

West Union Village Council

April 25, 2023

West Union Village Council met in a Regular Session at 7:00 p.m. on 4-25-2023, at the Municipal Building. Mayor Jason Buda presiding. Call to order, roll call and pledge to the flag: Mark Brewer – present, Jimmy Nichols - present, Jason Francis – present, Mary Jane Campbell – 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, Chief Ryan Myers - WUPD, Tom Mayes - Village Solicitor, Kent Bryan, CT Consultants, Visitors – Duane Scott and Phyllis Scott.

Mayor Buda – I did the swearing in of Jimmy Nichols earlier this evening, and wanted to welcome him and thank him for serving.

Motion by Donna Young, second by Randy Brewer, to approve the Minutes of the regular meeting on 4-11-2023 as distributed, roll call vote: all yea, motion passed.

Motion by Mark Brewer, second by Randy Brewer, to approve the Minutes of the Special Meeting on 4-19-2023 as distributed, roll call vote: all yea, motion passed.

Opening of Sealed Bids for: 1985 C-70 Chassie/truck, 2000 Chevrolet Suburban – Received (4) bids. On the outer envelopes one has C-70 truck, one just has trucks, one that has 1985 Chev. C-70 and one that says Firetruck. *Jerry Kirker* – what they should be is C-70 and Suburban. They will have to reject if they are not for them.

- 1) Firetruck for \$301.00 by Terry Boldman
- 2) Suburban for \$301.00 by Terry Boldman

Jerry Kirker - asked if it had C-70 on it. *Mayor Buda* – No, not that one.

- 3) Firetruck for \$500.00
- 4) 1985 C-70 Chassie for \$2,000.00 by Duane and Phyllis Scott
- 5) 1985 C-70 Chassie for \$802.00 by Josh Baker

Mayor Buda - there are two bids on the Chassie and one on the Suburban. It is up to Council. We will have to reject the bids on the Firetruck. *Jerry Kirker* – The Firetruck had a minimum bid of \$19,000.00. *Mayor Buda* – we have a bid on the squad Suburban for \$301.00 from a Terry Boldman do I have a motion to accept it or reject it? Council discussed the value.

Motion by Jason Francis, second by Randy Brewer, to reject the \$301.00 bid for the Suburban, roll call vote: Nay – Donna Young, 5- yea, motion passed.

Motion by Mark Brewer, second by Jason Francis, to reject the bid on the Firetruck for \$301.00, because there is a minimum bid of \$19,000.00, roll call vote: all yea, motion passed.

Motion by Mark Brewer, second by Donna Young, to accept the bid of \$2,000.00 on the 1985 C-70 Chassie from Duane and Phyllis Scott, roll call vote: all yea, motion passed.

RESOLUTION 2023-14 – AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2023: (2023 and 2024 Salt order)

Motion by Donna Young, second by Randy Brewer, to accept **Resolution 2023-14**, roll call vote: all yea, motion passed.

RESOLUTION 2023-15 - A RESOLUTION TO AMEND THE ORIGINAL CERTIFICATE: (EMS) – *Jason Francis* – requested to go into executive session to discuss and *Mark Brewer* said it was important to have an executive session as well. Council decided to come back to this Resolution after the executive session.

Mayor Buda addressed Duane and Phyllis Scott as to whether they were there just for the bid opening and said they were welcome to stay or go if they wanted. *Mayor Buda*

West Union Village Council

April 25, 2023

advised them that they could meet with Melissa and Jerry to finalize the documents tomorrow. *Mark Brewer* had a question for Duane and Phyllis and there was a short discussion pertaining to the Suburban.

Report from Jerry Kirker, Village Administrator –

- 1) *Employee update*: We have been playing catch up since I have got the two new employees on the mowing and things. They have been working out great. I appreciate you guys hiring them for me.
- 2) *Blacktopping/ Road Slippage*: They are going to start the blacktopping plant up on May 1, 2023. I am getting all kinds of complaints on State Route 125 and the slippage. We are going to start on it first. I have one on State Route 247 and a place down on State Route 41, by the County Garage. Then we will start on the potholes again. *Randy Brewer* – can you get that blacktop you talked about? *Jerry Kirker* – yes, that is why we are waiting until May 1, 2023, when the plant opens up.
- 3) *Sewer Plant* -We have had visitors for the last two months at the Sewer Plant from Ohio EPA. They are trying to help me get it dialed in better this year. We have an E. coli bacteria getting through the Sewer Plant. We had some violations last year on that. He was down Monday and he is well satisfied. He is a consultant with the Ohio EPA that helps with Plants to get things worked out. He is happy with what is going on. It looks like everything is going to run better this year with the new Sewer Plant.
- 4) *Blacktopping for 2023*- Next meeting I want to have quotes on blacktopping for 2023 and tar and chip. I want to get the Cemetery Road tarred and chipped this year. I tried to get it done last year, and the money was just not there. That is priority on the blacktopping this year.
- 5) *Finance Meeting on the Howelett property* - I will let the Chairperson talk about that when it comes his time.
- 6) *Bill for the Village Fire Department Ladder Truck* – I have a bill for the ladder truck, that was bought through a tax levy, and we had the cylinders that raises the ladder up, go bad on it. It is \$3,430.52. I would like Council to help the Fire Department out, and take that out of the General Fund Capital Outlay. We have been spending a lot of money on maintenance out of the Building Association money. They are running low and the Fire Fund is kind of low also.

Motion by Mark Brewer, second by Jimmy Nichols, to pay the current bill in the amount of \$3,430.52 for the maintenance on the Village Fire Department ladder truck, roll call vote: all yea, motion passed.

- 7) *Salt Resolution - Jerry Kirker* – thanks for passing the Resolution for the salt. The deadline is May 1, 2023. I would like to get that sent in tomorrow.
- 8) *Tornado Siren Update* – *Randy Brewer* asked if Jerry heard anything about the Siren yet? *Jerry Kirker* – nothing, no.
- 9) *Mowing in the Village* – *Mary Jane Campbell* – on the mowing of lots around town, do you keep a master list? *Jerry Kirker* – yes, Shelley keeps a master list for me, I do to, but she is the one that pays him. He brings it in on the yards that he mows and she writes him the check. *Mark Brewer* – the bill for his mowing was in there where we paid him. He mowed something like 8 yards. *Mary Jane Campbell* – If there are people that wait for us to do it, they need not do that. *Jerry Kirker* – we are going to have to add another yard across the road. I will get the information to Shelley tomorrow.
- 10) *Wire across Main Street to hang banners* – *Jason Francis* – were you able to figure out if we are able to use that wire in front of the Courthouse square, to hang a banner? *Jerry Kirker* – we are going to have to replace it. It is pretty old, but we can run a cable across it. *Jason Francis* – do you know how much that will be? *Jerry Kirker* – not right off hand, I don't. *Jason Francis* - less than \$100.00, more

West Union Village Council

April 25, 2023

than \$100.00? *Jerry Kirker* – probably about \$150.00. *Jason Francis* – I would like to make a motion to go ahead with that.

Motion by Jason Francis, second by Donna Young, to replace the wire that crosses over Main Street from pole to pole, roll call vote: all yea, motion passed.

11) *Missing Turn Left Sign at SR. 41 and SR. 125- Mark Brewer* – the sign is missing at SR 41 and SR 125 and there is another one next to it. I went up there and checked that after our last meeting. *Jerry Kirker* – they are laying down in my office. They come in once a year to inspect all the lights, computers and they will hang it back up then.

12) *Flags for the Teddy Sininger Memorial Drive – Mark Brewer* – I have flags to be put up. *Jerry Kirker* – get them to me and I will put them up.

Report from Kent Bryan, CT Consulting –

1) *Crackel Subdivision and the Panhandle neighborhood* – we will be sending out letters to them this week. They will be going door-to-door with cleaning and seeding, landscaping work. There was a question about a month ago on the Crackel Subdivision, where they thought we were done completely, which we are not. Panhandle we should be starting to hook those folks up once the power gets put in. We should be hooking those folks up within the next month to 45 days. Then that will allow us to grade and seed.

2) *Ordinance for the SR 41 project – Tom Mayes* – We do have the ordinance that was emailed to me and I just used the template they had provided. It is for the SR 41 Project, that Jerry and Kent have been discussing. It is for the preliminary legislation to get it started. We have to get this to them in order to get that started. *Jerry Kirker* - It is for the blacktopping from the Corporation limit to the Corporation limit on SR 41. The project starts in Aberdeen and goes all the way to Peebles. *Tom Mayes* – This is for fiscal year 2024. This is so they can get it in the books and budget for 2024.

ORDINANCE NO. 2023-11– AN ORDINANCE AUTHORIZING CONSENT TO DIRECTOR OF TRANSPORTATION TO COMPLETE AN OVERLAY PROJECT OF SR 41 WITHIN THE CORPORATION LIMITS: SR 41 FROM THE NORTHERN TO THE SOUTHERN CORP LIMIT AND DECLARING AN EMERGENCY.

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

Motion by Randy Brewer, second by Donna Young, to accept ORDINANCE 2023-11, roll call vote: all yea, motion passed.

3) *Bid results for North Street Water Line Project* – We talked about them at the last meeting, the lowest bidder was Lloyd Excavating. We have the paperwork on awarding them. The paperwork needs to be in by next week and the Loan Committee will meet the last Thursday of June. *Jerry Kirker* – probably will not be awarded until July 2023. *Kent Byran* – the delivery of fire hydrants and valves are still weeks out. We are thinking it won't start until October, which is good. It will allow us to finish up on Gabbart Hale, Crackel, all those projects. Then we will be able to focus on that project this fall.

Report from Danni Studebaker, EMS Director, WULS reported the squad had 142 runs for the month April, and 649 runs for the year.

West Union Village Council

April 25, 2023

- 1) *Contract for Medical Director* - I spoke to Dr. Armstrong and he has agreed to reduce his rate to \$10,000.00. *Shelley Gifford* – is it possible to have this contract unending? *Tom Mayes* – No, two years is the most. We will need to do this contract every two years, per Ohio law and the administrative code, there has to be a Medical Director, doctor, that oversees what they do medically. That is what this contract is for. It hadn't been done since 2019, that was the last one. Council will need to do a motion to suspend the rules to approve it at the \$10,000.00 for two years. This will need to be done again in 2025. This contract is \$5,000.00 less than the last contract.

Motion by Randy Brewer, second by Mark Brewer, to suspend the rules, roll call vote: abstain – Jason Francis, 5 - yea, motion passed.

Motion by Donna Young, second by Jimmy Nichols, to accept ORDINANCE 2023-12, Contract with Dr. Armstrong, roll call vote: abstain – Jason Francis, 5 - yea, motion passed.

Jason Francis stated Dr. Armstrong is on the board that employs him, so he cannot vote.

- 2) Requested an executive session for personnel.

Report from JR. Kirker, Fire Chief, reported the Fire Department had 33 runs this month, and 153 runs for the year.

- 3) *Insurance Rates - Jason Francis* – I did have something else for Danni, on the insurance rates. Were you able to get ahold of anyone at the billing company? *Danni Studebaker* – They sent me over a sheet with the rates that we are at right now. They said to let them know if you all want to meet after you have looked at the rates. *Jason Francis* – are we where we should be on the rates? *Danni Studebaker* – yes, for our County, yes, but there are some places that are charging a little bit more, so we can take a look and adjust those. *Jason Francis* – let's negotiate. *Tom Mayes* – I don't think it is that you negotiate, you all set the rates, right? *Danni Studebaker* – yes, we set the rates. It has to line up with Medicare. Some places are charging a little more for mileage than we do. They also got the bug fixed in the system, where they did not recognize any of our runs for a month and half. Money should start coming in.

Report from Chief Ryan Myers, WUPD, we had approximately 120 calls this month and 540 calls this year.

- 1) *New Hire* – The new hire started today. He will be working by himself tomorrow.
- 2) *Body Cams* – We will need to get new body cameras here in the near future. Mine has started to dry rot and crack. I have had it for approximately four years. We will need to look at getting at least two or three of them. They are about \$450.00 each. That is something we have to have. *Mark Brewer* – it is probably best we stay with the X26P, because the new contractor is having firmware issues.

Report from Tom Mayes, Village Solicitor – We have discussed everything I had.

To the floor for each elected official:

Mayor Jason Buda –

- 1) *Traffic Light by UDF* – I had a message from a lady that had called about the traffic light by UDF. I have had two or three phone calls saying that there have been double green lights at times. She said she almost got hit. She was sitting at UDF and it turned green and it was green from one of the other directions and they almost collided. *Jerry Kirker* – if you are sitting at UDF when it turns green, SR 41 turns green. *Mayor Buda* – she said it was the opposite of what it should have been. *Jerry Kirker* – I don't know when they are coming in to calibrate everything for sure. I will

West Union Village Council

April 25, 2023

find out tomorrow. *Jason Francis* – while we are talking about that light, there is a sign on it that says “Comfort Home Care” with a direction arrow pointing. I don’t think they are located in that direction anymore. *Jerry Kirker* – yes, it burned down, but they do have another building back there. I will have to call and find out. We can take it down for now. *Donna Young* – a lot of people get confused because there is no turn arrow, when you are coming from the lake. They just see it is green and they are in the turn lane and they just go. *Jerry Kirker* - the sign says yield in the turning lane. That intersection is a bad intersection.

- 2) *Yard Sales/Village wide Community yard sales* – Council discussed the options and the problems that go along with the yard sales and permits. *Randy Brewer* – explained that there were ones that would have a yard sale all year long and that is why they decided to have the permits. *Donna Young* – There are some that are not getting the permits. *Tom Mayes* – it is not necessarily that you are trying to get permit money, you are trying to prevent someone from setting up a store in their front yard. We can take a look at the ordinance and change it, if you want. The issue is not the permit money, it is the people that abuse it and junk up the yards and are a hindrance to others. If you don’t have a law on the books, there is nothing for the Chief to enforce. *Donna Young* discussed being able to have yards sales without a permit on Friday and Saturdays and holidays that include: Memorial Day – May 29th, Tuesday July 4th, and Labor Day – September 4th. “No yard sales on Sundays.” Council discussed Fair week excluding Sundays, but decided to stay with the weekend only. *Jason Francis* - Fair Week is July 9th through July 15th. “Yard Sale Permits” are sold at the West Union Police Department for \$5.00.

Motion by Jason Francis, second by Donna Young, to authorize yard sales without a permit on Fridays, Saturdays and the following Holidays: Memorial Day, July 4th, and Labor Day, roll call vote: all yea, motion passed.

- 3) *New Committee List* – I will try to have it updated with Jimmy in place of John R. on all the committees that he served on, and have the Zoning Committee members listed.
- 4) *Homeless people living in the church* – I have received multiple phone calls that there are homeless people living in the church again. *Chief Myers* – I have seen them there working, but I cannot confirm they are staying there. *Tom Mayes* – suggested reporting them to the State level to handle. *Jerry Kirker* – I did the first time and got them all out, but I will have to call them again. *Mayor Buda* – they are living in the woods too again. *Chief Myers* – I addressed that yesterday and when I went today, they were not there. I will go back tomorrow. The two that were there today, were not with the church. Where they are at, is not actually the church property. *Jerry Kirker* – that is our property, the Village of West Union property. *Tom Mayes* – you can site them for being on Village property with trespassing. *Chief Myers* – I wasn’t sure whose property it was. I can go back tomorrow. *Tom Mayes* – I did a camping Ordinance for Sardinia, for Public Property, if Council would like to look at that, I can send it to Melissa and she can get copies for Council. There were further discussions on the matter. *Tom Mayes* – discussed the difference with using places as a shelter in a disaster vs. this matter. *Tom Mayes* – read aloud the ordinance that he had prepared for Sardinia. I will update and bring to the next Council meeting. *Donna Young* – brought up the issue of the shelters always being full. *Tom Mayes* – they will do their best to find people a space, if they want to go. *Mayor Buda* – we will discuss that at the next meeting.

Shelley Gifford – Nothing to add.

Melissa J. Hall – Nothing to add.

Mark Brewer – waiting for the executive session for pending litigation. Nothing to add.

West Union Village Council

April 25, 2023

Jimmy Nichols – Nothing to add.

Jason Francis –

- 1) *Finance Committee met on the Howelett Property Claim* – We are recommending a one-time payment of \$25,000.00 and offer them 3 years free water and sewer services, not to exceed 3,000 gallons per month. *Mark Brewer* - that money will come out of ? *Mary Jane Campbell* - \$15,000.00 to come from the Sewer Reserve/backup fund and \$10,000.00 Capital Outlay fund. *Jerry Kirker* – yes, Tom will have to write the resolution. *Tom Mayes* – I will, but if you all adopt that by motion tonight, I will have the resolution at the next meeting. Shelley is to get the line items to Tom to prepare the resolution.

Motion by Jason Francis, second by Mark Brewer, to approve the one-time payment of \$25,000.00 to Brion and Carla Howelett and 3 years free water and sewer services, not to exceed 3,000 gallons per month, roll call vote: all yea, motion passed.

- 2) *Zoning Planning interviews* – we did not hold interviews last week because there were not enough people to hold the interviews, so we just called them. Mary Jane and I discussed it and we are recommending for the Zoning Appeals Committee: Bill Lewis, Mary Jane Campbell, Harry Beckman, Alice Hoop and either Donna Young or James Nichols, whichever would be interested in that spot. Zoning Planning – Stephen Caraway, Mayor Jason Buda, and Jason Francis. We had no other applications, so if the Mayor would appoint those folks for the planning, we would have a quorum to be able to meet for the planning.
- 3) *EMA Meeting* – I attended the EMA meeting last week. The last meeting that I had attended they were seeking plans or ideas for their FEMA Plan. I had suggested a tornado shelter at the Fairgrounds. The Fair Board, during that time, did by motion, approve that plan. I did ask about the check, they said they were going to cash it this past Monday. The EMA offers free identification badges for Government employees and I think it would be beneficial as elected officials, if there was an emergency or something, we would be able to get through the Police line or whatever it may be. I spoke to her to see how to coordinate it. Possibly, we could go down before our next meeting and have the photos done. *Jerry Kirker* – West Union Fire Department can do the same thing for you. *Jason Francis* – would it be cheaper if we had them to do it? *JR. Kirker* – would be the same thing.
- 4) *OVRDC Grant* – I will find out Friday if we received that \$20,000.00 grant, for the Transportation Study from the OVRDC.
- 5) *Question about a Bill* – Bill Lewis charged us for cleaning dust off of a computer down at the Water Department and there was something else attached to that, that portion, but he charged \$21.75 to clean dust off of a computer. Is there some way that we can... *Jerry Kirker* – He had to tear into it because the fan had sucked it all throughout it. It isn't something we can do. We swept the outside part off, but we couldn't get into it. *Jason Francis* – I just wanted to make sure we were being diligent in our spending. The way it was written was “dusted computer”.
- 6) *Advertising* - we are getting close to being maxed out on the advertising budget. Could you explain to us when it comes to a special meeting or emergency meeting, what is the proper way of advertising that? *Tom Mayes* – I can tell you what you are required to do, but if you have already established a way of which you do things, I encourage you to continue to do them. At a minimum, all you have to do is post it on the door. That is a notice to the public. Some post them on the doors of different establishments. *Melissa J. Hall* – we are putting it on the website as well. *Tom Mayes* – if you post on the website, post on the door, put on the Facebook page, I do not think you will have a problem. The law was written back when every village had a newspaper or communal place, that is not really the case anymore. One of my villages, traditionally posted them at First Stop gas stations, the Post Office, and their door. Since they had posted there before, they need to keep doing it because that is

West Union Village Council

April 25, 2023

where people will see it. *Jerry Kirker* - we are posting Special Meetings at the Municipal Building, Water Department, Police Department, and Post Office and the website. *Tom Mayes* – suggested that meeting times could be posted on the Water and Sewer bills also. A Special meeting should be posted 24 hours prior to the meeting set. There are Emergency Meeting provisions that you could potentially limit it to 12 hours before the meeting. *Jason Francis* – so in the future, it is probably in our best interest not to advertise in the newspapers, just advertise at the Municipal Building, Water and Sewer Department and Post Office.

Mary Jane Campbell –

- 1) *Feeding Cats and Birds at the squad Building* – I have had a couple of phone calls about someone feeding cats and birds at the squad building and could you enlighten me? *Danni Studebaker* – We have an employee that has been throwing food out all over the parking lots. We have been getting complaints at the squad building about it, where this person is leaving cat food cans all over the town. She is not picking them up, so we are having to pick them up, so I have told her no more. *Jerry Kirker* - we have a salt building that has a doghouse in it and it is full of empty cat food cans and every time we go in there, we have to move all of that. We have dirt and gravel in there and you know what cats do. I have told Danni to tell her that I don't want that in our building anymore to get that stuff out. *Mark Brewer* – that is our public space and she needs to stop doing that. She needs to have that stuff out by Friday. *Chief Myers* – I could charge her with littering. *Tom Mayes* – It is an unclassified felony. Littering and dumping is an unclassified felony, so she needs to understand that if the Chief cites her, it will be for an unclassified felony. *Jason Francis* – has the Police Department had a conversation with her? *Chief Myers* – no. *Jason Francis* – Maybe you need to have a conversation with her. Further discussions continued.
- 2) *Mowing List* – I think I had asked for the list for mowing and you said it was in the bills. *Mark Brewer* – yes, I saw it in there. *Mary Jane Campbell* - I had someone say “if the Village is going to do it, I am not.” *Jerry Kirker* – what is the address? *Mary Jane Campbell* – I will get it to you after the meeting.

Randy Brewer – Nothing to add.

Donna Young – Jerry covered it, nothing else to add.

ZONING APPEALS BOARD - *Mayor Buda* – I want to go ahead and appoint Mary Jane Campbell, Donna Young, Alice Hoop, Bill Lewis and Harry Beckman for the Zoning Appeals Board.

Motion by Mark Brewer, second by Jason Francis, to appoint Mary Jane Campbell, Donna Young, Alice Hoop, Bill Lewis and Harry Beckman for the Zoning Appeals Board, roll call vote: all yea, motion passed.

ZONING PLANNING COMMITTEE – *Mayor Buda* – I want to appoint the Mayor, Councilman Francis and Stephen Caraway. This is the three that I have right now. There are still two openings to fill for that, by citizens of the Village of West Union.

Motion by Mark Brewer, second by Jimmy Nichols, to appoint the Mayor, Councilman Francis and Stephen Caraway for the Zoning Planning Committee, roll call vote: all yea, motion passed.

Mayor Buda – asked if Council was ready to move forward with the bills. Council has requested a little more time, so moving on to the executive sessions.

West Union Village Council

April 25, 2023

Motion by Jason Francis, second by Donna Young, at 8:26 p.m., to enter executive session for Personnel Firing, ORC §121.22 (G)(1)

Motion by Jason Francis, second by Mark Brewer, at 8:32 p.m., to exit executive session, roll call vote: all yea, motion passed.

Motion by Jason Francis, second by Mark Brewer, at 8:32 p.m. to enter executive session for Pending and imminent Litigation, ORC §121.22(G)(3), roll call vote: all yea, motion passed.

Motion by Donna Young, second by Jason Francis, at 8:39 p.m. to exit executive session, roll call vote: all yea, motion passed.

Motion by Jason Francis second by Mark Brewer to accept **Resolution 2023-15**, Amending the Official Certificate, roll call vote: all yea, motion passed.

Mayor Buda – Do we need any further discussion on the bills? *Jason Francis* – I already had the discussion with Jerry on the bill from Bill Lewis.

Motion by Mark Brewer, second by Donna Young, to approve the payment of the bills submitted, roll call vote: abstain for conflict with a couple of the bills – Mary Jane Campbell, 5- yea, motion passed.

Identification Badges - Mark Brewer – Next meeting can we go down and get our ID’s made at the Fire Department, take a break during the next meeting, since the following meeting will be busy. Council discussed the matter.

Tom Mayes – Do you need me at the meeting at 6:00 p.m. with the Planners on May 23, 2023? Council discussed it and Tom stated he would be here for the Meeting.

Motion by Jason Francis, second by Donna Young, at 8:42 p.m. to adjourn, roll call vote: all yea. motion passed.

Mayor, Jason Paul Buda

Fiscal Officer, Melissa J. Hall