

West Union Village Council

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West Union Village Council met in regular session at 7:00 p.m. on 3-28-2023, 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, and Danni Studebaker- EMS Director, arrived at 7:48 p.m., Chief Timothy Sanderson - WUPD, Tom Mayes -Village Solicitor, Shonda Wallace – Village Income Tax personnel, Visitors – Lt. Ryan Myers and Sarah Thomas.

Jason Francis – before we move forward, I would like to ask for a moment of silence for Roger Riley. He was a member of our Zoning Commission Board and he passed away earlier this week. (A moment of silence was acknowledged by everyone present)

Motion by Jason Francis, second by Randy Brewer, to approve the Minutes of the regular meeting on 3-14-2023 as distributed, roll call vote: all yea, motion passed.

Mayor Buda – Resignation letter received that stated: Please let this serve as my notice to you and the Village Council, that effective March 20, 2023, my birthday, I am resigning my position upon the West Union Village Council. Please contact me if you need to discuss this matter. Sincerely, John R. Lafferty. I will need a motion to accept his resignation from Council. *Jason Francis* – since he has resigned, we will not have to move forward on any actions previously discussed.

Motion by Randy Brewer, second by Mark Brewer, to accept the Resignation of Councilman John R. Lafferty, roll call vote: all yea, motion passed.

Mayor Buda – since the letter of resignation was on March 20, 2023, I asked Tom Mayes for his advice, and he stated that it goes into effect tonight. Council has 30 days from tonight to choose someone to replace him. *Jason Francis* – Do we want to use the same advertisement that we did before? *Mayor Buda* – Fine with me, Melissa had sent it out to me the other day and it looked fine with the exception of the date. Council will have to decide when you want applications in by and when you want the meeting date to be set. You will have two meetings in April. (There was discussion on the dates and whether they wanted to have it in open session or in executive session.) Council discussed having a Special Meeting on April 19, 2023 at 6:00 p.m. *Mayor Buda* stated he would be out of town that week, that it was an off week and he had already made plans and asked if Jason Francis if would be able to handle that meeting. *Jason Francis* – advised he would be there and called for **A SPECIAL MEETING on April 19, 2023 at 6:00 p.m.** to interview candidates for the vacant Council seat. All applications must be turned in to the Clerk’s office no later than April 14th @ 2:00 p.m. We can decide that day whether we do it in open or executive session. *Tom Mayes* – If you only have one application then it doesn’t matter. Does Council want me there that night? *Jason Francis* – stated he thinks they can handle it. *Mayor Buda* – Do we need a motion for the Special Meeting? *Tom Mayes* – No. You will need to put an ad in the paper and run it for two weeks. Resumes to be in by the 14th by 2:00 p.m. and you will need a motion for that. *Jason Francis* – if you email me that advertisement, I will put it on my Facebook page.

Motion by Jason Francis, second by Donna Young, to set a Special Meeting, to conduct interviews for candidates for the vacant Council seat on April 19, 2023 at 6:00 p.m. with all resumes to be turned in no later than 2:00 p.m. on April 14, 2023, roll call vote: all yea, motion passed.

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ORDINANCE 2023-8 - AN ORDINANCE CHANGING THE NAME OF N. 2ND STREET TO VIRGIL DRYDEN WAY AS SHOWN ON THE RECORDED PLAT OF THE VILLAGE OF WEST UNION, ADAMS COUNTY, OHIO:

Motion by Donna Young, second by Mark Brewer to accept **Ordinance 2023-8**, roll call vote all yea, motion passed.

ORDINANCE 2023-10 - AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OF THE VILLAGE OF WEST UNION NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND DECLARING AN EMERGENCY: 1985 Chevrolet C70

Motion by Mark Brewer, second by Mary Jane Campbell, to suspend the rules, roll call vote all yea, motion passed.

Motion by Mark Brewer, second by Donna Young, to accept **Ordinance 2023-10**, roll call vote all yea, motion passed.

ORDINANCE 2023-11 - AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OF THE VILLAGE OF WEST UNION NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND DECLARING AN EMERGENCY: Chevrolet Suburban K2500

Motion by Mark Brewer, second by Mary Jane Campbell, to suspend the rules, roll call vote all yea, motion passed.

Motion by Mark Brewer, second by Randy Brewer, to accept **Ordinance 2023-11**, roll call vote all yea, motion passed.

Report from Jerry Kirker, Village Administrator –

- 1) *Counseling Center at 845 Walnut Street* – A set of plans were dropped off if anyone wants to look at them. The Counseling Center is getting ready to redo Dr. Stevens’ old office for housing. I have not been in contact with them, they just dropped the plans off. *Jason Francis* – Moratorium, *Tom Mayes* – was this already in process before that was in place? That is only for things in the future. *Jerry Kirker* – They already had people living there, yes Tom. *Tom Mayes* – so it is already a counseling center, they are just doing what? *Jerry Kirker* – living quarters for the people, they are just going to upgrade the inside. *Jason Francis* – are they making it larger or just redoing it? *Jerry Kirker* – just redoing the inside the way I see on the plans. *Tom Mayes* – The Moratorium is for anything new to start. If they were to build another building that would be different. *Jerry Kirker* – even though it is commercial and they are getting permit through the State of Ohio, they get a permit here, the cost of the permit is? *Tom Mayes* – I don’t remember what it is, I will have to look it up, you can continue and if I find it, I will let you know. *Mary Jane Campbell* – I think \$250.00 but that could be wrong.
- 2) *North Street & S.R. 41 Waterline Improvement - Pre-bid Meeting* will be Tuesday April 4, 2023 at 10:00 a.m. and the bid opening will be April 11, 2023.
- 3) *Gabbert Sewer Line Project* – They have all the line in but they have backed off because of the weather. It is going pretty well.
- 4) *Crackel project* – getting it finalized, we are getting ready to do some work down there.
- 5) *Slippage on SR125* - Randy Brewer – I talked to Jerry about some complaints about SR 125 and he said he is aware of it. *Jerry Kirker* – yes. *Randy Brewer* – on the slippage and everything and they are waiting on blacktop. Every year seems like we do something and maybe he said twice a year, it is like money thrown away, but we have to do it. *Jerry Kirker* – ODOT won’t help me with it. I have called them twice about it, the Ordinance we passed exempts them from anything like that. We just keep putting blacktop in it until Spring. *Randy Brewer* – you also said that there might be another blacktop you said that

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might work better. *Jerry Kirker* – yes. *Jason Francis* – that project that they are doing this coming Summer or next Summer where they are coming from Aberdeen, all the way up.

Jerry Kirker – they are supposed to start in July. It goes toward Peebles, on SR 41 and our slip is on SR 125. *Jason Francis* – okay.

Mark Brewer – the Gabbert sewer line project, does that sewer line run on the side of the road where the slips are? *Jerry Kirker* – no, it is on the other side of the road.

6) *Tornado Siren - Randy Brewer* – the tornado siren, have you heard any more? *Jerry Kirker* – I have not heard on the delivery date. *Randy Brewer* – we've got it on order, okay.

7) *Permit question response - Tom Mayes* – the answer on the permit question, \$200.00 for a commercial permit up to 2,000 sq. feet. If it is over 2,000 sq. feet it is \$200.00 plus .25 cents a square foot over. It is section 150.212.

Mayor Buda – Anyone have anything else for Jerry?

8) *Personnel and Combining Funds - Mary Jane Campbell* – we will need to talk about personnel. *Jerry Kirker* – Do we need to do that in executive? *Jason Francis* - probably, we can talk about a little bit of what we discussed about the combining. *Jerry Kirker* – yes, Bethel, Public Utility, I gave that to Mary Jane and Jason and Donna to look at and try to adopt that into our system. I told Mary Jane she could get with Tom for more information on it. *Jason Francis* – just to add to that, Jerry is proposing that we combine all the different departments, excluding the Fire and EMS and Police to be Public Works, so all of those employees would not be divided per department, like water, sewer, street, it would all be under one. That way we are able to move funds more easily for employees. *Jerry Kirker* – is that correct Tom? *Tom Mayes* – yes, the problem is if you have them into departments, big cities do departments, because they have sufficient funds in each department, but if you have someone just as a street employee even if they may go help the sewer, they have to be paid out of whatever the fund funds that are there and so on. *Jerry Kirker* – our trucks say Public Utilities, but we never really adopted Public Utilities. *Tom Mayes* – I don't see a problem because they work for every department. *Shelley Gifford* – I have a payroll question, so you will be taking money from the water, sewer, street, what we have set aside for their salaries, remove it from that fund and set it up in this new fund? *Tom Mayes* – yes, we will have to get with you and figure out how that is going to work. The problem is when you look at the funds, you have some funds that are barely making it, and some funds are fine. You can't just move everyone to that fund and say, now they all work for the Water Department, but they are out there doing paving, because that will be an audit finding. *Jerry Kirker* – that is what we have done. We have pretty well move everything to one department. *Shelley Gifford* – you are just saying water, sewer, street, all employees. *Jerry Kirker* – yes. *Tom Mayes* – it is just restructuring the departments into that type of formula, so that they can compensate the employees appropriately. It may not make a whole lot of difference. It just gives you the ability to. *Melissa J. Hall* – How does this go on my part on the budgeting. *Tom Mayes* – that will not change you at all, just Shelley. *Shelley Gifford* – It will affect her because she will have to set up a new fund. *Melissa J. Hall* – So will that have to go to the Auditor. *Tom Mayes* – I will look into that, but I do not know for sure. I will look into the budgeting side of it, but the restructuring part goes first and then we will figure out the budgeting and the percentage of the funds and everything after that.

9) *Request for executive Session - Jerry Kirker* - I will need an executive for Personnel for hiring.

Mayor Buda – does anyone have anything else for Jerry?

Report from Kent Bryan, CT Consulting – Absent.

Jr. Kirker – Danni is on a squad-run, she is on her way back now.

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Report from JR. Kirker, Fire Chief, reported the Fire Department had 42 runs this month and 121 runs for the year.

1) *Application for the EMS*- Danni gave this to me to bring up: Tori Boone just passed her basic EMT certification. (Discussion on what the normal starting pay rate)

Motion by Mark Brewer, second by Randy Brewer, to hire Tori Boone as basic EMT, starting pay at \$90.00 per shift beginning next pay period, roll call vote: all yea, motion passed.

2) *Equipment Grant* – we got the State Fire Marshals Equipment Grant. It is for personal protective equipment. It is a \$10,000.00 grant.

3) *Reimbursement on Forest Fire on State Route 52 - Mark Brewer* – Is your department and the other departments going to get any money reimbursed for fighting that forest fire down on SR. 52? *JR. Kirker* – yes, I think we got a check from the Forestry, haven't we Shelley? *Shelley Gifford* - Nothing major, it was like \$175.00 or something. *JR Kirker* – It may have been \$300.00. *Shelley Gifford* – okay. *Mark Brewer* – I thought it would be more. *JR. Kirker* – I think they go by acreage and how many hours you are out there. Most of the departments get a percentage of the money. We have got a couple different checks from the Forestry this year. *Jerry Kirker* – you get \$70.00 automatically and then they base it on the time after that.

4) *Ladder Truck* – Jerry Kirker – Our ladder truck has been down for a week, the cylinder that raises the ladder up and down, the seals wore out of it, and we finally got it back up and the ladder is back in service now.

Report from Chief Tim Sanderson, WUPD, we had 138 calls this month, 441 for the year. *Chief Timothy Sanderson* – Two days left. It has been pretty busy out there.

1) *Property Cleanup* - I need to get that property cleaned up over on Nichols Street. The property at 721, I will have it done by the weekend. I stopped in there today. I was talking to Jerry about the property at 506 East North Street, he cleaned that up in about two days. I talked to another landlord down there off Jane Street this morning, so they are supposed to get it cleaned up.

2) *Cyber Stalking Case* – I had my first ever cyber stalking case. I have to go to BCI Thursday afternoon, we will be a little short handed that day.

Mayor Buda – It has been a privilege to work with you, all of these years. Enjoy your retirement. *Chief Sanderson* – it has been a privilege and a nightmare.

Councilman Jason Francis presented Chief Sanderson with a gift from the council and several jokes were made between the Chief, Lt. Myers and Council as he opened his gifts. Chief Sanderson thanked everyone. Everyone thanked Chief Timothy Sanderson for his service and there were comments for him to enjoy his retirement.

Mayor Buda asked if anyone else had anything more for Chief Sanderson.

Report from Tom Mayes, Village Solicitor -

1) *Update on settlement offer* – It is either \$90,000.00 or \$100,000.00 over time. *Jason Francis* – what do we want to do? Council discussed options. *Jason Francis* – if we were to take the \$90,000.00 are we allowed to put money in a CD with the interest rates the way they are because some places are at 4% that would be the make up of two years. *Shelley Gifford* - that would be a headache to do that, but I know what you are saying. I don't have a vote, but they do not have money. None. *Randy Brewer* – I say we stay with the \$100,000.00. (Further discussions continued about the budget and current needs)

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Motion by Mark Brewer, second by Donna Young, to accept the one-time payout at a reduced rate of \$90,000.00 for the settlement with Adams County Commissioner for the EMS lawsuit, roll call vote: Nay – Mary Jane Campbell, Randy Brewer, Yea – Mark Brewer, Jason Francis, Donna Young, motion passed.

Tom Mayes – I will let them know that you all voted to take the offer, and if there is any paperwork, I will have you sign it.

2) *New LawsUIT* – Tom Mayes – you all have been sued by an inmate, Mr. O’Neill. He is suing for deteriorating conditions of the jail. I have already prepared an answer in response. The County’s attorney reached out to me because he also sued the County, and he will be filing to move it to Federal Court. The lawsuit claims concrete is falling on his head in the jail, and you are using chemicals that are deteriorating his health. Also, he cut his finger and he did not get medical attention and it swelled up and had infection in it. The main thing that we resolved last time was that you all have nothing to do with the jail. You are not a proper party to the lawsuit. I will handle it and report back.

Mayor Buda asked if anyone had anything else for Tom Mayes.

3) *Vape Establishments - Mark Brewer* – asked Tom if he was familiar with the Vape establishments and section 21 of ORC. They sell nicotine vapes and we have an establishment like that in West Union. Are we getting the tax money per sale of anything that is tobacco, nicotine related? *Tom Mayes* – I do not know. When do those payments usually come in to the Village? *Mark Brewer* – my question is, are the nicotine vape pens considered on the cigarette tax? If you have vape products and they are nicotine, does that fall under the tobacco or cigarette tax, that they get for every cartridge they sell, and if they sell THC vape cartridges and we have the new zoning, is that a different kind of tax? *Tom Mayes* – on Ohio.gov it states the excise tax on vape products, does not apply to electronic smoking products, but only the liquid or non-liquid vapor product as defined above. So I guess it does not apply on the pen, but on the cartridges it would seem that.

Mark Brewer – the vape cartridges you see at the gas station, that is right below the cigarettes, those are taxed. *Tom Mayes* – but the actual pens themselves, it doesn’t apply to the electric part, but it does apply to what has the nicotine in it. *Mark Brewer* – asked Shelley if she could ask Shonda Wallace to come back to the meeting, because in Mt. Orab they have a unique situation. *Jerry Kirker* – the tax itself on the cartridges, would come in to the Village under the cigarette tax. *Mark Brewer* – we were talking earlier and I know you have a new shop in Mt. Orab, and if a shop in West Union has been selling THC pens or cartridges all along, they would have to be taxed on that, isn’t it a special tax? *Shonda Wallace* - that is just a regular tax, there is a difference between what you are thinking about as an agreement. There is an agreement, like a dispensary, that is a different thing than tax. It would be that I agree to give you one percent of my earnings.

Tom Mayes – we call that crudely, a sin tax. *Mark Brewer* – Okay. *Shonda Wallace* – what you are thinking is more like the alcohol, tobacco type tax, that goes to the State and then Shelley probably gets a Municipal Tax as a quarterly. *Shelley Gifford* – yes. *Shonda Wallace* – okay, so what that company itself would do is file like you would do, and file their return like that. You probably do get money from their vape shop through the tobacco industry, but that is through Municipal Tax in the State of Ohio. *Mark Brewer* – that answers that, unless they are not providing the paying tax the right way. *Tom Mayes* – If they are not paying it the right way then we would need to report them to the State. *Shonda Wallace* – if they have a business and a vendor’s license, the State doesn’t let anybody slide on anything. *Tom Mayes* – if they are selling marijuana products illegally, that is a whole new problem. *Shonda Wallace* – but CBD is not illegal or the oil, whatever the case is. Do you have an ordinance that doesn’t allow certain types of businesses or anything like that? *Jason Francis* – in the zoning, I believe it is spelled out that there cannot be dispensaries. *Mark Brewer* – okay, so that answers my question. Thank you, Shonda.

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Report from Danni Studebaker, EMS Director, WULS reported the squad had 162 runs for the month and 491 runs for the year.

1) *Contract with Brushcreek Motorsports Complex LLC* - Brushcreek has asked us to cover the races again this year at the same price, at \$75.00 per hour. The first race is Sunday. *Tom Mayes*- I will prepare the contract the same as last year. I have a resolution if you all want to pass that tonight and I will have it updated and sent to Melissa right now. We have it at the \$75.00 an hour and the other thing we will need exhibit A of the race dates to attached to it. It is for 2 certified EMS personnel per event. They have to be there 15 minutes prior. They will pay it to the Village weekly.

RESOLUTION 2023-12- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRUSHCREEK MOTOR SPORTS COMPLEX LLC, ADAMS COUNTY, OHIO FOR THE PROVISION OF EMS SERVICES:

Motion by Donna Young, second by Mark Brewer, to accept Resolution 2023-12, roll call vote: all yea, motion passed.

Jason Francis – How is the audit coming along. *Danni Studebaker* – we haven't started it yet. Our audit is for 2023 and it will be due by May 31, 2024. We had someone come and have a class with us on exactly what Medicare, Medicaid are looking for so that we can have that in all of our narratives. We will run this whole year and our audit will be next year. We have been staying on top of the billing and making sure we have everything that they have asked for. *Jason Francis* – would you say our billing rates are at 98%? *Danni Studebaker* – oh yes. The money has been coming in a little slower than that it normally does but that is according to every EMS Agency. We have had some pretty decent deposits recently. *Jason Francis* – we bill private insurance, don't we? *Danni Studebaker* – yes. *Jason Francis* – have you seen a decrease in payment, are the prices the same or are you seeing a decrease? *Danni Studebaker* – I can look and see, I really don't see without going into a specific spread sheet, exactly what it is we get. I can look at that and let you know. *Jason Francis* – I will say that hospitals all over America are seeing private insurances paying less. They are trying to see if they can get away with it, so please be mindful of that. *Danni Studebaker* – yes, I can pull it up and look and see, we have a lot of the same patients, I can see how it compares to last year. *Jason Francis* – do we have contract rates with those insurance companies and how often do we look at those, how often do we negotiate those? *Danni Studebaker* – the last time we did that was three years ago. *Jason Francis* – how often do we do it, every three-year period or? *Danni Studebaker* – it is just whenever we want to. We can negotiate those at any time. *Jason Francis* – could we go ahead and start that conversation just to see if we can get more because expenses have gone up. I don't know if you could have it by next meeting or not, all contracts and we can see what the rates are. *Danni Studebaker* – okay, the billing company takes care of all of that stuff, but I can definitely. I know we are billing right at the upper rates that most people in the area are billing for, but I do know some in Brown County are actually billing a little bit more than what we do. I can definitely call them. *Jason Francis* – maybe we could have a representative from the billing company come and discuss it with us. I just want to make sure we don't fall victim to it. *Danni Studebaker* – They will come up anytime. I think you all had to vote on it last time when we changed them. *Jason Francis* – if they can't come to our next meeting, maybe we can hold a safety meeting and go through that and move it along, so we can talk about the contract.

To the floor for each elected official:

Mayor Jason Buda –

1) *Insurance Committee Meeting* - I apologize to the Insurance Committee, I had it wrote down at 6:30 tonight as the meeting, sorry I didn't get here until Jerry had text me. Right

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now, we only have one quote in so the meeting was cancelled. The rest are in but he doesn't have the spread sheet to me yet. Once I get it, I will make copies and I will give them to the Insurance Committee. *Jason Francis* – when is the last day that we have to have it in, are we pushing it? *Mayor Buda* – May 1, 2023.

2) *Property Damage from Sewer backup update* - I have got all the information from the Howlett family. I sent it to Tom earlier today to look over and I will let you all look over it. This is the quotes for everything, there are pictures. Hopefully I can have an answer for them after the next meeting. They have been very cordial about everything. So however you all want to handle that. *Jerry Kirker* - requested a copy be given out for everyone to be able to look over. *Mark Brewer* – the total loss says \$58,000.00, it is on the front page. *Jason Buda* – I know there is some that their insurance has paid.

3) *Salary for the new chief of Police* – One thing we have not set is Ryan's salary and he starts on the first of April. We discussed a price range, but to my knowledge we did not set an actual figure for what he is making. *Jason Francis* – We have an executive with Jerry and we can do it then. *Mary Jane Campbell* – yes, we discussed it at the Personnel Meeting.

4) *Opioid Settlement*- I received an email on the opioid settlement. We have two payments that we can receive money on from the opioid settlement. One is for \$344.00 and the other is \$803.00. I assume you guys want the money. *Shelley Gifford* – is there reporting? *Jason Buda* – I don't know, I can give you the information and you can call her and ask the lady that is in charge of our funds. But so far it is \$1,100.00, I signed four or five more today through other companies that they are going after too, for settlement monies.

5) *Complaint about our dispatch* – I received a phone call from a guy in Texas, I talked to Tom about it and I wanted to throw it out here just in case you hear anything. He said our dispatch isn't worth poop and they sent the Police to his house to kill him and that the supervisor at my dispatch center laughed at him and everything else. He gave me badge numbers for the dispatcher. He is going to file a lawsuit against me and each one of you and the Village. *Jason Francis* – This guy is in Texas? *Mayor Buda* – yes. I didn't call him back because I didn't know if it was something going on with County level or not. We have zero to do with the dispatch center anyway. I called Tom so he would be aware. *Tom Mayes* – How he got the phone number, I don't know. *Mayor Buda* – I think he googled where the dispatch was and it said West Union Ohio, so he assumed that this governing body was over it. *Tom Mayes* – I thought maybe it was an accident, thought maybe there was a West Union Texas or Adams County Texas. *Mark Brewer* – There is an Adams County Colorado that dispatch gets calls for and they have some of the same roads and they have sent me on calls.

6) *Special Meeting* – do we need a vote to excuse me for the Special Meeting or not, I didn't know what we decided. *Jason Francis* – I am still looking over the rules and I haven't had a chance to fully. *Mayor Buda* – I knew it was a Special Meeting, it wasn't a regular one, but since I wouldn't be at that one, I didn't know if you needed to vote to excuse me. *Tom Mayes* – are you going to miss two months in a row? *Mayor Buda* – no, I am just going to miss that meeting.

7) *Application for the Zoning Committee* – It was email from Stephen Caraway, he wanted to be on the Planning Committee and that led me to a question and I am sure it is the same question that Shelley has. I had another individual call wanting to be on the Planning Commission, they do not live in the Village, but they own property in the Village. We had that discussion at the last meeting and I had told them no originally because they didn't live in the Village, but last meeting I think it was mentioned, if you own land in the Village that it was okay. So, we need clarification on what to tell the individual. *Shelley Gifford* – I don't want to tell her the wrong information, because she did reach out and wanted to be on the committee. I had text Mayor Buda, and he said she had to live in the Village, but I didn't realize at the time until I read the Minutes yesterday, that if you own property, you have a vested interest. *Tom Mayes* – no, so 150.207 says the mayor with the concurrency of Village Council shall appoint a Village Board of Zoning Appeals of five members that shall be residents of the Village of West Union. *Donna Young* – that is pretty black and white. *Shelley Gifford* – did you say the ad said something else. *Melissa J. Hall* – well last

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meeting... *Mark Brewer* – there was something last meeting where he said. *Mayor Buda* – We had that discussion about that guy outside of the corporation limit that asked to be on the Planning Committee and we said no, and then it was asked if he had land in the Village, then we told him he couldn't be on it because he didn't own land nor did he live in the Village. *Tom Mayes* – That is the Zoning Appeals Board, so let me check. *Mayor Buda* – while Tom is looking that up there is another individual that has reached out that wants to serve on the Planning Commission, but do I just get these names together and present them to you guys, do you want resumes for everybody or how do you want them? No one has really given a 100% guidance on which way you want it handled. *Tom Mayes* – The Planning Commission is 5 members, shall consist of the mayor, one of the village Council to be elected thereby for the remainder of his/her terms such as the village council and 3 citizens of the village to be appointed by the mayor for the term of 6 years each, and you have to stagger the terms. *Jason Francis* – so the mayor can appoint the Zoning Committee. *Mayor Buda* – The Planning Committee. *Jason Francis* – so you do not appoint the Appeals, because there has to be a separation of power on that. The mayor cannot do the planning and also appoint people. *Tom Mayes* – the mayor appoints both, the Zoning Appeals Committee is with the concurrent of Council. *Mayor Buda* – the ad we ran in the paper said if you are an owner of property within the Village also you could serve on the Zoning Board. *Jason Francis* – we will need to change that. *Mayor Buda* - I just want clarification on what exactly we need to do and how you want to handle the names of people when they call in. Do you want them to send in resumes, if you don't or how you want to go about it? *Tom Mayes* – my understanding the Planning Commission is already you, councilman Francis. *Mayor Buda* – the Zoning Appeals is Mary Jane, Donna and Alice said she would serve on any one of them. She didn't turn anything in, I just assumed because she was on the other one, I have got the one gentleman that lives out in Donna's subdivision. I have not talked to him yet and there are some other names of people that have called in. Don Williams has called, Bill Lewis has called, and Patty Hopkins has called. *Jason Francis* – would Bill Lewis be able to serve, since he is a contractor for the Village? *Tom Mayes* – yes, he is a 1099, he is good. *Donna Young* – I think you should be a resident in the Village. *Tom Mayes* – yes, that is what we are doing. There were discussions regarding the advertisement and the confusion with wording. A revised advertisement will need to be advertised, to state that you are required to be a resident of the Village. *Mayor Buda* – do you want them to have resumes? *Donna Young* - a resume gives you some kind of idea of what you are dealing with. *Mary Jane Campbell* - resume. We will have to figure out when we are going to officially form those. *Mayor Buda* – we still do not have enough people to do both yet. *Jason Francis* – so for the Planning, is the mayor the automatic chair for that, or do we elect the chair? *Tom Mayes* – no you are just members. *Jason Francis* – why don't Mary Jane after tax season, which would be next month and Jason, why don't you two interview people and then we can do it all in one day and have it take effect the second meeting in April, would that work for you. *Mayor Buda* – I will be gone that whole week for my anniversary. *Jason Francis* – would you want me to take your place then? *Mayor Buda* – it doesn't matter to me. You are on the committee anyway. *Jason Francis* – why don't we just do that. We will advertise until the week before and then whoever we have a resume for, we will interview them, and if we have majority, we will meet and move on from there. We have got to get rolling. We have people who are wanting us to move forward with this. *Melissa J. Hall* – asked for clarification on all the dates. There were further discussions on the date. *Jason Francis* – **The Zoning meeting will be April 20, 2023 at 6:00 p.m.**

8) *Committee list changes/corrections* – the new list on the Police and Safety should be Mark Brewer and not Randy Brewer. With the ones with John R. Lafferty listed, we will wait until we fill his position, if that is okay with everyone. The only thing he is the head of is the Cemetery Committee and they never meet anyway.

9) *Complaints with four wheelers* – I have had text messages, and I believe the lady that was here tonight was here for the same thing, which was the four wheelers again. Mary Jane said she didn't care if they were on her property and John said he didn't care the last time. *Lt. Ryan Myers* – if they are on the grass, there is nothing I can do. *Mayor Buda* –

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technically it is private property. There was supposed to be a guy that called me about it and he was supposed to be here tonight, but I told him to call Melissa and get on the agenda, but he never did. *Lt. Ryan Myers* – They are always on the grass when we get down there and it is before 10:00 p.m. so there is nothing on our end. The ordinance doesn't go into effect until 10:00 p.m. *Tom Mayes* – if they have permission from the property owners, and they are not violating the noise ordinances you have in place, and they are not crossing the streets, there is nothing you all can do. *Mark Brewer* – only thing law enforcement can do is put up pole cameras, like they do in the cities to see if they are on the road and use that. *Mary Jane Campbell* – the other night I was running late, it was probably fifteen to three and there were 3 men on four wheelers, they went out towards the old cemetery. They were running all over town. I hear them at night. *Lt. Myers* – if you hear them, call us and we will come over there. *Mayor Buda* – if he calls back, I will advise him to come to the meeting if he wants. I told him before there is nothing we can do because it is private property. *Tom Mayes* – I get it if it is at night 2:00 or 3:00 in the morning, that is different. I just wanted clarification.

Shelley Gifford –

1) *Sick leave Policy/ Donating sick leave* – on the sick leave policy if someone wants to donated sick leave, we allow it and when Jeff Scruggs left, he had some sick leave left and he divided it between two employees. I was reading the policy manual and it says it should be presented to the Council for approval and I did not know this was in the policy manual, so this is after the fact. For auditors, if you will approve the sick leave that he divided up between two employees when he left. Both employees have illnesses and needed time and so he gave them his sick leave. *Mary Jane Campbell* – when did he leave – February 24, and I didn't catch it until I was reading the policy manual on something else. *Jason Francis* – and they have used the time? *Shelley Gifford* – one has. *Jason Francis* – so if we don't approve it, will they have to pay that time back? *Shelley Gifford* – well I will take it away from them and the one will have to use his vacation time. They are aware of this since I did not follow protocol. *Mark Brewer* – We didn't have to pay him for accumulated sick time? *Shelley Gifford* – no, because he did not retire, he quit. You only get paid if you retire. *Randy Brewer* – this might be a bad situation to get started, as far as someone quitting and has a lot of time left, and just give it to the rest of the employees before they leave and get out of here. *Mark Brewer* – the County can donate sick time to the bank and the school system you can donate sick time. *Randy Brewer* – when they leave? *Mark Brewer* – I have never had that situation. The County just pays you out whatever sick time you have. *Jerry Kirker* – the whole amount? *Mark Brewer* – yes. *Jerry Kirker* – here you just get 30 days. *Mayor Buda* – what do you guys want to do? If you want to approve this, we will need a motion. *Shelley Gifford* – I mean if you don't, it was my fault, I will tell the one, he will have to take it off of his vacation time. *Mark Brewer* – so this would be a one-time deal because it is in the policy and procedures. *Shelley Gifford* – that you can give time, yes. But this was time he had. Also, when I am looking in here, I think you talked about before if someone leaves putting their sick time in a pool, but in the policy manual it says we have to leave it with them for 10 years in case they would come back for reemployment, they could pick up their sick leave at that time. If you approve this, Mr. Scruggs couldn't if we would hire him back because he gave it away. *Jason Francis* – do you think the way it currently is do you think it would be an audit finding? Well, if we would approve it, it would still be an audit finding, or no? *Tom Mayes* – It may be a finding, but it also would say that you had remedied the issue. So, it wouldn't be any action. They may not even write it because you fixed it. *Jason Francis* – what do you all think? *Mark Brewer* – I would make it. I will make a motion to do this one time to clear up the books. I don't like that part about holding it for 10 years. *Shelley Gifford* – we are trying to get together, Jerry, Melissa and redo this policy manual on some of the things like that.

Motion by Mark Brewer, second by Donna Young, for the one-time approval for the transfer of sick leave, roll call vote: Nay – Jason Francis, Randy Brewer, 3 - yea. motion passed.

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Shelley Gifford – moving forward, if anybody is short on time from this point on, we will bring it to Council as it says in the manual. It was something we did one time and they agreed to it. *Jerry Kirker* – it was a one-time deal and it was probably never worded in the Minutes the right way. So, you can't even go back and look at the Minutes. *Mark Brewer* – it was about four or five years ago. I think I vaguely remember that. *Tom Mayes* – if we do the policy there might be a difference if you are quitting vs. working if you want to donate your sick time. If someone needs like four or five hours here and there, that is one thing. *Shelley Gifford* – the ones that have been getting the time have been off with an extended sickness or an accident. Thank you, that is all I have.

Melissa Hall –

1) *Amnesty Days* – Council had talked about the Amnesty Days at the last meeting and I have printed up an ad to put in the paper and it was said to go with the same time frame as last year, but Patty suggested that we go with May 1, 2023 through July 31, 2023 instead of June 1, through August 31, 2023. *Jason Francis* – correct me if I am wrong, I believe we already voted on that last year to set the time. Were you able to find that time period in the Minutes? *Melissa J. Hall* – I thought you said we were going with the time frame that you had done last year. *Jason Francis* – I think we set it last year for last year and I think in the same meeting or close to it we went ahead a scheduled this year's. Ours ended up being later in the year, because we forgot about it. So, we went ahead and scheduled this year so we wouldn't forget about it. And here we are, we forgot about it again. *Melissa J. Hall* – well it may already be past, I don't know, Patty said it was usually earlier. *Jason Francis* – yes, it is tax time, yes, we are trying to get peoples taxes. I guess we would need to previous action to set a new one. *Tom Mayes* – If you pass a new one, you are reorganizing those dates. *Mark Brewer* – what does Patty want? *Melissa J. Hall* – she is saying go with May 1, 2023 through July 31, 2023. *Mark Brewer* – so that is three months. *Melissa J. Hall* – well it is still the same time frame, but I thought you were saying do what you did last year, which was June 1, 2023 through August 31, 2023. *Donna Young* – either way it goes, people are out of tax money. I don't see a problem with running it myself. *Melissa J. Hall* – on May 1st? *Donna Young* – yeah, whatever we said last year. *Melissa J. Hall* – it is still the same amount of time. Next year I will put a note to catch it earlier. *Jason Francis* – does anyone remember how much revenue was generated from that? *Mark Brewer* – it wasn't a lot. We have been down \$3,000.00. Council had some discussions on warrants and minor misdemeanors. *Jason Francis* – asked Mayor Buda, do you think we could get a final copy from Patty on the final number in a month, two months. *Mayor Buda* – yeah, I can tell her to get something together for you. She has a lot of other issues she is trying to sort through from the new system that wasn't done before that should have been. Do you want to go with these new dates then?

Motion by Jason Francis, second Donna Young, to accept the Amnesty Days date to be set for May 1, 2023 through July 31, 2023, roll call vote: all yea, motion passed.

2) *Chief Sanderson's Badge* – I spoke with Ryan and he said that they are getting new badges and he has already got a new chief badge. Chief Sanderson was wanting to buy his and I wanted to ask since they were buying new ones if it would be alright if the Village would donate his badge to him? *Mark Brewer* – that is what should happen. When you retire, you should be able to get your duty weapon and badge. *Lt. Myers* – he was wanting that as well, it is an older one it is not the newer one. *Mark Brewer* - that is a common practice with about every police agency. *Mayor Buda* – do we need a motion for that? *Tom Mayes* – what is the value of the badge? *Lt. Myers* – new or used? *Tom Mayes* – the one that he wants, as it currently is, a dollar? *Mary Jane Campbell* – I get \$20.00 a piece out of them on e-bay. *Tom Mayes* – okay, twenty bucks, so, when he takes over as Chief, he would have the authority to just give it to him, so you will not need to make a motion. *Mary Jane Campbell* – what about the gun? *Tom Mayes* – is it his personal weapon? *Lt. Myers* – no it is the departments. We have had it about 15 years now. *Tom Mayes* – that I

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would have Council make a motion because of the nature of it. *Lt. Myers* – he was wanting to buy his badge, pistol, and one uniform. We are having a party for him at the Firehouse at 6:00 p.m. this Friday, we will be having some food. He doesn't know about it. *Mark Brewer* – can you get the serial number and everything for the firearm. *Lt. Myers* – He will have to give it to me because he has everything. *Shelley Gifford* – Patty is having donuts and coffee Friday morning.

Motion by Mark Brewer, second Jason Francis, to allow Chief Timothy Sanderson retain his personal firearm/weapon after his retirement, roll call vote: all yea, motion passed.

John R. Lafferty – Resigned as of March 20, 2023

Mark Brewer – I would like to make a motion to pay the bills for last month. Melissa J. Hall and Mayor Buda stated it is at the end of the agenda. Mark Brewer – I would like to go ahead and do it now so no one forgets. I got the phone call and about went into a panic attack.

Motion by Mark Brewer, second by Mary Jane Campbell, to approve and pay the bills submitted on March 14, 2023 from the last Council Meeting, roll call vote: all yea, motion passed.

Jason Francis –

1) *Zoning permits* – right now people are going to the water department and going to the front window, what is that process if someone wants to build a building or something? *Jerry Kirker* – they have to give me a set of plans and tell me what they are doing. Then I recommend they buy a set of the Zoning Ordinance and whatever they are doing is what they pay for. *Jason Francis* – so if you are not there. *Jerry Kirker* – If I am not there, the girls do the same thing I do. *Jason Francis* – Okay. I guess when we meet and hire a zoning officer, they will be the one issuing that. *Jerry Kirker* – if that is what you want, that is fine. Yes. *Jason Francis* – I just wanted to make sure with the new zoning we have in place, I know you are kind of educated on it, but I just want to make sure that the girls down in the office are educated about it. *Jerry Kirker* – they are educated on what we are doing, but when you hire a new zoning officer, then they will move to the Police Department, so all that stuff will be packed up and moved up there. *Jason Francis* – we did all this and we didn't make sure that you all had the education you need. *Jerry Kirker* – that is why I keep asking questions, the more I read that policy, the more questions I have. I have questions on the map, I think your color codes need to be changed to make your zoning, like R1, residential or mix use, instead of having them as industrial, or residential. I think some of that stuff needs to be looked at and maybe changed or reworded. *Tom Mayes* – I think changes are expected once you have the planning commission. When they have a meeting, you can bring them and then we can start doing that. *Jerry Kirker* – Kent said whatever changes we make, that he would make copies for us and redo it. I have had some questions where the IGA is, it is color coded green and we just didn't understand why it was green for the training center. *Tom Mayes* – what is green? *Jason Francis* – that is agriculture. AG can be like a funeral home, government building, etc. We were thinking long term. We were not thinking of it as being a training center today. We were thinking 10 years from now when the training center may be developed or it might be something else. There was a reason behind our madness, I don't remember that exact conversation. Hopefully we will have that meeting at the end of April.

2) *Appalachian Grant* - Tom and I attended a meeting yesterday regarding the \$500 million dollar grant, that is out there for the Appalachian counties. *Tom Mayes* – I was not there for village reasons. *Jason Francis* – They advised us to request a planner, which I found out today through an email that we already have a planner. That is correct? And it is the current planner that we have for our other projects which is Kent's group, right? *Tom Mayes* – so CT appointed. *Jerry Kirker* – CT Consultants. *Tom Mayes* – they had a representative

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there yesterday and he got out of the door before I could speak to him. Jason Francis – I have attended all of the Adams County meetings so far and I think the OVRDC are learning more each day. One of the things they said were the projects we submit have to be COVID related, because the grant is paid through the American Rescue Plan Act (ARPA) and then the house bill 377 which is dealing with COVID money. We are going to have to rework what we have submitted to be COVID friendly, which will be easy to do because what we applied for was improving outdoor recreational places. We partnered with the Art’s Council to create an amphitheater, hopefully in the village. That allows for outdoor activities where people can social-distance. We will work on that. They preached about doing local efforts for support. The County Commissioners have taken the lead on this and they are wanting us to get as many local groups, even the Township Trustees to be in support of our grant. We want to start local and work our way up and usually it is the top down. To reiterate, they want large projects. They don’t want 500 one-million-dollar projects. They want like 20 fifteen million or 20 million projects. With our planner they will be able to talk with other communities within our 32 or 33 county regions, to team us up with a community that has similar goals, which will better our chances of getting some money. There were a few Townships that did receive money. Not all of them will get it, but they need to apply. *Tom Mayes* – what I got out of this was they need to request a planner. They want you to use the same planner even though you are in different counties. Just throw away the county lines because they don’t matter. You need to lump everything together. *Jason Francis* – so we may be partnered with someone in Meigs County. It is not geographical, it is anywhere. *Mary Jane Campbell* – we need to team up with someone like Athens or Marietta. *Jason Francis* – whoever we partner with, there has to be a service agreement or some kind of contract in place. I guess it is based on a point system and if we can show we have in-kind monies coming in or someone wanting to donate monies for the projects or land, we have a better chance of receiving funds.

3) *Chamber of Commerce News* – Just to talk about the Adams County Chamber and where we are at. We have 126 members currently. In 2022 we ended with 94 members, so nearly 30, or 30 members have joined since the beginning of the year. Our next monthly meeting will be April 19, 2023 at 12:00 p.m. at the Adams County Fairgrounds. I think lunch will be provided and they will have presentation called Hour of Power. It is from Dave Beam, a business consultant that educates our members on tracking and keeping the best team members for your business. That is a free event for all of us to attend. We are also hosting monthly Ask the Expert Series, which is via zoom. Deborah Plymail from Ohio Means Jobs will be educating members on “How to Hire and Hire the Right Person” that is on April 13, 2023 at 6:00 p.m. We are holding a Lunch and Learn at Frisch’s in West Union on April 12, 2023, at 12:00 p.m. the guest speaker Maria Daniels from Reset Business Consulting and she will be educating members on “How to build your personal brand within a company.” For membership value, the Chamber is offering the opportunity to receive professional headshots by a local photographer to our members at a discounted rate of \$35.00 and that is on April 27, 2023. Some of the things we are working on is aiding the state and federal government studies in the procurement of broadband internet services in Adams County. The chamber is collecting data and will utilize it to be a voice for our members and business community. I don’t know if you have all seen the different things that are happening with the broad band study. They had a study where you could map out your own location, it would say what service are offered at your address internet wise. It was not very well organized, so we are trying to help aid that and represent Adams County. We are also increasing awareness of ready-to-go small and large properties and services for businesses seeking opportunities in Adams County. This will also include a guide of local businesses that can be utilized during the purchasing of properties, such as inspections, or construction. We really want to help local businesses, put them with larger companies that are coming in. We just want to build and nurture relationships with business communities and our elected officials.

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Mary Jane Campbell – I wanted an executive because I think Jerry needs staff. I also wanted to thank the Chief, but he has already left. *Mayor Buda* – we will continue and go back to the executive.

Randy Brewer –

1) *Insurance for Employees* - We had to cancel the Insurance meeting, because we didn't have no information, only on one plan. Do you want to schedule another meeting? *Mary Jane Campbell* – we need too. *Mayor Buda* – once I get the rest of the quotes in, I can call you and set it. *Randy Brewer* – do you think it will happen before the next Council meeting? *Mayor Buda* – oh yes, he said I would probably have them by the end of the week. *Randy Brewer* - do you want to have it at 6:00 P.M before the next council meeting? *Jason Francis* – do we have something at 6:00 P.M before the council meeting? I thought we had something else at that time. **Insurance Meeting Schedule April 11, 2023 at 6:00 P.M.**

Donna Young –

1) *Zoning Board with paying Board Members* - Me and Melissa were talking about this \$25.00 fee for the Zoning Board and how we handle this. *Melissa J. Hall* – In a webinar there was someone asking a question about zoning and paying them for the meetings. OPERS mentioned something about it having to go through them as well. *Jason Francis* – I think the State statute says that we have the option to pay them, but when it comes to OPERS, it wasn't clarified on that. *Mary Jane Campbell* – right, we can offer it as a reimbursement of expenses for volunteering, such as gas stipend and get around OPERS. *Melissa J. Hall* – Okay. *Tom Mayes* – I will look at it, I think it is worded as a stipend not like as a payment. It is a reimbursement for coming to the meetings, missing work if they have to or whatever.

Mayor Buda – asked if discussion of the bills was needed or if everyone was ready to move forward. *Mary Jane Campbell* – had a question- what is USA blue book? *Jerry Kirker* – that is where we get supplies for water and sewer. It was probably gloves on there. *Mary Jane Campbell* – what is Link Computer Corporation? *Shelley Gifford* – that is your monthly billing company for the water/sewer bills. *Mary Jane Campbell* – I will need to abstain from the Southern Ohio Publishing.

Motion by Mark Brewer, second by Randy Brewer, to approve payment of the bills submitted, roll call vote: abstain – Mary Jane Campbell on Southern Ohio Publishing only, all yea, motion passed.

Motion by Mark Brewer, second by Donna Young at 8:55 P.M. to enter executive session under ORC §121.22(G)(1) Hiring, roll call vote: all yea, motion passed.

Motion by Mark Brewer, second by Donna Young at 9:19 P.M. to exit executive session, roll call vote: all yea, motion passed.

Mayor Buda – does anyone have anything to bring up?

Motion by Mark Brewer, second by Donna Young, to hire Kenny Ferguson and Billy Boone for the Village of West Union Water/Sewer Department at a rate of \$12.00 per hour effective April 10, 2023, next pay period with probation period of 6 months, roll call vote: all yea, motion passed.

Motion by Mark Brewer, second by Jason Francis, for Ryan Myers pay to be set as salary, at \$47,840.00, effective March 27, 2023 with a one-year probation period, roll call vote: all yea, motion passed.

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Mayor Buda - does anyone else have anything, if not, we will need a motion for adjournment.

Jason Francis – Just so I have this correct, we have Special Council Meeting at 6:00 p.m. and this is for interviews for Council. Thursday April 20, 2023, we have Zoning Interviews and I have an EMA meeting downstairs. April 11, 2023 at 6:00 p.m. there is an Insurance Meeting. *Jerry Kirker* – what time is your Chamber’s meeting on the 19th what time is it? *Jason Francis* – Noon at the Fairgrounds. I will be checking on the Police Grant. I think they are on round, like 20 of funding and we still have not received it. So, I will see if we can review or revise our application. *Mayor Buda* – I can actually answer part of that, they told me it wasn’t going to be approved because A) their office lied and B) the way we filled it out, was the way they told us to do it. They want it for new people only. *Mark Brewer* – I will print out the Hiring Grant for Cops and the Traffic Enforcement overtime Grant and give it to Mary Jane to look at. There was further discussion on how the grant works and Jason Francis said he will still try to resubmit and go from there.

Motion by Jason Francis, second by Donna Young at 9:27 p.m. to adjourn, roll call vote: all yea. motion passed.

Mayor, Jason Paul Buda

Fiscal Officer, Melissa J. Hall