

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____ 20 _____

March 6, 2023

The Village of Rushsylvania Council met in an Open, Publicly Advertised Meeting on Monday, March 6, 2023 at 7:00 P.M. Council Members present included Jason Miller, Jeremy Lowe, Sarah Eagy, Tim Rader, Trish Wilson, and Chris Crumley. Mayor, Phillip Wright, Solicitor, Zeb Wagner, and Fiscal Officer, Kathy Stierhoff were also present. Village Employee, Chris Coak, was absent. Visitors present: Josh Adams, Jay Cell, Erica Caudill, Victoria Zupan and Adrianna Brogan.

Mayor, Phillip Wright, called the meeting to order. The Pledge of Allegiance and Roll Call were given.

Mayor, Phillip Wright, offered the floor to Josh Adams and Jay Cell of Aspen Energy. They informed the board that they have formed an Electricity Aggregation for Rushcreek Township. It was formed by popular vote of township residents in 2019. They currently are providing a rate of 4.74 cents for those residents. He offered to assist the village to place the same aggregation choice on the ballot for village residents. They would walk the village through the process of placing the issue on the ballot and would set up the village contract so that it would line up with the township contract. They would also be available for public education on the aggregation before and after passage. If the issue were to pass, all village residents who are not currently under contract to a provider would be automatically enrolled in the aggregation, however they may opt out at any time with no fee. Those who are under contract may opt in when their current contract expires or leave their current contract to opt in. There is no cost from Aspen Energy to the village. Aspen Energy has 17 years experience with entity aggregation and they are currently providing services to 25 entities in Ohio and 50 entities in total. Mayor, Phillip Wright, thanked them for the information and stated that Council will consider the measure and let them know.

Mayor, Phillip Wright, asked for the approval of the minutes and financial report.

Chris Crumley made a motion to approve the minutes of the February 6 meeting. Sarah Eagy seconded the motion. All members approved. Motion carried. Tim Rader made a motion to approve the financial report. Jeremy Lowe seconded the motion. All members approved. Motion Carried.

The bills to be paid were then presented:

Phillip Wright	Mayor Salary	348.47
Zeb Wagner	Solicitor Salary	617.12
Kathy Stierhoff	Fiscal Officer Salary	664.81
Kathy Stierhoff	Mileage	85.15
Chris Coak	Village Employee Salary	1365.65
Tim Jones	Village Part Time Employee Salary	352.35
Jeremy Lowe	Website Fee & Domain Renewal	59.77
AES Ohio	Electric	326.37
All American Energy	Gas	951.11
Fox Supply	Trash Bags and Flags	243.52
Gand L Company	Internet Service	25.00
Leslee Simmons	Refund of Village Income Tax	133.00
Lyons Welding	Oxy Acetylene Hose	68.00
Miami Valley Lighting	Street Lights Usage	897.26
NAPA Auto Parts	Truck Parts	110.46
Ohio Bureau of Workers Compensation	Audit	11.00
PNC	Credit Card	
Rush Truck	Dump Truck Repair	2194.50
Scotts Equipment	Oxygen	55.41
Rushsylvania One Stop	Fuel	186.08
RD Holder	Diesel	1056.50
Treasurer of Logan County	Salt	676.00
US Postal Service	PO Box Fee	94.00
Village Tax Collections	Tax Collection Fees	246.30

Trish Wilson made a motion to pay the bills. Jason Miller seconded the motion. All members approved. Motion carried

Water/Wastewater Superintendent, Chris Coak submitted on paper a list of projects completed and work to be done. Gallons pumped 1,016,000, Gallons billed 845,600 at 83%. Bobcat Multiworks was brought in to vacuum out solids in the screen room at the waste water treatment plant. The water plant driveway was graveled and graded. Several alleys in the village were graveled and graded. The HVAC systems at the Lions Community Room and Library were inspected. Filters were replaced and the A/C was tested. The purple Rushsylvania banners were hung downtown. The Bobcat skid steer was serviced. Filters and belts were checked and replaced as needed. Hydraulic fluid was drained and replaced. The hoses for the Oxy/Acetylene Torch were replaced. An emergency bypass was plumbed into the water heater at the Lion's Community Room so they could hold their pancake breakfast. Strayer Plumbing

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replaced the water heater and the lines to the water heater at the Lion's Community Room. An emergency call was received for a bad float switch in the lift station at salon. The float switch was replaced. The water meter was installed at the concession stand and the water heater and appliances were turned on to prepare for baseball season. RD Holder refilled the diesel tank and generator at the waste water treatment plant. Chris Coak was off for one week for vacation. Part time employee, Tim Jones, completed all necessary work during this time. The new lawn mower will be purchased from Koenig Equipment. The venting system will be developed and installed in the screen room. Hard line electric will be run to the diesel fuel tank. The contractor for the playground equipment is to come in March. Training will be completed through the Ohio Rural Water Association. The bi-annual OEPA inspection will be completed at the waste water treatment plant. UV lighting will be installed at the waste water treatment plant and it will be switched to the summer clarifier

OLD BUSINESS

Jason Miller updated Council on the property at 235 E Mill Street. The committee is waiting for the lawyer to procure the affidavit for the dowry rights on the title.

Jason Miller also updated Council on the Noise Ordinance. There are still changes that need to be made before it is ready to be presented to council for passage.

Sarah Eagy updated Council on the Employee Handbook. They are still working to update the sample handbook to meet the needs of the village. There are some sections that do not apply to the village as well as many items that need to be adjusted to match up with village needs. She updated Council on the biggest changes that need to be made for the full time employee. The village has previously granted 6 paid holidays per year, however the ORC requires 11 paid holidays. The only adjustment needed to vacation days is to require the employee to accrue vacation hours per pay period. Sick days will need to be accrued per hours worked and there can be no cap on the number of sick days accrued. Due to these ORC requirements, the village will owe Mr. Coak back pay for unused holiday pay and will need to adjust his sick pay hours to reflect the number of hours he should have accrued since his hire date. The committee will continue to update the handbook into a form that Council can approve.

Chris Crumley reported that the Public Records Request Ordinance is also in progress.

Chris Crumley moved the suspend the rules for Ordinance 1229-23 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH KOENIG EQUIPMENT INC. FOR THE PURCHASE OF A JOHN DEERE Z950M ZTRACK MOWER AND AUTHORIZING THE MAYOR TO TRADE IN CERTAIN UNNEEDED EQUIPMENT AND APPLY THEIR TRADE VALUE AGAINST SAID PURCHASE AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO. Tim Rader seconded the motion. Jeremy Lowe, yes; Sarah Eagy, yes; Jason Miller, yes; Trish Wilson, yes. Motion carried.

Tim Rader moved the approve Ordinance 1229-23 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH KOENIG EQUIPMENT INC. FOR THE PURCHASE OF A JOHN DEERE Z950M ZTRACK MOWER AND AUTHORIZING THE MAYOR TO TRADE IN CERTAIN UNNEEDED EQUIPMENT AND APPLY THEIR TRADE VALUE AGAINST SAID PURCHASE AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO. Trish Wilson seconded the motion. Jeremy Lowe, yes; Sarah Eagy, yes; Jason Miller, yes; Chris Crumley, yes. Motion carried.

A discussion was held concerning the proposed ordinance for Council to meet twice a month. Jeremy Lowe asked how many of the ordinances the village has passed suspending the rules are budgetary or contractual. He feels that few ordinances change operations of the village and would benefit from the three reading rule. Jason Miller stated that several ordinances have had to be amended when gaps and issues were found with the approved form. Using the three reading rule more often would allow for discussion and study of ordinances and make amendments less likely. Sarah Eagy stated that more time needs to be allotted to discussion of old ordinances that may be outdated or need updated to meet current needs. She has begun researching grants for improvements of the downtown buildings to preserve some of the town history and encourage interest in the village. By her accounting, a second meeting each month would add a cost of \$2880.00 to the village in payments to Council members.

Fiscal Officer, Kathy Stierhoff, updated Council on the property at 135 S Sandusky Street. The village has received \$2419.75 from the Logan County Auditor for the property. The billing for the property since ownership was transferred is \$1458.70. This leaves a credit of \$961.05 to the property. The Board of Public Affairs has recommended that Council pass a resolution requesting the Logan County Auditor to credit the property taxes by \$385.19 and an ordinance the credit the water and sewer billing by \$333.50

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and credit the owner by check for the remaining. \$242.36. Solicitor, Zeb Wagner, will draft the resolution and ordinance for passage at the April meeting.

Chris Crumley asked if there were a way to stiffen fines for multiple violations of the Zoning Ordinance. Mr. Wagner stated that it would be up to the Logan County Prosecutor to rule what constitutes multiple violations, but that when a resident complies with violation letters, there is little recourse. Those issues would need to be addressed by the Health Department or possibly the Fire Department.

Council members inquired about the property at 188 N Miami Street that had violated litter and junk vehicle ordinances. Fiscal Officer, Kathy Stierhoff, stated that she received a phone call from Zoning Officer, Keith Levan, informing that the property had been cleaned up and met requirements of the ordinances.

NEW BUSINESS

A discussion was held concerning the electricity aggregate as presented by the representatives from Aspen Energy. There was discussion that it might be a good idea to put it to the vote of the residents to allow them to decide if this is something they want for the village. A concern was raised that Rush Creek Township was the only entity in this area to contract with Aspen Energy. Solicitor, Zeb Wagner, stated that the City of Bellefontaine is in an aggregate with AG&E as is Sidney, Urbana, and Covington. Members decided to do some research and see what other companies are available and what they could offer. They also want to contact officials from Rush Creek Township to ask how the aggregate is working for them.

Solicitor, Zeb Wagner, submitted a proposed contract to run from April 1, 2023 to March 31, 2024. Due to OPERS rules and the increased workload from the village, he proposes a salary for this contract to be \$12,000.00. He presented documentation of the hours of work for the village during the current contract. His hourly rate has also increased adding to the need to update the salary.

After a short discussion, Chris Crumley moved to suspend the rules for Ordinance 1230-23 AN ORDINANCE APPOINTING ZEBULON (ZEB) WAGNER AS SOLICITOR FOR THE VILLAGE OF RUSHSYLVANIA, OHIO, FOR THE PERIOD TO COMMENCE APRIL 1, 2023, THROUGH MARCH 31, 2024 AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO. Trish Wilson seconded the motion. Jeremy Lowe, yes; Tim Rader, yes; Sarah Eagy, yes; Jason Miller, yes. Motion carried.

Tim Rader moved to pass Ordinance 1230-23 AN ORDINANCE APPOINTING ZEBULON (ZEB) WAGNER AS SOLICITOR FOR THE VILLAGE OF RUSHSYLVANIA, OHIO, FOR THE PERIOD TO COMMENCE APRIL 1, 2023, THROUGH MARCH 31, 2024 AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO. Jason Miller seconded the motion. Jeremy Lowe, yes; Chris Crumley, yes; Sarah Eagy, yes; Trish Wilson, yes. Motion carried.

Fiscal Officer, Kathy Stierhoff, presented information concerning an OPIOD Settlement with Teva, Allergan, CVS, Walgreens, and Walmart. Forms have been received by the village to participate in the settlements. Forms must be signed and returned by April 18, 2023. Sarah Eagy moved to authorize Mayor, Phillip Wright, to sign the forms to participate in the settlements. Jason Miller seconded the motion. Jeremy Lowe, yes; Tim Rader, yes; Trish Wilson, yes; Chris Crumley, yes. Motion carried.

Council was presented with a letter from Byhalia.net requesting access and use of the water tower to mount internet transmitting equipment to serve Rushsylvania and the surrounding area. In return the village would receive free internet service. Mayor, Phillip Wright, stated that only the full time village employee and the Sheriff's Department have access to the water tower currently. Jason Miller requested that the owner, Troy Gibson, be invited to the next meeting so that questions can be directly asked of him. Chris Crumley would like to speak to the other entities that have allowed access to water towers. Council would also like to get Village Employee, Chris Coak's, input. Mayor Wright will contact Mr. Gibson to invite him to the April meeting.

Mayor, Phillip Wright, stated that the Rushcreek Volunteer Fire Department requested that he get opinions from Council as to whether they would approve a beer garden for the July 1 Independence Day celebration. The fire department would supply extra security, an enclosed area for any persons participating, and a limit on the number of drinks persons may consume. Solicitor, Zeb Wagner, stated that there may be liability issues. Sarah Eagy mentioned that if an outside vendor was used for the beer garden, they would have to have a license and would cover their own liability. Mayor Wright will take these questions and concerns back to the fire department to include in their research on this activity.

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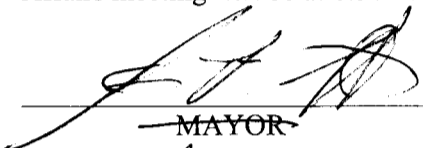
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Fiscal Officer, Kathy Stierhoff, stated that the owner at 155 Railroad Street has informed her that limbs from a tree on village property have grown over the edge of her property making it difficult to mow. She is requesting they be trimmed or she be given permission to trim them. Council directed Mrs. Stierhoff to contact Village Employee, Chris Coak, and ask him to trim the tree.

Mayor, Phillip Wright, informed the board that he has been working on ways to restructure meetings to make them run more smoothly and allow time for public input. Once he finalizes the new structure he will share it with Council for approval.

No other business was presented, so Trish Wilson made a motion to adjourn. Chris Crumley seconded the motion. All approved. Meeting Adjourned.

The next Regular Council Meeting will be held on Monday, April 10, at 7:00 P.M. The Board of Public Affairs meeting will be at 6:30 P.M. that same evening.



MAYOR
Phillip Wright



FISCAL OFFICER