

# RECORD OF PROCEEDINGS

Minutes of

Meeting

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

Held \_\_\_\_\_ 20 \_\_\_\_\_

December 4, 2023

The Village of Rushsylvania Council met in an Open, Publicly Advertised Meeting on Monday, December 4, 2023 at 7:00 P.M. Council Members present included Council President, Jason Miller, Trish Wilson, Jeremy Lowe, Sarah Eagy and Chris Crumley. Council Member Tim Rader, Mayor Phillip Wright, and Fiscal Officer Kathy Stierhoff were absent. Council President Jason Miller served as acting mayor and Council member Chris Crumley took minutes. Visitors present: Jerimiah Defibaugh, Troy Gibson, Sarah Cunningham, Chris Madigan, John Ferguson, and Brendan Bayliss.

Acting Mayor, Jason Miller, called the meeting to order. The Pledge of Allegiance and Roll Call were given.

**BUSINESS**

Jason Miller gave the floor to John Ferguson who was questioning the closure of the Stewart Street Alley and stated that he uses it for a safer way to proceed through the Village. It was explained that at the last monthly meeting Council was made aware of issues with cars being hung up and stuck in the alley and that repairs were needed. It was explained that the decision was made to temporarily close the alley to through traffic until repairs could be made but the closure was temporary.

Acting Mayor, Jason Miller, asked for the approval of the minutes and financial report.

Chris Crumley made a motion to approve the minutes of the November 6 meeting. Trish Wilson seconded the motion. All members approved. Motion carried. Jeremy Lowe made a motion to approve the minutes of the November 13 Special meeting. Sarah Eagy seconded the motion. All members approved. Motion carried. Jeremy Lowe made a motion to approve the financial report. Trish Wilson 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	866.99
Kathy Stierhoff	Fiscal Officer Salary	664.81
Kathy Stierhoff	Mileage	91.70
Chris Coak	Village Employee Salary	1437.01
Tim Jones	Village Part Time Employee Salary	362.35
Jeremy Lowe	Reimburse Webpage Fee Aug-Nov	39.96
All American Energy	Gas	163.62
Bellefontaine Examiner	Legal Notice Resolutions/Ordinances	72.61
Kleem Inc	No Thru Traffic Signs	186.44
Kleem Inc	Sign Base	296.13
Koenig Equipment	Lawn Mower Maintenance	805.50
Land Tech Co	Mosquito Spray 8-31	320.00
Lowe's Home Centers Inc	Tools	48.81
LUC Regional Planning Commission	Per Capita Assessment	550.00
Miami Valley Lighting	Street Lights Usage	897.26
NAPA Auto Parts	Rear Turn Signal	2.29
Northern Lights Display	Snowflake Lights	1463.00
Ohio Dept of Taxation	State Tax Withholding	69.80
OPERS	Employee Employer Withholding	1334.35
PNC	Credit Card	
Rushsylvania One Stop	Fuel	105.05
Walmart	Paper Towels	23.79
iamGIS	Software and Support	2756.00
Scotts Equipment	Lift Rental	329.00
SV&E Refuse Service	Dumpster	76.25
Tractor Supply Credit Plan	Vest, Deicer, Heater	167.96
Treasurer of State of Ohio	UAN Fees	381.00
US Treasury	Federal Tax Withholding	323.22
Village of Rushsylvania	Municipal Income Tax Withholding	44.89
Village Tax Collections	Municipal Tax Collection Fees	381.84

Chris Crumley moved to pay the bills as presented. Sarah Eagy seconded the motion. All members approved. Motion carried.

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## CHRIS COAK REPORT

Water/ Wastewater Superintendent, Chris Coak, submitted a list of projects completed and work to be done. Gallons pumped 931,000, Gallons billed 817,400 at 84%. Koenig Equipment's pickup and drop off of the mower was completed. The annual service and inspection was completed and was good and blades were replaced. Preferred tank and tower completed the inspection of the water tower. The results will be covered in New Business. Leaf pickup started November 13<sup>th</sup> and was completed on the 24<sup>th</sup>. All leaf piles were picked up and the equipment has been removed. Community Metrics requested by the OEPA was completed and accepted with no issues noted. RAS pump #1 failed at the WWTP. This pump was full of leaves and wipes causing it to burn up. This has been sent out to Buckeye Pump for rebuild. RAS pump #2 failed earlier December 4<sup>th</sup> as it was also filled with leaves and wipes. This pump may be under warranty. A replacement pump was ordered for \$5000 as all pumps have now failed. There is a temporary portable pump in the RAS lift station until the new pump arrives. A trash pump is also in place to serve as a backup in case of portable pump failure. Options for different pumps that may perform better are being explored. The banners and Christmas lights have been hung uptown. Two more snowflakes were ordered because only 6 of the 8 needed were ordered originally. Heaters and de-icers have been installed at the WWTP as temperatures have started to drop. No through traffic signs were installed on the alley at 154 Stewart Street. A quote was received from Quality paving to refurbish the alley at 154 Stewart Street. The existing alley will be dug out and they will add base plus new pavement. The quote for the work is \$19,500. It may be possible to add temporary gravel at the worst locations to get through the winter. Posts at the water plant were removed and straightened after being hit by a semi. Sarah asked if the trucks' insurance would cover the damage. Since the existing poles were reused and no materials were needed the insurance was not involved. Preventive maintenance of the water plant involving greasing pumps, valves, checking filters, and belts was completed. Blower belts were checked and cracks were found so they were replaced. The hi-service pump 1 that pumps to the water tower is showing some signs of bearing wear so will likely need to be pulled for possible rebuild soon. The pump is starting to make noise but is not overheating. There is a spare to be swapped in when the pump needs replaced. The last rebuild was around 5 or 6 years ago and was around \$2000. Upcoming tasks include renewing his wastewater license which is on track to be completed by the 1<sup>st</sup> of January. There are 2 RCAP training classes that will be attended. Tim Jones will be on vacation December 12<sup>th</sup>- 19<sup>th</sup> and Chris Coak will be covering. The plow and spreader will be mounted on the trucks soon. The gate at the water plant will need to be reversed as discussed at the last meeting to allow access to the neighboring property.

## KATHY STIERHOFF, FISCAL OFFICER

## PHILLIP WRIGHT, MAYOR

Mayor Phillip Wright, who was unable to attend the meeting, prepared a document for the acting Mayor, Jason Miller, to present.

The Planning Commission was finally able to meet in early November. Mayor, Phillip Wright, Mayor-Elect, Jason Miller, Councilman Chris Crumley, Tori Zupan, Erica Caudill, and Adrianna Brogan, and LUC representative Brad Bodenmiller were present. Roles/responsibilities of the RPC were discussed as well as what an amending an ordinance may look like. Officers were selected. The next meeting will be in January.

Mayor, Phillip Wright, recommends appointing the following to the Board of Zoning Appeals.

Tom Zupan - 5 years  
Bethan Miller - 4 years  
Clay Eagy - 3 years or, until a resignation.  
Vicky Erdy - 2 years  
Becky Smith - 1 year

The terms need renewed when they expire. Members will need to get together to figure out a time to hold an initial meeting similar to what RPC just did.

The timeframe for the Notice of Non-Compliance for 119 Rush Street has expired. Keith Levan has proceeded with the next step(s). Councilman, Chris Crumley, or Solicitor, Zeb Wagner, may have more info on this.

I have received a number of compliments appreciating the festive look of Memorial Park downtown. Thanks to all involved for you efforts!

There are two openings for the Board of Public Affairs and one for Council. A few individuals have told me they would be contacting council members for these positions. Hopefully they have done so.

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"It's been an honor a privilege to serve the village and it's residents for 11 out of the last 12 years. It's my hope that history will look favorably on my time in office when it's written. I hope for nothing but the best for the new mayor, Village Council, Zeb, Kathy, Chris, and Tim as their jobs relate to the Village. May God grant you all the knowledge and wisdom to be effective stewards for the residents of Rushsylvania. Thank you all!

## COMMITTEE REPORTS

Street Committee – An email to council regarding cars turning around in Sherri Krepps driveway due to the Stewart Street Alley closure was mentioned. It was discussed that the Village does not have any control over cars turning around on private property.

Parks Committee –

Code Enforcement Committee – Chris Crumley asked for input on whether the Village should consider putting to bid the work needed to abate the issues at 119 Rush Street. It was discussed that unless the work is over \$50,000 bids are not required. Zeb Wagner expressed concern that the current ordinance language is not specific as to how the Village will recover costs associated with abatement. Chris Crumley will examine other Village Ordinances, in particular the Village of Ada has a property maintenance code to examine.

Records Committee – Jeremy Lowe informed Council that he continues to add new documents to the website as they are sent to him.

Ordinance Committee – Sarah Eagy reported that the mayor's spending ordinance has been added to the agenda and will be discussed in the legislation portion of the meeting.

Finance Committee – Jason Miller reported that Phillip Wright looked at the proposed security cameras and did not feel that they met the needs of the Village so they will continue to look at options. Jason Miller updated Council that the ODOT grant to have sidewalks replaced along Rush Street with a focus on improving the access to cross the railroad track has advanced to the next round and is further than Village grants have gone in the past. There are reports that are requested that are due by the end of January and they will be submitted. This project would potentially be started in 2025 with 95% funding by the State. Jason Miller also updated that the finance committee has examined the proposals of both Stolly Insurance and USI. Though we have been with Stolly Insurance for a long time there are significant savings potentially with USI. USI does not have their quote broken down by coverage as Stolly Insurance does so Jason Miller will be requesting that information to make a better comparison. This will need to be voted on before the end of the year. It was also mentioned that the water tower is currently insured for half a million dollars while replacement would be significantly more than that so the finance committee would like to see that amount raised. Chris Coak mentioned that this amount was increased about 2 years ago. Zeb Wagner advised that most of the time the insurance company would not pay replacement value but instead appraisal value so that would need to be clarified by both insurance companies. There was no update for PNC bank. Zeb Wagner explained that House Bill 6, which was passed in July, has some code changes for implementing income tax that the village needs to update in their tax code. The existing tax code has been redrafted to implement these changes and sent to the finance committee. The Finance Committee requested a small change to remove the minimum dollar amount to collect a refund. Any overpayment will be eligible for a refund. Zeb Wagner will have an ordinance drafted to adopt the tax code for the end of year meeting.

## OLD BUSINESS

Jason Miller asked for a motion to approve the Zoning Board of Appeals members that Mayor, Phillip Wright, submitted.

Chris Crumley made a motion to approve the appointment of Tom Zupan for a 5-year term beginning on January 1, 2024. Sarah Eagy seconded the motion. All members approved. Motion carried.

Sarah Eagy made a motion to approve the appointment of Bethan Miller for a 4-year term beginning on January 1, 2024. Chris Crumley Seconded. Jeremy Lowe and Trish Wilson were in favor. Jason Miller abstained. Motion carried.

Jeremy Lowe made a motion to approve the appointment of Clay Eagy for a 3-year term beginning on January 1, 2024. Trish Wilson seconded the motion. Chris Crumley and Jason Miller were in favor. Sarah Eagy abstained. Motion Carried

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Sarah Eagy made a motion to approve the appointment of Vicky Erdy for a 2-year term beginning on January 1, 2024. Chris Crumley seconded the motion. All members approved. Motion carried.

Jeremy Lowe made a motion to approve the appointment of Becky Smith to a 1-year term beginning on January 1, 2024. Trish Wilson seconded the motion. All members approved. Motion carried.

Jason Miller updated the council that we still need 2 members for the Board of Public Affairs and will need a new council member. The mayor will have 30 days to appoint members and after that the council will appoint. Jason Miller advised that he will be resigning his council seat after the end of year meeting. Jason Miller asked if Council would approve of asking Kathy Stierhoff to post the openings to try to draw as much interest as possible. It was agreed that it should be published. Chris Crumley asked about a description of what the Board of Public Affairs does and if it is a paid position. It was stated that the Village officer Handbook on the Village tablets has a good description of duties and that the position is believed to be paid by meeting same as Council members.

## NEW BUSINESS

Chris Madigan representing LLC Telecom addressed the council to advise that he has been working with Keith Levan and Zeb Wagner to confirm that the correct process is being followed to build the 318-foot wireless tower being proposed behind Roberts Machinery. Based on the current zoning it appears that the tower would be considered a Public Service Facility and allowed where it is being proposed. Chris Madigan was also trying to determine if a public hearing will be needed and would like to meet with the newly appointed Zoning Board of Appeals as soon as possible when the term begins next year. It was stated that typically construction on these towers takes a few months to complete pending how long the concrete takes to cure. The project would aim to start in the spring and be completed in the fall. At this point one major carrier is committed to use the tower with the assumption that other carriers will as well. The financial impact for the village is unknown.

Chris Coak provided the update for the Water Tower inspection report. Jeremy Lowe asked if the inspection was completed by a certified engineer. Chris Coak will follow up to determine the inspector's certification. The itemized list of suggestions made in the Water Tower report was discussed with Chris Coak's recommendations for action. There are cracks in some of the foundations at the base of the tower that we should have repaired. The grading around the water tower should be fine as no drainage issues are evident. The anchor bolts at the base of the tower should be cleaned and welded. There is no need to be able to remove these bolts. This water tower has been in use since 1941. It was recommended that confined space signage be posted, and this should be done. Exterior coating needs to be sanded and painted. This was last done 8-9 years ago and was around \$22,000. This needs to be done and will be one of the most expensive repairs. New Overflow weir was suggested though the current drain works well and is rarely used. This is not a priority. Replacement ladder with fall protection line installed. Troy Gibson stated that the new safety line installation is part of his bid for water tower access. Replacing the ladder is not a priority. Windage rods should be adjusted with the struts welded to increase stability. This should be done. It was recommended that the catwalk have some additional welding as well as extending the rail and adding a swing gate. This is not a priority. The bowl connection points along with riser rods and head connections should be welded. The suggested roof ladder safety device and handrail on top of the tank are not priorities. The vent on top of the tank was replaced at last inspection so not needed. The shape of the hatch on the roof is not a priority though we should add a lock to the hatch. It is recommended to drain the tank to remove sediment and buildup on the wall, add seam sealant and look at redoing the wax lining that was last done 5 years ago. This will be a large expense and likely take about two days to complete. The suggested grate on the inside of the bowl is not a priority. The suggested cathode likely to be installed near the base of the tower for access to clean and maintain should be a priority and Chris Coak will follow up on this. There were no holes or leaks in the tank found and priority for repairs should be given to structural integrity. Chris Coak will get an itemized quote. The wax coating used inside the tower is an outdated system with few companies still providing that service. Last time only one company was found. It was recommended to be replaced with an epoxy coating. This process is likely to cost similar to replacement cost. It is estimated that the water tower may still have 20 years of service life left pending the ability to have the wax lining maintained. Chris Crumley stated that public funding for water and wastewater projects are available and locally DeGraff has successfully received funds. Zeb Wagner advised that Ken McAlexander would be the contact who could speak on the funding process DeGraff went through. Local tower replacements were estimated to be in the \$1.3 million range.

Chris Crumley provided an additional update on the LUC Planning commission. The first item being discussed for zoning changes involves chickens in town. Once a recommendation is made Council will have 60 days to hold a public hearing. Then within 30 days of the hearing Council will need to make a decision. Council should be prepared to make this decision and try to get as much public input as possible.

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Jason Miller asked for recommendations for the date and time for the end of year meeting. It was determined to be on December 20, 2023, at 7:30 PM. This date and time is open for all members present and was on the list of dates open for Mayor Phillip Wright

## LEGISLATIVE

### Resolutions

Chris Crumley moved to suspend the rules to pass on first reading RESOLUTION NO. 1253-23 RESOLUTION AUTHORIZING THE VILLAGE OF RUSHSYLVANIA TO ADOPT THE LOGAN COUNTY MULTI- HAZARD MITIGATION PLAN. Sarah Eagy seconded. All members approved. Motion carried.

Sarah Eagy moved to pass RESOLUTION NO. 1253-23 RESOLUTION AUTHORIZING THE VILLAGE OF RUSHSYLVANIA TO ADOPT THE LOGAN COUNTY MULTI- HAZARD MITIGATION PLAN. Jeremy Lowe seconded the motion. All members approved. Motion carried.

Chris Crumley moved to suspend the rules to pass on the first reading RESOLUTION NO. 1254-23 A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO TRANSFER APPROPRIATIONS FORM ONE LINE ITEM TO ANOTHER WITHIN THE SAME FUND MAKING IT RETROACTIVE TO JANUARY 1, 2023. Trish Wilson seconded the motion. All members approved. Motion carried.

Jeremy Motioned to pass RESOLUTION NO. 1254-23 A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO TRANSFER APPROPRIATIONS FORM ONE LINE ITEM TO ANOTHER WITHIN THE SAME FUND MAKING IT RETROACTIVE TO JANUARY 1, 2023. Chris Crumley seconded the motion. All members approved. Motion carried.

### Ordinances

Sarah Eagy moved to remove from the table ORDINANCE NO. 1247-23 AN ORDINANCE ESTABLISHING THE SPENDING AUTHORITY OF THE MAYOR WITHOUT THE APPROVAL OF COUNCIL FOR THE VILLAGE OF RUSHSYLVANIA, OHIO AND DECLARING AN EMERGENCY. Trish Wilson seconded the motion. All members approved. Motion carried.

Sarah Eagy made a motion to amend ORDINANCE NO. 1247-23 AN ORDINANCE ESTABLISHING THE SPENDING AUTHORITY OF THE MAYOR WITHOUT THE APPROVAL OF COUNCIL FOR THE VILLAGE OF RUSHSYLVANIA, OHIO AND DECLARING AN EMERGENCY. Chris Crumley seconded the motion. All members approved. Motion carried.

Chris Crumley moved to suspend the rules to approve on first reading AMENDED ORDINANCE NO. 1247-23 AN ORDINANCE ESTABLISHING THE SPENDING AUTHORITY OF THE MAYOR WITHOUT THE APPROVAL OF COUNCIL FOR THE VILLAGE OF RUSHSYLVANIA, OHIO AND DECLARING AN EMERGENCY. Trish Wilson seconded. All members approved. Motion carried.

Sarah Eagy moved to pass AMENDED ORDINANCE NO. 1247-23 AN ORDINANCE ESTABLISHING THE SPENDING AUTHORITY OF THE MAYOR WITHOUT THE APPROVAL OF COUNCIL FOR THE VILLAGE OF RUSHSYLVANIA, OHIO AND DECLARING AN EMERGENCY. Trish Wilson seconded the motion. All members approved. Motion carried.

Sarah Eagy moved to suspend the rules to pass on second reading ORDINANCE 1248-23 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH BYHALIA.NET ON BEHALF OF THE VILLAGE OF RUSHSYLVANIA, OHIO FOR THE PLACEMENT OF WIRELESS INTERNET ANTENNA(S) ON THE VILLAGE WATER TOWER AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO. Chris Crumley seconded the motion. Trish Wilson, yes; Jeremy Lowe, no; Jason Miller yes. Motion failed.

Sarah Eagy moved to pass on second reading ORDINANCE 1248-23 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH BYHALIA.NET ON BEHALF OF THE VILLAGE OF RUSHSYLVANIA, OHIO FOR THE PLACEMENT OF WIRELESS INTERNET ANTENNA(S) ON THE VILLAGE WATER TOWER AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO. Jeremy Lowe seconded the motion. All members approved. Motion carried. Zeb Wagner advised that the ordinance can be adopted at the next meeting with a vote. It would not be considered passed on third reading.

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Sarah Eagy moved to suspend the rules to pass on the first reading ORDINANCE NO. 1251-23 AN ORDINANCE TO ENTER INTO A CONTRACT WITH C&Y PAINTING TO PROVIDE RESTORATION SERVICES AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO. Trish Wilson seconded the motion. All members approved. Motion carried.

Chris Crumley moved to pass ORDINANCE NO. 1251-23 AN ORDINANCE TO ENTER INTO A CONTRACT WITH C&Y PAINTING TO PROVIDE RESTORATION SERVICES AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO. Trish Wilson seconded the motion. All members approved. Motion carried.

Chris Crumley moved to suspend the rules to pass on first reading ORDINANCE NO. 1252-23 AN ORDINANCE TO ENTER INTO A CONTRACT WITH BOBCAT MULTIWORKS TO PROVIDE REMOVAL AND RESTORATION SERVICES AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO. Sarah Eagy seconded the motion. All members approved. Motion carried.

Trish Wilson moved to pass ORDINANCE NO. 1252-23 AN ORDINANCE TO ENTER INTO A CONTRACT WITH BOBCAT MULTIWORKS TO PROVIDE REMOVAL AND RESTORATION SERVICES AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO. Sarah Eagy seconded the motion. All members approved. Motion carried.

Chris Crumley asked if we wanted to try to pass on third reading the ordinance for the cell wireless antenna on the water tower at the meeting on December 20th. Zeb Wagner and Jason Miller confirmed that we will need to pass before the end of the legislative year.

The next Council Meeting will be held in Special Session on Wednesday, December 20, at 7:30 P.M. This will be a joint meeting with the Board of Public Affairs.

  
MAYOR

  
FISCAL OFFICER