

Village of Arcanum Council Meeting
Tuesday, June 27, 2017
7:00 PM

Mayor Judith Foureman opened the meeting by asking everyone to join her in the Pledge to the Flag, with the Mayor concluding "In God We Trust".

Council members Vanessa Delk, Monte Clark, Eric Van Hoose, Jerry Boolman, and Bonnie Millard answered roll call. Delk asked for a motion to excuse Baumle. Boolman made a motion to excuse Greg Baumle, Van Hoose seconded. All present voted yea. Motion passed. Also present were Village Administrator Bill Kessler, Solicitor Nicole Pohlman, resident Michael Scott, resident Tim Becker, and another resident from the Village.

Mayor Foureman asked everyone to bow their heads for a moment of silence in memory of Wayne Lakes Mayor Gary Young who just recently passed away.

Council Minutes: Mayor Foureman asked for approval of the minutes of June 13, 2017. Millard stated that on page 2 under the Fiscal Officer's report, last bullet point, line 3, that she believed the word any should be changed to pay. A motion was made by Millard to approve the minutes of the June 13, 2017 Council meeting as amended. Delk seconded. Delk, Clark, Van Hoose, and Millard voted yea. Boolman abstained. Motion passed.

Expenditures: Mayor Foureman asked to move the approval of the properly appropriated and funded expenditures after New Business.

Amendments to the Agenda:

Comments from the Public:

- Resident Tim Becker asked for a status on the property located at 122 West George Street – the Hyden property – Village Administrator, Bill Kessler addressed the request by stating that he had been in contact with the Miami County building inspector – Bill stated that he and the building inspector got up-to-date on what's been done at the property up to this point and then what needs to be done next – the building inspector has reached out to the Darke County Health Department, who has indicated that there is something that can be done – Bill had previously been in contact with the Health Department and thought nothing could be done because the property is vacant – at this point, the building inspector is going to work with Mr. Hyden to start the adjudication process – upon a judge's approval, Mr. Hyden will be contacted and have 30 days to get the building taken down – if the building does not come down within the 30 days, the county will start the process of taking ownership of the property – once the county takes ownership, they will get the building taken down, and whoever owned the property (Mr. Hyden), will be responsible for the costs of removing the building – Delk asked if there was something that could be done in the meantime to secure the building, such as getting some type of lock on the building so that kids can't get in – Kessler and Millard both said that would be the owner's responsibility, not the Village – Bill said that he would get a hold of the current property owner to see if he would take care of securing the property – Millard suggested asking him to put up NO TRESPASSING signs also

Administrative Reports:

Mayor: Nothing at this time.

Solicitor: Pohlman informed Council that she would not be at the July 25th council meeting.

Village Administrator: Bill Kessler reported on the following:

- **Park Grants** – the Village was awarded one of the park grants for \$5K – it was for the number one priority option that Bill submitted – this will provide access at the ballpark from the new shelter/restrooms out to the old railroad where many people currently park – this will provide accessibility for wheelchairs, strollers, etc. – the work on this project will need to be completed by November 1, 2017 in order to get reimbursement on the grant – the remaining four grant proposals that Bill turned in he will continue turning in until they are all completed
- **Capital Assets** – new legislation for tonight so that Bill can get some Village personal property/vehicles sold
- **AMP** – Bill and Angie participated in a webinar about AMP's Efficiency Smart Program – Bill believes it is a program that would be very beneficial to the Village and the believes the Village should sign up – it's a 3-year program – AMP will give the Village a 0.25% guarantee of cost savings during that time – there is an equipment buyback program similar to what DP&L does – AMP will provide energy audits to Village's businesses and residents – will guide the Village (at the municipality level) on better ways to use our electric – cost of participation in the program is \$600/month – will also institute a lightbulb sale program, working with a couple businesses in town - \$1/bulb, and Bill would like to see the Village contribute \$0.25/bulb – believes this will help drive more business to our businesses instead of people buying lightbulbs at Walmart – AMP runs and manages the program – Bill does not have to do that – Bill is also going to take all the information that he has from AMP and give it to an energy consultant – he spoke with New Bremen and got contact information for their energy consultant (who knows how AMP works) – he will report back to Bill what he can do for the Village, if anything –

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Millard said that she would like to see some more literature on the program and some actual dollar figures of how the program will benefit the Village since the Village would be spending approximately \$21K over three years just to participate in the program – there is a no contract option, but the energy audits are not included or provided with this option – it was determined that this subject needs to be discussed further in a utility committee meeting – once meeting is held, committee will report back findings and go from there

- **Albright Road Access for WWTP** – Bill passed out a proposed agreement between the Village of Arcanum and Twin Township that would allow the Village to use Albright Road as access to the railroad bed during construction of the WWTP – Mayor Foureman asked for a motion to have legislation prepared authorizing the Village to enter into an agreement with Twin Township Trustees pertaining to construction access for the WWTP. A motion was made by Millard to have legislation prepared authorizing the Village to enter into an agreement with Twin Township Trustees pertaining to construction access for the WWTP. Delk seconded. All present voted yea. Motion passed. Nicole will have legislation prepared for the July 11th council meeting.
- **511-1/2 West George Street** – resident is now employed and wants to pay his delinquent utility bill – the bill is about \$700-\$800 – the landlord of this property has already been served papers by the Village for small claims court – these renters are attempting to take care of this bill before that date – Bill proposed that the resident would pay \$500 lump sum this Monday, and the remaining amount due would be divided over the next 3 month's utility bills until paid in full – Council did not agree to this proposal – Council wants the bill paid IN FULL before the electric will be turned back on – no payment plan – if the landlord wants to pay the remaining difference to avoid going to small claims, then it would be his responsibility beyond that to get that back from his renter

Fiscal Officer: Absent.

Committee Reports:

Service & Leisure Committee: Meetings were held on Thursday, June 15, 2017 at 5:00PM and Monday, June 26, 2017 at 5:00PM in Council Chambers. Committee members present were Eric Van Hoose, Bonnie Millard, and Monte Clark. Also present was Village Administrator Bill Kessler. Van Hoose reported on the following:

- **Sidewalks** – Bill is getting measurements on sidewalks, driveways, and curbs – he will get quotes after that – Millard added that the hope is for all this information to be gathered soon so that a public meeting can be held in September
- **Park Grants** – the Village received one of the grants but waiting to hear which one
- **Ball Diamonds** – fence at ball field not repaired – parking lot is almost done being striped
- **Pool** – fence at pool is repaired – have sold a lot of passes and attendance is good – concessions at the pool is also doing well
- Bill is talking with the school about repaving part of Weisenbarger Court
- **Streets – North Main** – grind edges and overlay (\$25K?) from Hollansburg-Sampson Rd. to between Summerfield and Parkdale – **Maple Lane** – grind and overlay (\$73,635) – **Parkdale** – grind and overlay (\$32,180) – **Weisenbarger Court** – school responsibility grind and overlay (\$16,600)/Village responsibility grind and overlay (\$17,864) – Van Hoose stated that Bill has been in communication with the school about Weisenbarger Court – Bill informed council that this information will have to go before the school board before a decision can be made concerning the school's portion – Millard suggested that further discussion on Weisenbarger be tabled until Bill hears back from the Superintendent about whether the school has the money or wants to move forward and when – Clark wanted to inform the Solicitor as to what the Village has proposed to the school about this joint effort to make sure that the Village is on the right track with what they want to do – one idea is to possibly give the school two years to pay their portion depending on their budget – **West South** – grind and overlay (\$88,940) – committee talked about getting all of these done except for West South Street – possibly put West South Street on hold for a year or so
- **Park** – a section of the south end of the park needs repaired most likely due to standing water – Bill to get quotes for putting in some type of drainage to divert the water over to the creek
- **Storm Drains on Parkdale** – Bill said there is some washout – plan to take the top off and make a concrete base and form up the walls – get rid of the bricks – he said if that is let go for much longer, there is going to be a much more serious washout problem – the street department is not going to cut a catch basin up – they are going to cut the top off and form it

Next meeting is Thursday, July 13, 2017 at 5:00PM in Council Chambers.

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Safety Committee: Meeting was held on Tuesday, June 20, 2017 at 9:00AM in Council Chambers. Committee members present were Greg Baumle and Vanessa Delk. Also present was Mayor Judith Foureman, Village Administrator Bill Kessler, and Police Chief Ashbaugh. Delk reported on the following:

- **Police Department Phones** – The new phones come with a security upgrade and allow the ability to lock the phones with the user's thumbprint. The phones were purchased because of the recommendations made by Clemans & Nelson. The cost for each phone is a \$30 upgrade fee. Chief Ashbaugh is going to check with other jurisdictions to see how they deal with cell phones and the Sunshine Laws. The committee recommends keeping the phones for one year and then re-evaluating. Millard asked for clarification on the need for the thumbprint security – Bill explained that the phones that were available at no cost did not have this security feature – Millard said she confirmed that the list of free phones that the police department was given to choose from did have phones available with the thumbprint feature – Clark added that he does not understand why the phones are even needed because the police all carry radios on their hip and also one in the car – he does not feel that the Village should have to provide the phones just because an attorney suggested it – Nicole clarified that the attorney did not state that the police HAD to have phones – the attorney simply stated that if the police were going to have phones that were being used for Village business, it should be a Village owned phone, not their personal phone (which was the original issue because the Chief was using his personal phone for Village business) – Clark asked why are the police getting everything they want and adding more expense for the Village – Bill stated that he wants our public safety personnel to have every form of communication possible available to them – Mayor Foureman also added that the full time officer who already has a Village phone paid to upgrade to the iPhone 7 at a cost of around \$400 – however, it is still a Village phone with service to the phone paid for by the Village - Millard would like to see the Village go back to a stipend for the phones, where a certain portion of the cost of the phone is payroll deducted because of personal use of the phone – she would like this to be looked at during the budget process and before then gather information from other departments and Villages on how cell phones are handled – if employees are not happy with having to pay a portion of the bill then they can carry two phones, the Village phone and their personal phone – Bill stated that he does not want the utility workers carrying two phones – Delk stated that none of the police have an issue carrying two phones, but it is not ideal for the utility workers – Millard said she would like to see the report from Clemans & Nelson on the whole investigation – the Mayor stated that there will be no written report – Nicole said that the findings could be discussed in an executive session, and she would prefer to have her notes with her – this will be at the next council meeting
- **SRO Contract** – There were a couple of minor changes made to the contract. The committee recommends going forward and entering into the contract with the school. Chief Ashbaugh explained that during the summer, the SRO was not working more than 40 hours per week. The SRO is working on special projects, filling in for officers who want to take vacation, and going through pending case files. Millard would like to see something concrete and measurable from the Police Chief that shows what the SRO is doing for the Village in the summer months when school is not in session to show what value he is adding since the Village hired another full time officer only because of the SRO partnership with the school – Millard pointed out that Council receives a detailed quarterly report from the Fire Chief, and she doesn't think it is too much to ask that the Police Chief provide a detailed report on just what the SRO is doing for the Village in the summer months – the Mayor said it is not asking too much, and if asked, she will make sure such a report is provided – Millard officially requested that a report be started by the Police Chief to contain this information – she asked that the activity be reported by the end of July (activity up to that point)
- **AEDs** – The Village Administrator received a quote from Cintas to maintain our first aid kits. The quote he received is \$8400, with an additional \$400 per month to maintain. The fire department has agreed to maintain the kits if the Village purchases them an AED. An AED is needed in the following locations: the pool, city building, ballpark, street department, and utility department. One working AED is already at the ballpark. We are in need of 4 new AEDs. The VA is looking at partnering with the CIC and getting the units donated. He has also re-opened the Village account with a supply company to purchase first aid supplies. Bill believes all the maintenance of the first aid kits can be done in-house rather than spending \$400/month for a third party to do the maintenance.
 - Millard thought that Cintas as an option had already been ruled out. Bill went on to explain that he has a quote from Physio Control of \$6900 on AED units. Baumle had Bill check into having the Wayne Foundation donate the AEDs to the Village. However, the Wayne Foundation will not donate directly to the Village because the Village is not a 501(c)(3). That is why they are attempting to partner with CIC because they are a 501(c)(3), and once the AEDs are donated to CIC, they could turn around and donate them to the Village. Baumle would like to see the Village receive 7 units instead of just 4 so that there can be more AEDs in more of the Village vehicles. The direction right now is to try to get the units donated. If that does not work out, then it is back to purchasing 4 units from Physio Control and have the AEDs and first aid kits maintained by the fire department. Bill then mentioned that the Village has the option to purchase

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directly from the Wayne Foundation at a cost of \$1200/unit. Millard feels that makes more sense than buying the more expensive Physio Control units.

- Millard asked if the Village had gotten back former Village Councilwoman Willis's key fob and front door key – Mayor Foureman confirmed that yes they have been returned
- Millard asked for clarification as to whether the thumbprint security was for locking or unlocking the phones – the Mayor asked why it matters – Millard said because that is the reason that was given as to why one of the free phone options could not be utilized even though she has been told that it was an option on the free phones – Mayor Foureman said that according to Nola, the thumbprint was not an option on the free phones – Millard said she would like to have Nola in the next meeting to talk with her then because someone is telling the wrong story – Mayor Foureman replied that's fine because she was standing there when Nola said the phones with the thumbprint would be extra because the free phones don't have that option – Millard said she spoke with Nola, and Nola told her that the free phone has the thumbprint capability so if that's not true, then Nola must be lying to her (Millard) – the Mayor said she would get clarification the next day
- Millard asked the Mayor to report back about the inquiry she made concerning the Village police cruiser being parked at a residence on Oakes Road (outside the Village) around 9PM on Memorial Day – the Mayor found out that Officer Yount was on duty and parked there because he was there having dinner with his mother (her residence) because all the restaurants in Arcanum were closed for the holiday

Utility Committee: Nothing at this time. Meeting was scheduled for Monday, July 17, 2017 at 4:30PM at the VA Office.

Planning Committee: Meeting was held on Monday, June 19, 2017 at 5:00PM in Council Chambers. Committee members present were Greg Baumle, Jerry Boolman, and Vanessa Delk. Also present was Mayor Judith Foureman and Village Administrator Bill Kessler. Delk reported on the following:

- **Zoning 1167.22** – The committee recommends going forward with the newly revised proposed ordinance regarding noncommercial vehicles, mobile homes, and camping and recreational equipment. Delk prepared the revised ordinance based on how the committee decided they wanted to go with it – copies were passed out for review – Millard asked what changed from the previous version – Delk stated that some new definitions were added, there were some changes to stipulations involving how long a camper or recreational vehicle can be parked – also quite a few changes incorporating Ordinance 2010-06 and 2010-07 (language was added that was not in previously) – Delk asked the rest of council to review the revised ordinance for discussion at the next council meeting – Millard then pointed out one change she noticed was changing the enforcing officer back to the Mayor instead of the Village Administrator – Delk explained that through discussion in the committee, it was determined that the Mayor and the VA have a good working relationship where zoning is concerned so it was not necessary to make the change to the VA as the enforcing officer – Mayor Foureman added that Baumle had pointed out in committee that the VA does not have the authority to designate anyone else as the enforcing officer, whereas the Mayor does and the VA takes his direction from the Mayor – Delk re-iterated that all committee members were satisfied leaving it as the Mayor as long as the zoning code is enforced, whether by the Mayor or whomever she designates
- **Becker Property** – The VA will be in contact with Mr. Becker to attempt to get the situation resolved.
- There was a discussion on whether an unattached garage should be considered an “outbuilding” for the purpose of zoning. Committee members are planning on looking around the Village and then discussing further at a future meeting. The committee just wants to make sure that the current zoning code is not too strict.
- **Semi-Trailer** – There has been a semi-trailer being parked overnight at the ballpark. The VA will be determining who owns the property where the semi is being parked. Bill was able to determine that the Village does own the property where the semi is being parked, so this will be addressed so that it does not continue.
- **Zoning Concerns** – All zoning concerns should be forwarded to the Mayor.
- **Safe Routes to School Program** – The maximum amount for the grant is \$250K. The VA explained that this grant is more for communities that are looking to put in sidewalks to provide a safe way for children to get to school. Since the Village is not in need of sidewalks, he believes the grant is not worth pursuing at this time.
- **Income Tax Rate** – In light of the recent increases for utilities, the committee discussed ways that the Village might start offering a tax credit for Village residents who are already paying income taxes in different municipalities. The current tax may be a deterrent to individuals who are considering living within the Village.
- **City Building** – 180-day plan. We need to look at either restoring the existing building or building a new facility. Firm dates for goals and objectives are needed.

Personnel Committee: Delk has been in contact with Wendy from Clemans & Nelson. The updated manual is expected by the end of the week. As soon as Delk has the manual, she will provide the rest of council with copies.

Finance & Audit Committee: Nothing at this time.

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Old Business:

New Business:

Ordinance No. 2017-31 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (General Fund-Police & General Admin) This is the second reading.

Ordinance No. 2017-32 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (Fire & Fire Equipment Levy Fund) A motion was made by Van Hoose to waive the three reading rule on Ordinance No. 2017-32. Clark seconded. All present voted yea. Motion passed. Van Hoose made a motion to adopt Ordinance No. 2017-32. Clark seconded. All present voted yea. Motion passed. Van Hoose made a motion to declare an emergency on Ordinance No. 2017-32. Clark seconded. All present voted yea. Legislation passed.

Ordinance No. 2017-33 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (Parks, Pool, & Recreation Levy Fund) Mayor Foureman explained this is for wages. She also explained that the pool is bringing in enough money at this point to pay all other operating expenses outside of payroll from the Community Pool Fund instead of the levy fund. A motion was made by Boolman to waive the three reading rule on Ordinance No. 2017-33. Van Hoose seconded. Delk, Van Hoose, Boolman, and Millard voted yea. Clark voted no. Motion did not pass. Therefore this Ordinance becomes a first reading.

Ordinance No. 2017-34 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (General Fund-General Admin) Millard asked if this was to pay for the additional phone line of service for the Mayor. Mayor Foureman was not sure, so it was determined to table this ordinance until the Fiscal Officer could be asked for clarification of the need for these additional appropriations. This ordinance was tabled until the next council meeting. Therefore this Ordinance becomes a first reading.

Ordinance No. 2017-35 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (Water Fund) A motion was made by Millard to waive the three reading rule on Ordinance No. 2017-35. Boolman seconded. All present voted yea. Motion passed. Millard made a motion to adopt Ordinance No. 2017-35. Boolman seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Ordinance No. 2017-35. Boolman seconded. All present voted yea. Legislation passed.

Ordinance No. 2017-36 – Mayor Foureman read by title only an Ordinance authorizing entry into a contract to provide police services for the Arcanum-Butler School District and declaring an emergency. Millard stated that she would like to see the contract specifically state that the school will pay for all holidays and in service days that falls within the dates of the contract. Millard asked if the school currently gets billed for the Christmas holiday even though the school is on break and the SRO is here working for the Village. Mayor Foureman said the school does get billed for the Christmas holiday even though the SRO is here working for the Village. Millard also inquired as to whether anything should be stated in the contract concerning raises/bonuses given during the contract and if they could be negotiated into the current contract. This ordinance was tabled until the next council meeting. Therefore this Ordinance becomes a first reading.

Resolution No. 2017-22 – Mayor Foureman read by title only a Resolution adopting the budget for 2018 of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2017-22. Boolman seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2017-22. Boolman seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Resolution No. 2017-22. Boolman seconded. All present voted yea. Legislation passed.

Resolution No. 2017-23 – Mayor Foureman read by title only a Resolution providing for various appropriation transfers among individual funds of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2017-23. Boolman seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2017-23. Boolman seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Resolution No. 2017-23. Boolman seconded. All present voted yea. Legislation passed.

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Resolution No. 2017-24 – Mayor Foureman read by title only a Resolution repealing and replacing Resolution No. 2017-18 and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2017-24. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2017-24. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Resolution No. 2017-24. Van Hoose seconded. All present voted yea. Legislation passed.

Resolution No. 2017-25 – Mayor Foureman read by title only a Resolution declaring necessity for renewal of the 1.00 Mill Tax Levy for the Pool and Park expenses of the Village of Arcanum, Ohio pursuant to Ohio Revised Code §5705.19(H) and to proceed with certification to the Board of Elections. A motion was made by Millard to waive the three reading rule on Resolution No. 2017-25. Boolman seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2017-25. Boolman seconded. All present voted yea. Legislation passed. Resolution No. 2017-25 will be effective July 27, 2017.

Resolution No. 2017-26 – Mayor Foureman read by title only a Resolution declaring necessity for renewal of the 2.00 Mill Tax Levy for the Fire Protection Services expenses of the Village of Arcanum, Ohio pursuant to Ohio Revised Code §5705.19(I) and to proceed with certification to the Board of Elections. A motion was made by Millard to waive the three reading rule on Resolution No. 2017-26. Boolman seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2017-26. Boolman seconded. All present voted yea. Legislation passed. Resolution No. 2017-26 will be effective July 27, 2017.

Expenditures: Mayor Foureman asked for a motion to approve the properly appropriated and funded expenditures. Millard asked why the Village is paying unemployment for an officer that resigned from the Village. Millard went on to explain that when she inquired with the Fiscal Officer about this, she found out that the officer was fired from their most recent job. However, unemployment can go back to other previous employers as well if the employee was not at the most recent company for a certain period of time. That is what happened in this case, and the Village's portion of the unemployment is only a percentage, not the whole 100%. Millard also questioned the invoices to Galls totaling \$812.97. She indicated that Sergeant Zellers went over his uniform allotment of \$500 with these charges. Delk stated that all \$812.97 was not for Zellers. Millard asked if she knew this for a fact, which Delk was not able to confirm for a fact. Millard asked to pull this from the voucher list until the Fiscal Officer could provide clarification on the total charges. A motion was made by Millard to pay the properly appropriated and funded expenditures as amended. Boolman seconded. All present voted yea. Motion passed.

Announcements:

Adjournment: A motion was made by Van Hoose to adjourn. Boolman seconded. Meeting ended at 8:58 PM.

Fiscal Officer, Darcy Woodall
*Transcribed by Darcy Woodall (clerk to Council)

Mayor Judith F. Foureman