

RUSHVILLE CITY COUNCIL MINUTES

1. ROLL CALL & CALL TO ORDER

The Rushville City Council met in the meeting room of the City Hall Building. Upon convening, Mayor Jeff Ervin directed City Clerk, Stacey Briney to call the roll. Upon ROLL CALL, the following answered present: Council Members: Susan Acker, Richard Davis, Terry Dodds, Bob Fishel, Bryan Matteson, Mike Ryan, and Paul Trimble. The meeting was called to order at 7:00 P.M.

Others present included: City Clerk, Stacey Briney; City Attorney, Erin Wilson-Laegeler; Superintendent of Operations, Eric Thurman; Mike Grate of the City Clerk's Office; Moe Billingsley of *The Rushville Times*; Mike Farniok; Mark & Keli Schoonover; Brandy Snyder, Larry Strange, Hazel Strange, and Tamula Curtis.

2. APPROVE APPOINTMENT FO MIKE FARNIOK AS WARD II ALDERMAN

Mayor Jeff Ervin stated he would like to appoint Mike Farniok as Ward II Alderman to replace outgoing Alderman, Barry Rebman.

Davis MOVED TO APPROVE THE APPOINTMENT OF MIKE FARNIOK AS WARD II ALDERMAN. Fishel SECONDED, AND THE MOTION CARRIED WITH ALL "YEA" VOICE VOTE AS FOLLOWS: 7 YEAS – Acker, Davis, Dodds, Fishel, Matteson, Ryan, & Trimble; 0 NAYS; 0 ABSENT.

3. ADMINISTER THE OATH OF OFFICE

City Clerk, Stacey Briney administered the Oath of Office to Ward II Alderman, Mike Farniok.

4. OPENING PRAYER

The Opening Prayer was led by Mayor Ervin.

5. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Ervin.

PUBLIC COMMENTS

Tamula Curtis addressed the council regarding an ordinance violation citation they received from Animal Control Officer, Dave Edwards. Curtis stated that Edwards stopped by the house about their dogs running loose and was very rude. Curtis noted they have three (3) huskies and four (4) small dogs, for a total of seven (7). Curtis said they did not know about the ordinance. Curtis stated the dog go out and they dig under the fence but they fix the fence every time. Curtis noted Edwards says the huskies jump over the fence but that is not true.

Curtis reported all the dogs, but one, will have their rabies shots tomorrow. Animal Control Committee Member, Bryan Matteson asked if the dogs have ever attacked anyone, and Curtis said they have not. Mayor Ervin stated that all the dogs must be up to date on their shots and then they need to write a letter to the Animal Control Committee request permission to have more than the allotted number.

Larry Strange said Edwards wrote them a ticket for allowing animals to run at large and he added that they do not allow their dogs to run. Council Member, Terry Dodds noted he seen the dogs digging under the neighbor's house. Curtis stated she has an idea on how to remedy the situation if the city will bear with her. Mayor Ervin reminded Curtis and Strange that if the dogs keep getting gout, Edwards has every right to write a ticket.

Council Member, Bob Fishel reported Edwards has not given his report yet, but he was told that three (3) police officers were with Edwards and one of them had to get out his pepper spray because the dog was very aggressive. A discussion followed. Curtis said she will be in to pay the ticket on June 3rd.

Tamula Curtis, Larry Strange, Hazel Strange and Brandy Snyder left the meeting at 7:14 p.m.

6. CONSENT AGENDA

All items on the Consent Agenda are considered to be routine in nature and will be enacted in one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event, the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent Agenda.

- a) Approve the Minutes of the Regular Meeting held May 6, 2024
- b) Approve the Minutes of the Cemetery Committee Meeting held May 9, 2024
- c) Approve “Claims for Council Approval Dated 05/20/24” & Accept Monthly Reports
- d) Present Committee Appointments
- e) Consider Reserving Central Park for Community Band on Sunday, June 9th, Sunday, July 14th, and Sunday, August 11th, at 7:30p.m.
- f) Approve Annual Service Agreement with Corpro for Cathodic Protection at a Cost of \$1,010
- g) Approve Renewing Water Operator Contract with Randy Dabney

Fishel MOVED TO APPROVE THE CONSENT AGENDA. Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Davis, Dodds, Farniok, Fishel, Matteson, Ryan, Trimble, & Acker; 0 NAYS; 0 ABSENT.

7. ITEMS TO BE REMOVED FROM CONSENT AGENDA – IF APPLICABLE

All items were approved on the Consent Agenda.

8. DISCUSS & CONSIDER AMENDING ORDINANCE RE: NUMBER OF CLASS C, BEER & WINE, LIQUOR LICENCSE

Mayor Ervin reported this would increase the number of beer and wine licenses so the Schuyler Penney Event Venue could apply. **THIS MATTER DIED FOR A LACK OF A MOTION.**

Mark and Keli Schoonover left the meeting at 7:16 p.m.

9. DISCUSS & CONSIDER 1ST READING OF ORDINANCE NO. 1379, ORDINANCE AMENDING CLASS F, GOLF COURSE, LIQUOR LICENSE

Ryan MOVED TO PASS ORDINANCE NO. 1379, ORDINANCE AMENDING CLASS F, GOLF COURSE, LIQUOR LICENSE TO THE SECOND (2ND) READING. Fishel SECONDED, AND THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Dodds, Farniok, Fishel, Matteson, Ryan, Trimble, & Davis; 1 NAY – Acker; 0 ABSENT.

10. PASS & ADOPT ORDINANCE NO. 1377, ORDINANCE ESTABLISHING SALARIES, WAGES, AND BENEFITS FOR CITY DEPARTMENT SUPERINTENDENTS AND EMPLOYEES

Matteson MOVED TO PASS AND ADOPT ORDINANCE NO. 1377, ORDINANCE ESTABLISHING SALARIES, WAGES, AND BENEFITS FOR CITY DEPARTMENT SUPERINTENDENTS AND EMPLOYEES. Dodds SECONDED, AND THE MOTION CARRIED WITH A ROLL CALL VOTE AS FOLLOWS: 7 YEAS – Farniok, Fishel, Matteson, Ryan, Acker, Davis, & Dodds; 1 NAY – Trimble; 0 ABSENT.

11. DISCUSS & CONSIDER RENTING THE VIRGINIA FOR THE LITTLE LEAGUE STATE TOURNAMENT

Mayor Ervin reported he got a call from the Rushville Little League asking to rent the Virginia for the 9-10 year old state tournament as a cooling center for the teams and coaches. Mayor Ervin stated he felt that instead of the park losing out on the money that maybe the city’s donation could be paying the rent.

Matteson MOVED TO APPROVE RENTING THE VIRGINIA FOR THE LITTLE LEAGUE STATE TOURNAMENT AT A COST OF NINE HUNDRED DOLLARS (\$900). Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Fishel, Matteson, Ryan, Trimble, Acker, Davis, Dodds, & Farniok; 0 NAYS; 0 ABSENT.

12. DISCUSS & CONSIDER PURCHASING NEW LOCATOR

Water Committee Member, Paul Trimble reported that Superintendent of Operations, Eric Thurman would like to purchase a second locator. Trimble said a new locator cost approximately Nine Hundred Sixty Dollars (\$960). Thurman stated this new locator would allow him to have two (2) guys locate making the process more efficient.

Trimble MOVED TO PURCHASE A NEW LOCATOR AT A COST NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000). Dodds SECONDED, AND THE MOTION CARRIED WITH AN ALL “YEA” ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Matteson, Ryan, Trimble, Acker, Davis, Dodds, Farniok, & Fishel; 0 NAYS; 0 ABSENT.

13. COUNCIL MEMBER & OFFICIALS’ REPORTS

Council Member, Susan Acker asked if anyone has heard from Hood Construction regarding the demolition contract, and Clerk Briney stated that she has not. Acker wondered how long the city was going to wait, and Mayor Ervin directed City Attorney, Erin Wilson-Laegeler to contact Hoods.

Acker said she has noticed a lot of speeding on the streets and feels it is getting ridiculous. Acker noted she feels she notices it a lot on East LaFayette because they is not a stop sign for quite a ways. All agreed. Mayor Ervin said he would speak with Chief of Police, Rick Wright.

Water Committee Chairman, Bryan Matteson reported the company doing the water tower work is focusing on the inside area and they are anticipating a faster week this week.

Council Member, Matteson also reported he had spoken to Justin Maxwell of G M Sipes and the sidewalk project on West Washington is about ninety to ninety five percent (90%-95%) complete. Matteson noted the alley will be poured Thursday.

Council Member, Terry Dodds reported there was an incident with a dangerous dog behind Dairy Queen on May 10th. Dodds said the dog was tased by a city police officer but ran off. Dodds noted the owner contacted and Edwards informed her that he had deemed the dog a dangerous dog. Dodds stated the dog was housed overnight at the pound and Edwards informed the owner that the dog had to be taken out of the city limits. Dodds said the owner took the dog out in the county the next day and while it was out there, it bit someone so the owner had the dog euthanized. Dodds reported the head has been sent out to be tested. Fishel noted the owner signed a waiver stating that all of that cost was on her.

Fishel reported Edwards has asked about updating his tranquilizer gun because all of his tranquilizers are out of date. Fishel noted that the city needs to contact the county to pay for one-half (1/2) of the tranquilizers. Mayor Ervin said he will check with the county when he talks to them about Edwards’ vehicles. Fishel stated that the tranquilizer gun would have come in handy with the dangerous dog behind Dairy Quenn because things would have ended quickly. **Consensus of the council was to purchase Edwards tranquilizers.**

Parks & Recreation Committee Chairman, Dodds also reported, that according to the Pool Committee Chairman, the swimming pool will open on Memorial Day. Dodds said the new grates arrived on Friday and are being installed tonight. Dodds stated Thurman and Pool Committee Chairman, Evan Harrison have discussed the flow so they will start filling the pool tomorrow and chemicals will be here Thursday.

Ordinance Review Committee Chairman, Richard Davis reported Brian Tomlinson has a trailer he wants to move to replace a dilapidated one on East Clinton Street. Davis stated Tomlinson has filled out a variance request. Davis said Tomlinson would like to know soon because he has people lined up at the end of June to do the work. Mayor Ervin directed Davis to call a committee meeting.

Council Member, Bob Fishel reported the new section of the cemetery off South Liberty Street needs mowed because the grass is about two to three feet (2’-3’) tall. Fishel noted it is hard for the city to write tickets for tall grass when ours look like that. Cemetery Committee Chairman, Matteson said he would follow up with Cemetery Sexton, George Vincent.

City Clerk, Stacey Briney reported she had a request for either a handicap parking spot or a ten (10) minute parking spot at the south corner on West Washington Steet and North Congress Street on the side of Moreland & Devitt. Mayor Ervin directed Street Committee Chairman, Fishel have a committee meeting regarding this issue.

Mayor Jeff Ervin reported it has come about with all of the recent water breaks and the overtime the city crew has worked, that the city employees do not get comp time and have to be paid overtime and if they worked well into the next morning, they have to take a day they have on the books to get paid. Mayor Ervin stated he would like the council’s permission to have Attorney Wilson–Laegeler write a side letter to the Union contract allowing the city maintenance workers the option to be paid overtime or take comp time

when things like this take place. Mayor Ervin noted the employees can bank up to Forty (40) hours of comp time. Mayor Ervin stressed that he does not want to set a precedence on this matter. Acker questioned what would happen if more than one (1) employee wanted to take a comp day, and Mayor Ervin said it would still be under Thurman's discretion.

14. ADJOURN

Acker MOVED TO ADJOURN. Ryan SECONDED, AND THE MOTION CARRIED WITH AN ALL "YEA" ROLL CALL VOTE AS FOLLOWS: 8 YEAS – Ryan, Trimble, Acker, Davis, Dodds, Farniok, Fishel, & Matteson; 0 NAYS; 0 ABSENT. THE MEETING STOOD ADJOURNED ACCORDINGLY AT 7:41 P.M.

Minutes submitted by,

Stacey L. Briney, City Clerk/CMC

Date Minutes Approved