

## Village of Kirkersville Council Meeting Minutes

July 6, 2022

Mayor Ashcraft called the meeting to order at 7:00 p.m.

Council in attendance: Mark Davis, Dave Engel, Jessica Forsthoefel, Jim Kincaid, Carrie Slone and Nick Takach

Also Present: Fiscal Officer Shirley Roskoski and Engineer Randy Stoll

### **Agenda**

It was moved by Takach, seconded by Engel to approve the agenda. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

### **Minutes**

It was moved by Takach, seconded by Kincaid to approve the minutes of June 1, 2022. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

### **Mayor**

Mayor Ashcraft said the fines for the month were \$1,830.00.

### **BPA**

Mayor Ashcraft said there is one open seat on the BPA and Norma Welch is interested in that seat.

It was moved by Takach, seconded by Forsthoefel to appoint Norma Welch to the open seat on the BPA. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Mayor Ashcraft said everyone should have received the list of unpaid sewer bills that went on the people's taxes.

Randy Stoll went over the sewer plant issues and provided Council with a list of necessary repairs and the cost estimate of those repairs. There are a couple of big items on the list. One is putting in a new screen to remove the trash out of the wastewater plant. Right now, that is causing a big problem. You would be amazed at how much trash is in the wastewater and it is plugging up the pumps and the filters. The rest of it is pretty much general rehab on the existing plant. There are a couple of other additions to help with monitoring the plant to see how it is operating, such as, flow meters and samplers. Those are things that should be on the plant anyways. This is just basically a rough preliminary list here. What the plan was, was to put actual engineering plans together and submit it to the Ohio EPA for an approval permit and then in August, submit an application to their WPCLF program for the possibility of grants or low interest loans to help finance the project. I know, based on this project amount, a portion of this could probably funded directly from the sewer fund but you don't want to drain that completely,

especially if there is a chance to get grant funds or maybe zero percent interest loan money to consider. I talked with Terry about this and because of the dollar amount we felt that this needed to come before Council for approval before we move forward with everything. I am here to see if you want to move forward with this. Down at the bottom you will see engineering and funding, that \$30,800.00 number. What I plan to do is just run that through the village engineering operation and it would just be hourly, not to exceed that number. That would need to be approved tonight before we move forward with the project. When your plans are done and you know what your funding scenario is then there will be another round of this, contemplating putting this out for construction bids, and then you can decide whether or not to move forward with the construction. It's kind of a two-step process.

Council member Kincaid asked if there was a deadline for the grant application.

Randy said there is a deadline. You can apply for the EPA's WPCLF program in August. If you don't go with that program, there are some other programs out there. There's OPWC. They do mostly road projects but you can get grants or loans for treatment plants or wastewater projects. Those applications are due in September. Those are your two realistic chances of grants for that. Maybe CDBG. This would be considered a small project. They usually see multi-million dollar type projects come through for water and wastewater.

It was moved by Nick, seconded by Engel to hire the Engineer up to \$30,800.00 to engineer and plan for the upgrades to the sewer plant and bring the results back to us by August. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Shirley asked if we waited until the August meeting will we be past the deadline date? Should they vote on approving submittal of the application to the WPCLF program so we don't miss the deadline date.

Randy said if they could vote on it now and authorize the Mayor to submit the application.

It was moved by Nick, seconded by Mark to allow the Mayor to submit an application to the Ohio EPA's WPCLF program. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Randy informed Council that the Issue 2 project for North Fifth Street paving has been approved. This could be a fall project. They approved what was submitted. The grant is approximately \$100,000.00. There is a loan of \$23,875.00 and a in kind match of \$9,285.00.

Randy said the next step is preparing the bid documents and I will probably ask for authorization to advertise for bids in August and try to get that paved in October.

### **Planning and Zoning**

Mayor Ashcraft said he has been looking for a zoning inspector, Randy has been doing it for us. I talked to Jack Christy today and he works for IBI. Randy knows him well. He inspected the streets when we did the paving out here. He was out here when we had a sewer line break and he took care of that. He would be interested in the zoning job at a rate of \$300.00 for four hours per

month. Any additional hours would be \$50.00 per hour. I know that sounds like a lot but the permit we sold here the other day was \$13,000.00 and there are some things that will be coming in here and I am on the phone every day or two with zoning issues. Last night it was 10:00 when they called me about a zoning issue. I would like to hire Jack and put him on. Randy has worked with him for quite a while.

Randy said I have known Jack for over thirty years. Full disclosure here. He currently works full-time at IBI, the company that I work at, and what he is proposing is not through IBI. He will do this as an at-will contract with the village directly. It's him as a person. He is definitely technically capable of doing the job. He does a lot of construction administration, project inspection and design work. I want to stay out of the money part of it. I told him to figure out what he thought he'd have in it complete for his travel/transportation, all that combined. I can vouch for him technically.

Mayor Ashcraft said I have worked with him quite a bit. He's great to work with. He is the cheapest out of everyone I have talked to. I have told council some of the prices that we have gotten, it's unreal. I would like to hire him as zoning inspector.

Council member Engel said he thinks the money is well in line with what other municipalities are paying.

It was moved Nick, seconded by Dave to hire Jack Christy as the zoning inspector at \$300.00 for the first four hours and \$50.00 per hour for each additional hour worked per month assuming to be recorded by time sheet. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

### **Police Chief**

Chief DeLawder gave his monthly report. He said they are now on an OVI Task Force with the County and OSP. There are eight check points set up within the next year. Chief DeLawder said they want to set one up next month just outside the village.

### **Streets**

Mayor Ashcraft said that in front of Bob Merry's house we have put some gravel in front of their house. They need another section of twenty feet and Tom Lott gave me a price of \$1,500.00 for that. Bob has given us permission to drive across his yard to put this in. The guardrail is all washed out. It was moved by Engel, seconded by Takach to approve \$1,500.00 for the gravel. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Mayor Ashcraft said one other thing, over in front of Harley Gibson's house, a big tree fell down. Slone has to come back and take that stump out of there and we are going to put topsoil in there.

### **Fire Board**

Council member Kincaid said we had our meeting a week later than normal. We voted to move forward with bringing Hebron into the fire district. They voted this past Wednesday,

unanimously, to join our fire district. The fire district will lease the building and the equipment in Hebron.

### **Planning and Zoning**

Council member Engel said planning and zoning met a week ago. We did approve a request from SW Licking Water to have access to South Alley to drill wells behind the funeral home.

Planning and Zoning decided we needed to work on our zoning book. We have set a date and time of the 4<sup>th</sup> Tuesday of the month at 6:00 to work on this book.

Mayor Ashcraft said he talked with the water district on Friday and they are not sure where the water is going to come out. They still may be looking at First Street, come out to Main and go across. They haven't made up their minds yet.

Council member Takach asked if they had said anything more about the condition of our wells in town.

Mayor Ashcraft said they told me on Friday that they have not pumped any of the wells since the test wells back in April. The rest have not been pumped yet. They told me they would let us know when they drill the main wells and when they are going to pump.

### **Finance**

Council member Takach gave the following balances. General Fund \$119,059.37 Street Fund 49,785.04, Sewer Fund 350,393.73 and the American Rescue Plan 29,026.71.

### **Bills**

It was moved by Takach, seconded by Engel to pay the bills in the amount of \$25,263.16.

Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

### **Old Business**

Council member Takach suggested using the American Rescue Plan money to fix Keller Road. We need to at least make it drivable. Also look at the cost of speed humps for Loop and Community. Something to keep the traffic speeds reasonable but not to obstruct driving through there. It has been a constant complaint and I think it is a good place to spend some of our money.

Mayor Ashcraft said regarding Keller Road, we would have to get an agreement with Harrison Township.

Council member Takach said we need to do it though. The road is terrible and this is a rare opportunity where we have some additional funds that we can put towards that with no restrictions.

Mayor Ashcraft said Palmer Road is cracking and we do not have funds to pay for that. Loop Road, probably at the next meeting I will bring a bid in here to do the ditch work, replace a culvert, we have a piece of asphalt that is starting to break off at the ditch there.

Council member Takach said we have been talking about the alleys and being able to refresh them. I sent out the estimate to a couple of people on council and I totally forgot to print it out to bring it tonight. I talked to a company out of Pleasantville that is able to come in and they have a starfire that can actually haul the gravel up in the alley and grade it off to reduce the crown in the alleys and pull some of that fresh stone that is buried underneath back up. At the same time, it will break up all that old tar and chip that was dumped in the alley. Some places can't do anything with it if it was actual asphalt but they can work with tar and chip. My intention is to print it and give it to the Street Committee to have them review it and decide what they want to do. Their price, including a contingency of \$1,000.00 for additional gravel if needed, is \$8,945.00 to do all of the alleys in town.

Council member Forsthoefel said all the alleys would need something different, right.

Council member Takach said all the alleys would get scarified where they can and graded off and if they needed additional stone they would get stone. Basically, there would be an allowance for up to \$1,000.00 worth of stone to fix low spots and fix spots where it's just not sitting correctly. If it is truly asphalt that is sitting there, he can't do anything with it. He does not have the equipment for that.

Mayor Ashcraft said the worst two problems we have right now is down behind the funeral home and the alley that goes by Jess's. Tom Lott looked at that and he can take his backhoe, take the center off but every Monday we have two trash trucks that go up that alley to pick up the trash.

Council member Takach said this is a starting point. He is willing to work with us if we decide that there is something different that we would like so if the Street Committee would pen up a drawing of the village and decide which alleys we want done, he can revise the quote and bring that back so we can decide what we want out of it. If there's places that we feel don't need touched right now, we don't have to do them. It would eliminate the need for additional stone on top of any of the alleys this year, just a little bit extra he may need for fill and hopefully help keep the alleys maintained a little bit better for a couple of years instead of just throwing rock on top of something that is already hard packed down.

Mayor Ashcraft said you can't do nothing with South Alley. The garbage trucks go down through there and tear it all up.

Council member Engel said I see they finished the curbing out here on Main Street. It looks really nice.

### **Public Poll**

Anthony asked if there was any possibility of using the American Rescue Plan funds to do sidewalk improvements. I think the biggest thing ,to get businesses to come here, is to see some infrastructure. Right now, the sidewalks are terrible, the curbs are terrible, any business that drives through here, why would they want to open a business here.

Someone said right now at 160 and 152 part of the issue with the sidewalks is that I don't have any curbs at all because in order for me to repair those sidewalks, I have to angle it so much that

I end up putting in a five or six inch curb for the village and have to ramp it up on either side to keep my water from going into the neighbors. I was also wondering how to get the painted lines in front of my buildings.

Mayor Ashcraft said next year ODOT will be in here paving the roads. I will give you a number at ODOT to call about painting those lines.

Anthony asked if Norma took over another position within the BPA or are we adding a position.

Mayor Ashcraft said she took over an open seat.

Anthony asked do you look at any kind of qualifications for these positions.

Council member Takach said here's the issue with qualifications. We have a hard time getting people to volunteer to help out with the community. Were you going to take the seat?

Anthony said I volunteered for zoning and I have a lot of qualifications.

Council member Takach asked you volunteered for zoning at the rate that was currently approved?

Anthony said less than that.

Council member Takach said I meant from the previous rate that we had established.

Mayor Ashcraft said Jack is well qualified.

Anthony asked if there was any possibility of connecting into the SW Sewer District instead of spending all that money on our sewer plant. Will our sewer plant keep up with additional people coming in.

Mayor Ashcraft said our sewer plant is only half full right now.

Judy Casto asked why isn't the mowing being done like it used to be. They used to go behind the bridge and do a swipe and they don't do that anymore.

Mayor Ashcraft said I will get that taken care of.

Council member Engel asked if there has been any follow up on the speed limit coming into town.

Mayor Ashcraft said they are still doing the traffic study.

Council member Takach asked Anthony if he submitted an application for the zoning inspector position.

Anthony said I went and spoke to Terry and he did not have one available.

Mayor Ashcraft said and I told you I had a zoning inspector, right there.

Council member Takach said I am concerned that we did not have a candidate brought to us besides the one that you selected. If Anthony came to you with the intention of wanting to be the zoning inspector and wanted an application and we were currently looking for a zoning inspector, why did he get told we had one.

Mayor Ashcraft said we weren't looking for a zoning inspector, Randy was doing it at the time.

Council member Takach said we have been looking for a zoning inspector for months.

Mayor Ashcraft said everyone I brought here was too much money. The guy we hired is well qualified.

Council member Takach said that is not the point here. It doesn't matter if he is well qualified. We had somebody who showed an interest in applying and you told him that we weren't hiring when we have been looking for someone.

Mayor Ashcraft said I told him I had one.

Council member Takach said why wasn't it brought to us that he may want to apply for the position. I would rather see someone local who could literally walk to the house or to somebody's property to do something.

Mayor Ashcraft said this guy has a lot of experience.

Council member Takach said it should be a fair hiring process.

Mayor Ashcraft said it was fair. It is the Mayor's responsibility to appoint a zoning inspector.

A woman asked if it is the Mayor's responsibility to appoint all the positions then why are they voting.

Mayor Ashcraft said they didn't have to vote. They could have voted it down.

The woman said they didn't know there was an option.

Mayor Ashcraft asked what was the option.

Council member Takach said Anthony could have done it for a different rate.

Mayor Ashcraft said I have dealt with Anthony. I know what's going on. Anything else.

Norma Welch said I am just wondering about the website.

Council member Takach said I am working on it but it is not complete yet. I have to get some pictures to put on there and some contact phone numbers. The overall design is done, just need to add some things.

Judy Casto asked if the Court Clerks position was an open position.

Mayor Ashcraft said it was.

Judy asked how would they know.

Mayor Ashcraft said come to the council meetings. Kelli Lady announced that she was going to resign and Vicki came and applied for it.

Judy asked if there were any other applicants.

Mayor Ashcraft said yes there was another lady and she decided she didn't want it. It was too many hours.

A woman said I know Anthony mentioned the future growth for the sewer department because he talked to Mr. Galbraith today and he said that Kirkersville was close to maximum capacity.

Mayor Ashcraft asked who told you that.

Anthony said Mr. Galbraith.

Mayor Ashcraft said we are at fifty percent, correct Randy.

Randy said if you look at the operation reports, the daily flow records show the plant is at fifty percent.

Anthony said he even said maybe we should look at the possibility of us going to SW Licking Sewer because of everything that is going on with our sewers.

Mayor Ashcraft asked who is Mr. Galbraith

Anthony said Mike Galbraith from the Ohio EPA.

A man said you mentioned that you have dealt with Anthony before. Does that mean that disqualifies him from having a voice, from having him considered for this position? Is there a conflict.

Mayor Ashcraft said there's no conflict. I have dealt with Anthony before. He's told me that he has built houses, pole barns and he's redoing a house across the street. Nothing personal with Anthony.

Nick asked why wasn't Anthony considered.



Mayor Ashcraft said we had this gentleman here doing our zoning for us and then Jack became available and that's who we hired.

Nick said right, but he wasn't even brought up to be considered.

Mayor Ashcraft said that's who we hired. It's over.

Nick said is this a process that you follow during every decision making? Is this your logic to not to have locals apply and send to city council members?

Mayor Ashcraft said I hired the best person.

Nick said you are shutting the books on open applicants.

Mayor Ashcraft said no I am not. We had Randy Stoll doing our zoning. This guy became available because Randy is so busy and he can't do it anymore.

Council member Takach said this is frustrating because we spent months saying that we are looking for somebody to do zoning and somebody steps up, lives in the community, has plenty of experience and he could have done it for, without having to approve a new rate or anything, and nobody even gets to hear about it until after the fact.

Mayor Ashcraft said you voted for it.

Council member Takach said I voted for the person you presented. You didn't tell us there was another candidate.

Mayor Ashcraft said you seemed to know it. You told me a month or so ago.

Council member Takach said I did not.

Nick said it seems like a transparency issue.

One lady said there is a difference between temporary and permanent.

Karen Kessler said it feels very much on this issue, of a permanent position being available with funds from the community members, that if these peoples tax dollars are being directed for a city inspector, these people are not being provided with the transparency required by law with their tax dollars, they have the right to question the process. They are questioning the process, and with all due respect Mayor, you are shutting down the discussion.

Mayor Ashcraft said no I am not.

Karen said in fact you are.

Mayor Ashcraft I am not.

Karen said this is starting to sound like a kindergarten teacher conversation. So, you are shutting down by trying to adjourn the meeting. People are having really valid conversations about how their tax dollars are being spent. If you had a position that was open within this community it should have been posted. All applicants should have been considered. All applicants should have been delivered to your board members. All applicants should have been considered by your board members given due consideration over time and then it should have been discussed. You funneled, otherwise known as bullied, everybody into considering one applicant because you only brought them one applicant. If I am a kid in the candy store and there are only Reese cups to buy and you say I really need a candy, you buy the Reese cup and I don't tell you there are 17 other candy bars behind the counter. You didn't have a fair shot at picking your candy. That's what happened. There were other applicants available. Trust me, there are a lot of other people. He doesn't just flip houses for a living. He has degrees and certifications. He is an actual builder, an architect and a general contractor. He is more than qualified. He is not some kid who flips houses who you don't like dealing with because he stands his ground.

Mayor Ashcraft said I never said I didn't like dealing with him.

Karen said these people have a right to know other people who were considered. They voted because they didn't know the facts. Now everybody knows the facts. There is a lack of transparency and there continues to be a lack of transparency in this local government and it needs to be dealt with. I think whoever is here recording, or whatever they are doing here, about what is happening in this local government, it's starting to become very obvious that there is a really big lack of transparency and people want to know what is happening with their tax dollars and people want some say in what's happening in their town. You start to get roadblocks like this where it starts to look really bad. This happened once before in 2019 with the hiring of the Chief. You didn't want to discuss why you hired a particular police chief. You don't want to discuss why you are hiring this particular gentleman but it's community money, it's not your money, it's our money so everybody gets to talk about it until it isn't talkable anymore. Until everybody is comfortable with the decision because it's everybody's money.

Judy Casto asked if the engineer is not our zoning inspector.

Mayor Ashcraft said he has been doing our zoning inspections until we found somebody to do it.

Council member Forsthoefel said to Karen, I agree with everything you said, but you said our money, it is our money, because we are paying our taxes too. Also, Anthony came to me and he brought up that he was interested in the zoning position and what did I say. I was all for it. I agreed. I thought you would be great for the position and I told you to apply. I didn't hear anything after that so I was unaware that that's where it ended or I would have pushed for you because I know you would be great in that position.

Council member Takach said I am sure we can reverse a motion that has been set in the meeting currently. I am not sure of the procedure but I would like to reverse the motion that was set for the pay rate and the hiring of our zoning inspector until we can discuss further.

Council member Forsthoefel asked if it was too late to go back and revisit this.

Council member Takach said a motion following a motion can revise a previous motion, it doesn't matter. I'm not going to let it leave this room tonight.

Council member Takach said I move to reverse the previous motion to adjust the pay rate and hire our zoning inspector Jack Christy until we discuss this further.

Council member Forsthoefel asked Anthony if he was still interested in this position. She said I second the motion that we revisit this and that we put a deadline on it for thirty days and have all the applications in it. I don't know if this is something we should post to make it fair for everyone.

Council member Takach said doesn't Ohio have laws for hiring in general. Where applications have to be submitted, considered, regardless of what, race, color, ethnic origin, sex, everybody should be considered.

Council member Engel said everyone has had a lot to say here tonight. Everyone has some good points here. I cannot, at this time, support Nick's motion because I don't know enough about how our village's hiring practices, under Ohio Revised Code, and how the villages are. I don't have that in my hands right now and we don't have the solicitor here tonight to give us that information. I am not comfortable tonight to undo something we have done. It would also give us a chance to look at how our form of village government does do positions like that. I just don't know so I don't want to undo something that was done legitimately. If the Mayor has the right to nominate who he wants and it was done correctly, so be it. If we need to have a committee or have applications submitted we can do that. As of right this moment I don't know.

Council member Takach said I understand. My goal is to remove the previous motion so that we have time to research and discuss it so we can make sure there is a fair hiring process, so that we can make sure that all applicants are considered and if the zoning committee needs to meet to discuss the person if we want to talk qualifications. It needs to be more than just one person and if it's not and if I am wrong and its fully Terrys call who he hires than then so be it. We will move forward next month with whatever we need to move forward with. I can tell you my vote will change knowing what we know now.

Council member Forsthoefel said to be able to compare and go through the applications and truly pick the person that is best qualified and that we think is best for this town.

Council member Takach said it might not be you Anthony. We can take a look at this other gentleman and he might have years and years of specific to zoning application experience, but at least you get your fair shot. I don't want to get your hopes up that it is just going to come to you. We need to compare the applicants. I love that you guys are here tonight because everyone has been very helpful in the conversation.

Following vote on the motion was recorded: yea, 3; Davis, Forsthoefel, and Takach. Nay, three; Engel, Kincaid and Slone. Mayor Ashcraft voted nay.

There being no further business, it was moved by Takach, seconded by Engel to adjourn.  
Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Meeting adjourned at 8:08 p.m.

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Fiscal Officer

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Mayor