF WEST UNION TO ADVERTISE FOR BIDS, RECEIVE BIDS, AWARD AND EXECUTE AN AGREEMENT THE CONSTRUCTION OF NORTH STREET WATER MAIN REPLACEMENT PROJECT.

**Motion** by Randy Brewer, second by Mary Jane Campbell, to accept Resolution 2023-10, roll call vote; all yea, motion passed.

Report from Jerry Kirker, Village Administrator –

- 1) Received a letter and gave to Mayor Buda to read aloud.  
*Mayor Buda* read aloud to Council a resignation letter from Jeff Scruggs. Jeff Scruggs gave a two-week notice effective February 10, 2023 with employment ending February 24, 2023. (a copy of the letter located in his personnel file in the Clerk’s office.)  
*Jerry Kirker* – Jeff Scruggs is the maintenance personnel at the sewer plant.
- 2) Water issue with the Ohio River – Randy called about the Water issue with the Ohio River. Talked to Rick Adamson today, they are monitoring the river every day, contacting Rick every day. They don’t think it will make it to Adams County because it is diluting. Our water comes from wells, ground water, we do not pump out of the Ohio River. We won’t have an issue with it, unless we would have a flood and it gets in the wells. Checked with Rick after Randy called and double checked. You do not have to worry about the water.
- 3) Warning siren on Boyd Avenue – we have been working on it and we have got the electric to the top of the motor, but it looks like the motor itself is locked up. We are working on it.
- 4) Water Tower/Storm Siren - New lights were installed, a red and a yellow light. We had trouble during the last storm, the siren would not blow. Someone had turned the electric off on the battery chargers, so we put a red light on to let us know if the electric is on. The yellow light is to let us know that the batteries are charged up. Received some calls about it, so if you see them that is what they are for.
- 5) The property on Walnut Street – flowerbed was moved.
- 6) Zoning – Someone has called wanting to build a trailer park beside Carter Lumber. If they want a trailer park, they would have to be State permitted and go through the proper channels. *Tom Mayes* said he needs to apply to have that rezoned. They would need to get approved by the State for a mobile home park and the Village also would have to grant him. The property was supposed to be 13 acres but according to him it is only about 11.5 acres. There was a discussion about the mapping of the property. *Mayor Buda* said that he had received a call and they had discussed small houses instead of a trailer park. *Jerry Kirker* said a trailer park has to go through proper channels and get it rezoned through us, mini homes/duplex will still have to go through Council.
- 7) Gabbert subdivision – started Monday and is going good.
- 8) North Street waterline project – (copy of the Engineer’s Estimate was passed out to Council) *Kent Bryan*, CT Consultants went over information: The paperwork had been submitted two or three different times for funding. Last year it was submitted to Ohio EPA, same agency that we are getting money from for the sewer projects. It was submitted on the basis of \$1,231,000.00 project that includes engineer and everything. We were awarded a loan in that full amount. We will also be getting \$396,000.00 principal forgiveness, which is essentially a grant. If you subtract the \$396,000.00 of

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grant monies from the \$1,231,000.00, it will leave you a loan of \$835,000.00. It is at 0% interest over 20 years, it could go longer but recommend the 20 years. Annual payment would be \$41,751.00 for the waterline that will run from SR 247 to SR 41. from Cross to Main Street. There is one more payment on an old loan for a 10" water main that was brought from Manchester to West Union in 1997 in the amount of \$35,000.00 and some odd dollars. It was two payments a year in the last three years it was \$71,386.00, so with this project, it is still a payment but it would almost be \$30,000.00 less. *Jerry Kirker* said this is something that needs replaced. *Kent Bryan* there has been a discussion with Council for some time that we would like to pave the streets. The grant is not there to rebuild streets. We are getting the \$396,000 to replace 66 services that have some amount of lead in their services, which is a big positive for the State. That is why we will get the 0% interest in the \$396,000.00. We went back and looked at the last year pricing, and a 2" layer of surface over that entire length from SR 247 to SR 41 would have been about \$100,000.00. It will not include new curb and gutter or storm drainage. We can replace sidewalks that we are tearing up as we are installing the system. We have to look at it as a restoration of the street due to the watermain project, just so everyone is clear on that. *Jerry Kirker* said the reason we are bringing this up now is because we have to get the paperwork in to the EPA before the meeting in June, to get the money awarded. It is up to Council. Council discussed the savings for the tax payers. *Jerry Kirker* said we will not be getting all that we were shooting for. *Jason Francis* said there are other funding sources that we can look at. Being a small community, we need to take all the funding we can get. *Jerry Kirker* requested Council to make a motion. *Kent Bryan* added that they would bid it next month in order to get on the board meeting with the EPA in June with their approval. That means we would probably be able to award a contract in July. Hopefully get the pipe in the ground this fall and through the winter. We will put some money in there to do some patching of the cuts, but probably will not get the total restoration done until next spring. That will allow the trenches to settle. *Jason Francis* asked if we would notify the home owners to what is going on. *Jerry Kirker* stated that they will put a letter out and a public meeting like they do on the sewer projects. *Kent Bryan* stated that the 66 home owners will have to sign a right of way agreement. We will definitely have communication with the property owners on that street. *Jason Francis* asked about options of widening the road to help with traffic problems we have with the parking. *Tom Mayes* said that if you are widening the road, it would be on the Village's dime. We could explore that, and see if it is a practicality.

- 9) A discussion about the parking on North Street – They need to talk to the Police Department about the no parking on North Street, because there is an Ordinance in place that states there is to be no parking on the right side of North Street. There are signs up and they will need to enforce it. *Lt. Ryan Myers* asked if they could give a two-week notice to let people know that it will be enforced again. *Tom Mayes* suggested they write warning tickets for two or three weeks to let people know and then start enforcing it after that. There was further discussion about replacing old no parking signs if they were worn.

**Motion** by Jason Francis, second by Randy Brewer, to proceed with the North Street project, roll call vote; all yea, motion passed.

*Kent Bryan* – as a follow up, OPWC funding will pay for sidewalks, curbs, gutters, paving and things like that and that would go in sometime this September. It is usually around a half of a million dollars. So if we were to file that and get it, we would know by the first of the year so we could maybe work that in right behind the waterline work. It would help to pay for the additional paving that you were asking about. *Jerry Kirker* stated that we received a grant two years ago for the SR 41. We could work on that. *Shelley Gifford* asked if this was going to be something we would have a payment on also. *Jerry Kirker* said no, not if we got a grant, you wouldn't have a payment.

- 10) Air-Evac – after taking off the ones that have left and the ones that are leaving, we have 12 members. *Mark Brewer* suggested they go forward with it.

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**Motion** by Mark Brewer, second by Randy Brewer, to renew the Air-Evac contract, roll call vote; all yea, motion passed.

Mayor Buda asked if anyone had anything else for Jerry. *Donna Young* said that Ballard Street needs a new sign, you can't read it. *Jason Francis* asked if the one spelled wrong was fixed. *Jerry Kirker* said yes it had been. *Mayor Buda* mentioned that the ones on Williams Street needed checked, one says William and one says Williams. *Mark Brewer* brought up the mowing of the Cemetery and requested that it be mowed three days before Memorial Day, so when the Scouts put up the flags, whoever mows, won't have to take the flags back down to mow. We ran into that problem two years ago. *Mary Jane Campbell* said Paul Brown came over and said he was busy tonight, or he would have been here. He wanted to know if where he has the handicapped parking in front of his business, if they could put curb stop up there. He said people have been pulling up too far and he is afraid they may hit someone. *Jerry Kirker* asked if he was wanting to put it up or the Village to put them up. He told Mary Jane to ask him and let him know.

Report from Kent Bryan, CT Consulting

- 1) Crackel is up and running. There is some over seeding and cleanup work to do in the subdivision. They will be back in the Spring for that.
- 2) Panhandle is going well right now. When we get the main pump station up and running, we will be hooking those folks up this Spring. I think we will have a lot of customer base hooked up by mid-summer.

Report from Danni Studebaker, WULS reported the squad had 72 runs for the month and 247 runs for the year.

- 1) Have three applications to go over.
  - a) The first applicant is applying for the Fire Department only. *Jerry Kirker* stated he would not get paid that it is not something the village pays for. He would be a volunteer. *Jason Francis* asked what their recommendation for hiring him. Danni and JR. both recommended him.

**Motion** by Jason Francis, second by Donna Young, to hire Jerry Redden as a volunteer fire fighter, roll call vote; all yea, motion passed.

- b) The next applicant is applying for the EMS, he is a basic EMT. He is currently working in Ripley and mainly does transports. He has really good references. *Jason Francis* asked what her recommendation was on him. *Danni Studebaker* stated she has met with him once and he seems really interested, eager to learn. His chief at Ripley speaks very highly of him. *Jason Francis* asked what level of pay are you recommending for him. *Danni Studebaker* stated she realizes that they start at \$90.00 but with the price of gas and he is coming from Ripley, *Randy Brewer* – but he is willing to come up here, isn't he? *Danni Studebaker* said yes, he is willing to come up here. Recommended at least start at \$100.00 per shift.
- c) The next applicant is applying for the EMS, she used to run for us before. She is very experienced. She has been out of EMS for a couple of years but knows that we need help. *Jason Francis* asked what her recommendation is for her. *Danni Studebaker* stated with the years of experience \$120.00 if that is what Council agrees too. *Donna Young* – you say she has worked for us before and why did she leave? *Danni Studebaker* – she had found a job somewhere else. *JR. Kirker* stated we need the help and everyone starts on a probation period. There was a short discussion about the applicants.

**Motion** by Jason Francis, second by Mary Jane Campbell, to hire Andrew Royalty as an EMS basic EMT at \$100.00 per shift, and Kathy Lewis at \$120.00 per shift, starting next pay period, roll call vote; Nay - Randy Brewer, 4 - yea, motion passed.

Report from JR. Kirker, Fire Chief, reported the Fire Department had 20 runs this month and 41 runs for the year.

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- 1) We got our ISO rating back from last May and we dropped from a (5) to a (4). *Jason Francis* asked what that meant. *JR. Kirker* said this is based off of your insurance rates. More commercial businesses will see the progression of us dropping numbers more than what a home owner will, but the homeowners will see some. It is pretty good for our businesses in the Village. There are not too many Volunteer Fire Departments that are at a (4). *Jason Francis* asked what is the worst you can be. *Jerry Kirker* stated a (10) and zero is best. Cincinnati is zero. *JR. Kirker* said that Ripley is the only department that he knows is a (3). *Jerry Kirker* said that they said Ripley went to a (2). *JR. Kirker* said they have the river, it also and it goes off water supply and everything. *Jason Francis* – Congratulations!
- 2) We were awarded the Forestry Grant. It is a matching 50/50 grant. They gave us up to \$10,000.00. We will have to pay a little over 50%. We have to come up with \$11,000.00 and some odd dollars. I am not sure where we are going to get the money or how we are going to do it. *Jerry Kirker* said that Finance Committee was supposed to have a meeting, but it was cancelled. We need to sit down and discuss it. *Jason Francis* said he would schedule that closer to the end of the meeting.

*Randy Brewer* asked if everything went okay on the fire out on Hamilton Rd and how big was it. *Jr. Kirker* said yes, it was 10 plus acres.

*Jason Francis* inquired about the ISO dropping and if it is something they have sent a template for a press release or something like that and said he could help with that. It is something we should advertise. *Jerry Kirker* said he had it down at the office, they can put it on the website. *Jason Francis* stated it would be great to get in the newspapers, and Chamber, it would be nice for a google hit for someone looking to do business in the Village of West Union and see the commercial rating is better. *Jerry Kirker* said it helps the incoming commercial business. They will look at it a lot better. *JR. Kirker* said that the new waterline they put in through the middle of town helped.

Report from Chief Timothy Sanderson, WUPD, reported since January 1<sup>st</sup> we had 224 calls, 5 citations and working on a ton of Wal Mart thefts. I have around seven on my desk and there are three or four more to pick up. *Jason Francis* asked if they are large amounts. *Chief Sanderson* said some of them are, some are felony amounts. *Jason Francis* asked if these are people from outside of the Village doing this. *Chief Sanderson* said some of them are, not all, some of them. I just charged one from Mt. Orab, and one from Hillsboro and another one from within the County. Some discussions continued about the thefts.

*Donna Young* asked if he was still working on property issues. He said yes and she said she would text him an address for him to check on.

*Tom Mayes* stated he needed to get together on a County Court case to go over.

Report from Tom Mayes, Village Solicitor

- 1) Have both Moratorium Ordinances, one for the counseling centers and one for the Air-bnb/short term rentals which is anything under 30 days. We discussed doing them together but decided after looking at the Air-bnb legislation pending, I thought it best to pull it out and put some language about current bed and breakfasts. The documents are completed for Council to review and to move forward when ready after everyone has had a chance to review them. The moratorium I had last time was for July 3<sup>rd</sup> and we are now a month behind, the date was left blank so you can put whatever date you want in there now.
- 2) Commissioner lawsuit – They accepted all the changes that were submitted. I brought the signature page for the Mayor to sign. Nothing else changed, Council has already given him authorization to sign, so he can sign it. After Mayor Buda signs, I will take it back and scan it in and email.
- 3) Update on Dearing Federal lawsuit that was filed against Sgt. Boling; the insurance reached out and they are going to pick it up. We have an attorney from Surdyk, Dowd, and Turner, I got a letter and talked with her and sent everything she needed. I have asked her to keep me informed and I will keep you informed of what is going on as well. It is in the early stages.

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There was a short discussion on how they wanted to handle the Moratorium ordinances at this time. *Mayor Buda* asked if this keeps more from coming. *Tom Mayes* said yes this will put a pause on any new ones coming into town. *Jason Francis* – Until we can get our zoning figured out. Council agreed to move forward on the Moratorium for the Counseling centers and decided to go with September. The reason being, is that we haven't established the Planning Commission yet, nor have we established our zoning. Giving us an extra month will give us time for that.

**ORDINANCE 2023-7** AN ORDINANCE DECLARING AND AUTHORIZING A MORATORIUM EFFECTIVE THE DATE OF THIS RESOLUTION UNTIL SEPTEMBER 1<sup>ST</sup>, 2023 ON THE ISSUANCE OF A ZONING CERTIFICATE OR OTHER APPROVAL FOR TREATMENT OR PROFESSIONAL SERVICE, USES, OR FACILITIES AND DECLARING THE SAME AS AN EMERGENCY.

**Motion** by Mark Brewer, second by Jason Francis, to suspend the rules, roll call vote; all yea, motion passed.

**Motion** by Jason Francis, second by Donna Young, to accept Ordinance 2023-7, suspend the rules, roll call vote; all yea, motion passed.

*Jason Francis* recommended to table the short-term rentals until we have an opportunity to review it. *Tom Mayes* said there is still pending legislation as to whether you can do this or not, but I have done some research and there are a lot of cities and villages that have done it and they have not had any issues so far.

- 4) Parking tickets for the square – Council will need to pass a parking ticket ordinance, for them to cite for violations. *Jason Francis* asked what are the violations. *Lt. Myers* said we had on there blocking a fire hydrant, which we will probably tow them anyway. There is handicapped parking, parking on the curb, parking in a fire lane, parking on the wrong side of the street, blocking a driveway, there were like six or seven of them. *Tom Mayes* said that it was a good time to set time limits on parking around the Courthouse square. It will take a lot of monitoring. *Jason Francis* stated it would be a whole position that would be out there every day. *Jerry Kirker* asked about fire lanes and as to whether they have to be registered. The one in front of Save-A-Lot is the only one he knows that is registered. *Tom Mayes* said he believes that is a state matter, if you wanted to register a fire lane. *Lt. Myers* said the only ones they deal with business wise is the one in front of Wal Mart and the one in front of Speedway. Wal Mart is going to rehab this year and replace the signs out front. *Tom Mayes* – you all already have the parking prohibitions, because you adopt the basic code every year. The difference would be if you want to change the penalty, you have to pass an ordinance. A short discussion on examples were discussed.

*Jason Francis* verified with Mark Brewer on the scheduling of the Committee Meeting and set the **Police and Safety Meeting at 6:00 p.m. on February 28, 2023, and the Finance Meeting at 6:30 p.m. on the 28<sup>th</sup> of February**, which will be before the next Council Meeting. Jason advised who was serving on each of the two 2023 committees.

*Jason Francis* asked about pending legislation about the chickens in villages. *Tom Mayes* said he hasn't seen anything else come up about that, but it is pending that you can't outlaw chickens. Nothing has changed yet, but he will keep Council updated.

*Mark Brewer* discussed someone missing three out of four meetings and what options they had and what action needed to be taken about it. *Tom Mayes* will do further research on it. *Jason Francis* stated if you don't show up for work, you get fired. The only thing saving him is the Ohio Revised Code, if that. Jason questioned that going forward, if they can make it to where if Council does not show up for a meeting, they

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don't get paid for that meeting. *Tom Mayes* said he always encourages his villages to make their Council Pay Ordinance contingent upon attendance of meetings. You get paid per meeting per attendance. *Jason Francis* said he would like for this Councilman to voluntarily give up his pay if he is not going to show up for meetings. He asked if they could make this in form of a motion so that it is on the record, but it does need to be documented that he is not showing up. *Tom Mayes* stated that if they were to pass the Council Pay Ordinance now, it would not be in effect until terms are up, that is when it would take effect. *Jason Francis* – I know we can't force Councilman Lafferty to pay it back, but can we make a motion of recommendation by this body to do that? *Tom Mayes* said you can do a motion to say that we encourage that course of action, knowing it has no legal teeth. *Donna Young* questioned whether this was month to month or meeting to meeting. The agreement was meeting to meeting. *Donna* said if she is sick, she is not going to come in and give it to everyone. *Jason Francis* said that you can also be excused. It is different when you don't tell anyone. *Melissa J. Hall* -called everyone on Friday and left a message for him and I have not heard anything back from him.

**Motion** by Jason Francis, second by Donna Young, for Councilman Lafferty to reimburse the tax payers a pro rata share for the meetings missed/ half of pay for meetings missed, roll call vote; all yea, motion passed.

To the floor for each elected official:

Mayor Jason Buda

1) Position of Police Chief - We received one application. Since there was only one that applied, Mary Jane Campbell and I did not feel it necessary to set up a time for interviews. The only application received was that of Lt. Myers and he was asked to be here this evening in case anyone had any questions for him.

*Mary Jane Campbell* – had one question for him: If you could change anything at all about the Department, what would it be? Lt. Ryan Myers responded with the starting pay rate, to get people here.

*Jason Francis* asked how they were wanting to do this since there is currently a Police Chief. *Mayor Buda* said that council wanted to appoint this evening, and I have no problem doing that, and making it effective April 1, 2023. *Mary Jane Campbell* – asked how the sick leave pay worked. *Shelley Gifford* said they will pay out, up to 240 hours sick leave, if he has that much and all vacation that he has accumulated is paid. *Jason Francis* – asking that before we set pay, that Council hold off until they have the finance meeting because I want to discuss the chief's pay and the starting out pay for new officers. *Mayor Buda* – if someone was appointed tonight, they are not going to start until April 1<sup>st</sup> anyway, so you will have time.

Mayor Buda made the recommendation to hire Ryan Myers as Police Chief, as of April 1, 2023.

**Motion** by Jason Francis, second by Donna Young, to hire Ryan Myers as Police Chief as of April 1, 2023, roll call vote; all yea, motion passed.

**Congratulations Ryan Myers!** Ryan thanked everyone before leaving.

Mayor Buda – we will wait until the end of March to swear Ryan Myers in.

2) Renaming streets – had a phone call requesting us to rename a street for Virgil Dryden, in front of his store. *Mark Brewer* stated he thought it was a great idea to recognize ones that have helped out the community. *Mary Jane Campbell* brought up that Mr. Dryden had been a cop at one time. *Jerry Kirker* asked if they were planning on going from Second Street to East or the other way. Council felt it should be from Main Street to Mulberry Street currently Second Street. Discussion on what the name should be. *Tom Mayes* will prepare the ordinance and bring to next meeting and then Council can review it and then set up the date with the family the following meeting to pass the ordinance. This will also give

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- Jerry a month to be able to get the signs. Jerry Kirker is to send the details to Tom Mayes for the drafting of the ordinance.
- 3) Zoning – had received a letter and a phone call from someone wanting to meet and discuss the zoning. Mayor Buda said he was not up on the ordinance and wanted to know if someone wanted to meet with him to discuss it. *Jason Francis* said need to wait until we do the planning. There was a short discussion and *Tom Mayes* stated that the property is grandfathered in and it stays the way it is. *Mayor Buda* said it is listed as an agricultural district with the County Auditor’s Office and his concerns are if something happens to him and it would switch over to someone else’s name. *Tom Mayes* - it goes with the usage of the property. It doesn’t matter whose name it is in. *Jason Francis* – I think we did put something in there that if it would change, we put a definition or defined the length of time in between, I believe six months. *Tom Mayes*- yes, if it transfers and someone does not farm on it for a year or two, because it is agricultural then it would be rezoned to what it is.
  - 4) Letter received today from a gentleman on Lee Street, he would like to apply for the position of board member for the Zoning Appeals Committee. Ask Council if they wanted him to reach out to the gentleman. *Jason Francis* suggested to call him to come in to have a discussion.
  - 5) *Jr. Kirker* asked about getting a tax levy for the Fire Department for the November election. We have until August to decide. Ryan Myers would like to do one for the Police Department, but neither want them put together on the same levy. *Randy Brewer* said he felt neither would pass because people are fed up with taxes. *Tom Mayes* said he would put them together. *Jason Francis* asked about how it would work if they decided down the road on a fire district. *Tom Mayes*- say you go ahead and pass a fire levy and in two years, you go with a district and the fire levy is still on, then that levy goes to the district, it doesn’t change anything. Recommended that they run the Fire and EMS together. It is going to require public meetings at the Fire Department going through the books, show what is going on, what you are using the money for, especially with what you are saying with the fire runs that you have already had, I think the service you are providing is good, I think what the EMS is doing is good. It just needs to be a conversation about wanting to move away from the dependency of the County. It would run at the same time so it may be best to wait until the other falls off so that it is not double taxed which runs for another year, a year and half. Then encourage the community to vote for their local one instead. *JR. Kirker* said the reason he chose this year was because it is just a general election. *Jerry Kirker* said he was in agreement with Tom on waiting closer when the County levy is expiring. *Shelley Gifford* - disagreed, because they need something now and asked if they could just run a one year for the Fire Department. They have not had any money coming in for three years. If they don’t do something and they run completely out of money, both the EMS and Fire, the general fund will have to pick them up. There was further discussion on options for a levy and how other communities run theirs. There was some discussion about adding it to the earnings tax. It was mentioned that there are several people that are not paying their local tax. *Shelley Gifford* - then someone needs to report them, I have to pay. *Tom Mayes* said if you all decide to go forward with the levies, we need to start this by the end of June beginning of July. I will have to prepare a resolution for you to certify and send to the Auditor for him to run what the millage would generate, and then pass the ordinance because it has to be submitted before August to be put on the ballot with the Board of Elections.
  - 6) Counseling Center – want to set up a meeting, looking to put a bunch more homes in. Since the moratorium passed do I tell them they can’t at this time. *Tom Mayes* – let them know Council passed a moratorium until September. *Jason Francis* suggested to go ahead and set up a meeting to hear them out. *Tom Mayes* said he was more than happy to sit in with the Mayor for the meeting. *Jason Francis* said he is opposed to more houses and doesn’t agree with them putting more homes in however, they are a business in the Village and they pay their employees and they pay their taxes, so the least we can do is have a meeting

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with them. *Mark Brewer* said if the Counseling Center is based out of Portsmouth and Portsmouth has a city tax, then their people are paid through the entity in Portsmouth, then they do not pay the Village tax here, that is how they get around that. *Tom Mayes* suggested keeping the lines of communication open. It is better to guide and shape the way they come in, where, and how many. A meeting is good but let them know that a moratorium was passed today. *Jason Francis* said he would be good with being a part of that meeting.

Jerry Kirker requested more time to speak, he had something that he had forgot to mention earlier. We had a sewer issue over the weekend. I had to file a claim with our insurance company. We had a sewer line that plugged up. Tree roots blocked the sewer line and when the lift station pumped up, it filled the resident's basement up with sewer. It happened about 5:00 p.m. Friday evening. We worked until 10:00 p.m. trying to just get it open to drain the line. They have a company in cleaning the basement up that we had called. I had Melissa file with our insurance company. They filed through their home owner's insurance company. They had about 7 inches in their basement. I don't know when it happened, but when she got home at 4:30 p.m. she smelled something and went down to the basement and thought it was water, but it was sewer.

Shelley Gifford –

- 1) Requested some clarification on Danni's sick leave time and on the two weeks of vacation Council gave her. Is it just two weeks or since she is a salaried employee now, does she accumulate vacation time? *Jason Francis* asked what the policy is for salary. Shelley said they accumulate vacation and sick leave. *Jason Francis* said he believed they gave her 2 weeks to start out and over time she accumulates. *Shelley Gifford* said she would get that corrected.
- 2) Ryan Myers will be moving to a salaried position will he need to clock-in? Council said if they are salaried they shouldn't have to clock-in, but it needs spelled out in the policy manual. They will go over it again when he is hired in for that position.

A short discussion about the bills to be paid. *Jason Francis* stated he would be abstaining from the bill from the Chamber of Commerce, since he is on the board.

**Motion** by *Mark Brewer*, second by *Jason Francis*, to approve the payment of the bills submitted with the exceptions of *Jason Francis* abstaining from the vote for the bill from the Chamber of Commerce and *Mary Jane Campbell* abstaining on the bill from Southern Ohio Publishing, roll call vote: all yea, motion passed.

*Mark Brewer* –

- 1) Police Officer that was planning on coming here to work, got offered at the last minute another job making \$2.00 more an hour, which was more than what we thought he was going to, also 8 hours overtime, and made him a Sergeant right off. We need to be more competitive than the other villages. This will need to be discussed in the Finance Meeting.

*Jason Francis* –

- 1) Nation Bank – The coverage of the FDIC, *Shelley Gifford* said we are covered up to 11 million. *Jason Francis* asked about the audit where they had mentioned having to move things. *Shelley Gifford* said she went up to the bank after the last meeting and we do have paperwork that they send us every quarter that we are insured up to 11 million dollars, we are covered.
- 2) Records Retention Policy – Do we have any plans on when we are going to do that? It was in the audit. Mayor Buda said we can set up a meeting for it.
- 3) OVRDC Caucus meeting on February 6th, they had no real updates on the rule of the Appalachian Grant, other than the State is now appointing the consultants that are doing the planning. I was able to make contact with the OVRDC and I found a Transportation Grant, which I talked about in the last meeting. I have a meeting with them tomorrow to go over it, but before I go there I need to know what we

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- are looking for. The grant is for planning, it is up to \$20,000.00 to do a plan and that plan can be for safety, active transportation, school travel plans, economic impact, complete streets in transit, but they need the study location. Do we have any ideas what we want. I know a big issue is the parking around the Courthouse square. We could do sidewalks, active transportation. *Mary Jane Campbell* suggested speeding on Logans Lane and Pumpkin Ridge, Cherry Street, it is not safe. *Jerry Kirker* said that CT Consultants was appointed as one of the planners for that project. *Jason Francis* said it is a different project, CT Consultants were assigned to another grant, the Rural Appalachian Grant. If we could get \$20,000.00 so that we would not have to pay them, would be great. Gave examples of different awards. We need a plan in place so when we do have the opportunity to file for a federal grant, we have it all in place. Every year there is a new funding cycle, so if we would be awarded in the Spring, we could have the study done in the fall and have it ready for the next year to apply for it. That was an 80/20 match grant up to 6-million dollars. That would be free \$20,000.00.
- 4) USDA – met with a representative with the community facilities direct loan and grant. This grant provides affordable funding to develop essential community facilities in rural areas. It also pays for public facilities, such as town halls, courthouses, airport hangers or street improvements. It can also be used for public safety service such as fire departments, police stations, prisons, police vehicles, fire trucks, police work vehicles, or equipment. To be eligible there is a whole list of them, but the grant funds must be available, a maximum of 75% with proposed project is located in a rural community having a population of 5,000 or fewer, the median household income of the proposed service area is higher of the poverty line or 60% of the State non-metropolitan median household income. We are eligible. I don't know if this is a matching grant. I reached out, but have not received a phone call back. *Jerry Kirker* said USDA is about like the EPA stuff. We just got out of a USDA loan last year. It is worth looking into.
  - 5) Chamber meeting tomorrow, which we are members of. We will be discussing benefits for health insurance, partnership (SHIP) which is discounts on shipping and Hunters consulting. It is at Frisch's at 12:00 p.m. and it is free and we are providing lunch. If anyone on the Insurance Committee can come and hear what the Chamber has. Instead of having a small number of employees that we get a quote for health insurance, we get with other chamber members and have a bigger pool.
  - 6) EMA – was there any update, whether still on the board. *Jerry Kirker* said good luck, I have called and they haven't returned my calls. We have called about a check and they have not returned my calls yet. They fall under the County. *Jason Francis*- I want to know if I am still on that board and if I am, are they having meetings, I want to make sure that someone from this village is at that table making sure that if there is funding opportunities or different things for the Village that we can be apart of that discussion. *Jerry Kirker* – what worries me is if we have another 1997 mishap, or tornado, where do we stand. *Jason Francis* asked as a body, what can we do? *Jerry Kirker* – maybe need to go to the Adams County Commissioners and find out what is going on. *Jason Francis* asked if we should maybe do a letter, so that it is on an official record and if Tom could draft it and we could send it at our next meeting or could you send it and we could have a response back at our next meeting. *Tom Mayes* I can do that. *Jason Francis* asked if they are paying their rent on time. *Shelley Gifford* said they pay it, but it may not be on time, but it was paid for last year, we bill them quarterly.
  - 7) I was on the Board of Elections yesterday looking for addresses for a political event and Cheri Rice is still listed as our clerk. I would like Cheri's name removed. *Melissa J. Hall* said we have been trying to get the names removed off of different things. *Mark Brewer* said the website still has her name. *Melissa J. Hall - Bill* said he had changed it. I will look into that.
  - 8) Requested Council go ahead and set the date for Halloween Trick or Treat date. To set it on October 27, 2023 from 6:00 p.m. to 7:30 p.m.

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**Motion** by Jason Francis, second by Mark Brewer, to set the date for Trick or Treat on October 27, 2023 from 6:00 p.m. to 7:30 p.m., roll call vote; all yea, motion passed.

9) Can we advertise the Zoning and Planning Committee vacant spots. Mayor Buda said he would contact the one that is already on the board.

10) Clarification on what we discussed earlier with Councilman Lafferty. Councilman Lafferty's and my term will be up in November. If we set something with our pay, would that just be per term, because there are two of us this November. *Tom Mayes* – the goal is you can't set your own pay, you have to set it prior to an election, so that you or whoever takes your seat would then receive whatever you all set before. *Jason Francis* asked if we could go ahead and get verbiage or something in place so that we can discuss this at our next meeting. *Tom Mayes* said he will do his best, yes, I will work on that. Jason Francis – you have to hold people accountable, and if it is setting that for the two of us, so be it. Shelley is to send Tom Mayes what the pay is per month and he can break it down per meeting and move forward.

Mary Jane Campbell –

- 1) Had my question with Ryan.
- 2) I checked on the curb stops for Paul Brown. *Jerry Kirker* – will take care of it.
- 3) Had complaints in the neighborhood about cats and dogs running loose. Do we have an official agreement with the County, or do they automatically cover us? *Tom Mayes* – it is just a jurisdictional thing with the Dog Warden. *Mark Brewer* said the Dog Warden is County wide.

Donna Young –

- 1) Discussion on the chickens – Requested conversations to be stricken from the record until she can do more research. *Tom Mayes*- I have several chicken ordinances that I had from before, from Cleveland, Franklin, and have a couple of others, I can send them out for Council to look at.

Mayor Buda asked if anyone had anything else to add.

Melissa J. Hall – in the back of the packet, I have put copies of the year end paperwork that was taken to the County Auditor and there is a copy of the Amended Official Certificate of Estimated Resources we received back from the County Auditor.

**Motion** by Jason Francis, second by Mark Brewer at 9:32 p.m. to adjourn, roll call vote: all yea. motion passed.

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Mayor, Jason Paul Buda

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Fiscal Officer, Melissa J. Hall