

Village of Arcanum Council Meeting
Tuesday, July 26, 2016
7:00 PM

Mayor Judy 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 Bonnie Millard, Eric Van Hoose, Jerry Boolman, Jullie Willis, Vanessa Delk, and Monte Clark answered roll call. Also present were Bill Sinnes, Darcy Woodall, and Mike Bruns from Mote & Associates.

Council Minutes: Mayor Foureman asked for approval of the minutes of July 12, 2016. Delk stated that she had abstained at the previous meeting when approving the June 28, 2016 meetings, so Woodall amended the minutes to state that Delk abstained and Clark, Millard, Van Hoose, and Willis voted yea to approve the minutes of June 28, 2016. A motion was made by Millard to approve the minutes of the July 12, 2016 Council meeting as amended. Delk seconded. Millard, Van Hoose, Willis, Delk, and Clark voted yea. Boolman abstained. Motion passed. Mayor Foureman asked for approval of the minutes of the July 19, 2016 special council meeting. A motion was made by Millard to approve the minutes of the July 19, 2016 Special Council meeting. Van Hoose seconded. All present voted yea. Motion passed.

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

Amendments to the Agenda: None.

Comments from the Public: Mike Bruns from Mote & Associates was present to give an update on the resurfacing of the sawmill area streets. He spoke with Ray Hensley, and work on the project will begin by the end of the first week of August or the beginning of the second week of August. Boolman asked what the timeframe would be to completion once the project is started. Bruns replied approximately two weeks.

Committee Reports:

Service & Leisure Committee: Mayor Foureman informed Chairman Van Hoose that at the Tuesday staff meeting with the Street Department, she was told that all the quotes/bids that had been asked for on crack sealing/street repair would be in by the first week of August if he would like to set a date for a meeting to go over the numbers. Next meeting is Thursday, August 4, 2016 at 5PM in Council Chambers.

Safety Committee: Nothing at this time.

Utility Committee: Nothing at this time. Next meeting is Monday, August 8, 2016 at 4:30PM at the VA Office.

Planning Committee: Nothing at this time. Next meeting is Thursday, July 28, 2016 at 4PM in Council Chambers.

Personnel Committee: Delk reported that the majority of the July 19th meeting was spent in executive session discussing personnel issues, so she did not have much to report outside of that. Other than a couple more questions to answer and get answered, Delk feels that Wendy from Clemans and Nelson is good to go, so the next step is to find out when Wendy can meet. Delk told her the sooner the better. The hope is for some time in the next couple of weeks.

Finance & Audit Committee: Nothing at this time. Next meeting is Monday, August 15, 2016 at 4:30PM in Council Chambers.

Administrative Reports:

Mayor: Mayor Foureman reported on the following:

- Mayor Foureman received an agreement from Arcanum Schools regarding the police security for their events (i.e. sporting events, school dances, etc). She explained that our part-time police officers that work these events are no longer paid in any way by the Village. They are 100% paid by Arcanum-Butler Schools, and those officers are 1099'd at the end of the year. Mayor Foureman asked if the Village even needs to sign the agreement as there is technically no agreement between the school and the Village to provide these services because the officers are not working for the Village when they are working one of these events. The school likes to have the agreement signed because they feel that having the signed agreement maintains that the liability falls back to the Village if there is an incident. However, it has been clarified that as long as one of our officers is wearing our uniform, the liability falls back on the Village regardless. Nicole's concern is not so much with the liability but rather the wording concerning the pay of the officers'. Mayor Foureman asked that Nicole re-write the agreement and a resolution for the security provided to the school and have it ready for the next meeting.

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Solicitor: Nicole Pohlman reported on the following:

- CDA Retention Account – Nicole does not show anything in the file that shows why the money left in the account (roughly \$4000) was not paid to the company. Nicole called Curt Garrison, who was the Village Administrator at the time of the project, and she also spoke with Councilwoman Millard to get some additional background about the funds and why the Village may never have paid them to the company. The rumor about the company is they filed bankruptcy and no longer exist. Nicole looked the company up on the Secretary of State's website, and they are still in an active status. Nicole also contacted their registered agent, an attorney in Sidney. The attorney has not done any work for the company in years and does not know anything about the current status of the company. Nicole searched bankruptcy records, but did not find any record that the company ever filed bankruptcy. She feels that all signs point to the fact that the company is no longer in existence, but she does not have anything definitive to back that up. Nicole contacted Matt Clum at the State Auditor's Office concerning this situation, and she is waiting to hear back from him. Nicole feels that unless the Village has something in writing stating that the Village does not owe the money to this company, the money will have to be paid to that company, unless they no longer exist. If the company in fact no longer exists, the money may have to go into unclaimed funds. That is what she is waiting to talk to Matt Clum about. Mike Bruns from Mote & Associates did say that Mote may have something in writing or some type of correspondence that could be helpful. He will check.
- RV/Camper issue on North Street – Nicole started by clarifying what the Village's zoning ordinance states about RVs. The first part states that **"no mobiles homes may be stored or parked in a residential district"**. The second part states that **"no RV, trailer, or boat can be parked in the front of any residence"**. She knows the issue at hand is more than this, but she wanted council to be aware that there is a distinction between a mobile home and an RV. She also wanted council to be aware of what the Village ordinance currently states and that the ordinance can be changed if council wishes. Nicole then turned to the issue with the camper on North Street that is tied into the Village's utilities. She combed through the zoning code and did not find anything there that would help with this particular issue. Nicole then contacted Darcy and Angie (utility clerk) at the Village offices and asked them to look through the Village ordinances for anything related to this matter. They were unable to find anything directly related. Nicole believes that the Village could get the Health Department involved, and the Health Department will step in and do something to remedy the situation. Nicole presented two options for council: have the Mayor send a letter to the residents and see what kind of response is received before the County gets involved or have Nicole send the letter and state the resident has 7 days to remove the camper from the property. Millard then asked about more than one dwelling on a property. Nicole explained that it's a gray area because this particular residence is located in an area that is zoned R-2. R-2 means multi-family, but not typically in this manner. R-2 typically means duplexes, apartments, etc. Clark then asked about violating the right-of-way. Nicole stated that she was under the impression that that the camper was in the driveway. It was clarified that the camper is in the grass, right on the alley. Nicole said that if the camper is truly encroaching on a right-of-way, that's a completely separate issue. It also needs to be confirmed that the camper is encroaching on a right-of-way. Willis asked why the Health Department would need to get involved. Nicole explained that it is prohibited to tie into any kind of utilities without an inspection of any kind. Nicole's suggestion at this point is to start with the letter in hopes that the residents' will remedy the situation on their own before the Village has to get the Health Department involved, as the Health Department is very slow to get to such issues sometimes. Mayor Foureman stated that she had been asked why this wasn't allowed when Fasick's were allowed to do the same thing. The Mayor explained that Fasick's had renovated an old building and lived there while their house was being built just outside of town, and once they moved into their new house, the renovated building remained a rental. The Mayor did point out that the Fasick's property in question is located in a business district, and you can do just about anything in a business district. The Mayor also has another instance at Washington Street and North West Street, which she believes is also zoned R-2. The resident has a pole barn that they want to remodel and turn into a mother-in-law apartment. She feels that these type of situations are just going to start multiplying. Boolman doesn't feel that the Village should allow any type of this residence on a property. He asked if the Zoning Board is the one that deals with these requests. Mayor Foureman explained that Zoning Board would meet and make a recommendation to Council whether to approve or not. Delk then asked if Council can simply re-evaluate and change the zoning codes as the Council sees fit, and then if a resident has an issue with something in the code, they can take it to the Zoning Board. The Mayor confirmed that Council can change the zoning code. Mayor Foureman explained that for the future, Council needs to make the changes to the zoning code that they see fit because the Zoning Board does not establish the zoning code, Council does. The Zoning Board simply enforces it. It was determined that Nicole would send a letter to the resident, giving them 7 days to remedy the situation or the Village will contact the Health Department to seek further action. The letter will be delivered to the resident by the end of the week. Mayor Foureman asked that the Planning Committee to set a meeting to brainstorm the changes that are needed in the current zoning code. Chairwoman Willis set a meeting for Thursday, July 28,

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2016 at 4PM. Boolman asked Nicole about the composting ordinance that he had inquired about at a previous meeting. Mayor Foureman stated that the Village does have a composting ordinance. It is part of the nuisance ordinances. She went over a couple highlights of the ordinance, including that the compost pile must be in a container and have no odor.

Village Administrator: Sinnes reported on the following:

- BENANZER – bought property on corner of Harvest Fields Way and West South Street, just outside Village corporation line; this is adjacent to Village and Harvest Fields development
 - ❖ Benanzer would like to turn this property into a rental and will need a sewer hookup. This is a similar situation to the Merritt property. They are interested in a possible annexation. Sinnes asked Nicole about the cost of paperwork involved, and she said roughly \$500. Benanzer will have to go to the County Commissioner's Office and request the annexation, and the township that the property sits in would also have to approve it. Council would then have to decide if they are willing to accept.
- NEW AXIOM TIME CLOCK PROGRAM – up and running; survived the first pay period
- ODOT/WALLS BROS/WAGNER BROS – working on Alt 49 North and Alt 49 East roads into Arcanum and State Route 49 up to Hogpath Road
- UTILITY DEPARTMENT – has completed erecting the street lights/poles in Harvest Fields; replaced the last water line in Harvest Fields today
- WATER DEPARTMENT – water tower work completed; Lake County has a crew working in Greenville this week and can work on the water infiltration into the sanitation system in Arcanum starting next Tuesday, August 2nd; Lake County gave an estimate of being able to repair 10 manholes a day; the cost will be between \$12,000 and \$15,000
 - ❖ A motion was made by Clark to have Lake County repair approximately 30 manholes in the Village at a cost of approximately \$30,000. Willis seconded. All present voted yea. Motion passed.
- STREET DEPARTMENT – working on street repairs needed this year; everyone is busy and getting people to give you quotes is difficult; a number of signs have been replaced around town; Jeni has started working on getting her CDL
- POOL – so far everything is running normally
- TRASH CONTRACT – Darke County Solid Waste Office is to arrange a meeting in this Council Chamber of several Villages interested in coordinating together to hopefully get a better deal; date has been set for Wednesday, August 31st at 7PM

Fiscal Officer: Woodall reported on the following:

- Woodall reported that based on prior year findings for adjustments and prior year misclassifications as well as fiscal officer turnover, the Village does not qualify for Agreed Upon Procedures for the upcoming audit for 2014-2015. The Village will have a full audit. The Auditor did offer to come and have a pre-audit meeting with Woodall, the Mayor, and members of Council. Woodall asked Council what date worked best for them. Council decided that August 5, 2016 would be the best date. Woodall said she would email the Auditor with the date and get a confirmed time. Woodall suggested that it might be a good idea to have a Finance Meeting to discuss some of the previous findings. Millard then stated that Finance needed to meet to discuss mid-year finances and the ¼%. Millard scheduled a meeting for Monday, August 15, 2016 at 4:30PM in Council Chambers.

New Business:

Ordinance No. 2016-27 - Mayor Foureman read by title only an Ordinance providing for an amendment to the 2016 appropriations of the Village of Arcanum, Darke County, Ohio and declaring an emergency. (Sewer Fund) A motion was made by Millard to waive the three reading rule on Ordinance No. 2016-27. Boolman seconded. All present voted yea. Millard made a motion to adopt Ordinance No. 2016-27. Boolman seconded. All present voted yea. Willis made a motion to declare an emergency on Ordinance No. 2016-27. Boolman seconded. All present voted yea. Legislation passed.

Ordinance No. 2016-28 - Mayor Foureman read by title only an Ordinance providing for an amendment to the 2016 appropriations of the Village of Arcanum, Darke County, Ohio and declaring an emergency. (Highland Subdivision Resurfacing Fund) A discussion was had about the dollar amount that should be appropriated to the fund for the project. The legislation was produced with a figure of \$75,000 (increase revenue). However, upon further discussion, it was decided that \$64,000 would be a better figure so as not to overfund the account. If more funds are needed to complete the project, more can be appropriated at that time. The change to this Ordinance will also cause Resolution 2016-25 to need to be amended as well. A motion was made by Millard to waive the three reading rule on Ordinance No. 2016-28 as amended. Van Hoose seconded. All present voted yea. Millard made a motion to adopt Ordinance No. 2016-28 as amended. Van Hoose seconded. All present voted yea. Millard made a motion to declare an emergency on Ordinance No. 2016-28 as amended. Van Hoose seconded. All present voted yea. Legislation passed.

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Ordinance No. 2016-29 - Mayor Foureman read by title only an Ordinance authorizing entry into a contract to provide police services for the Arcanum-Butler Local School District and declaring an emergency. A motion was made by Delk to waive the three reading rule on Ordinance No. 2016-29. Willis seconded. All present voted yea. Delk made a motion to adopt Ordinance No. 2016-29. Willis seconded. All present voted yea. Willis made a motion to declare an emergency on Ordinance No. 2016-29. Willis seconded. All present voted yea. Legislation passed.

Resolution No. 2016-20 - Mayor Foureman read by title only a Resolution to approve the form and authorize the execution of a power sales contract with American Municipal Power, Inc. and taking other actions in connection therewith regarding participation in the AMP Solar Project II. This is a first reading.

Resolution No. 2016-24 - Mayor Foureman read by title only a Resolution authorizing the Mayor and Village Fire Chief to enter into an agreement with Rosenbauer South Dakota, LLC then for the purchase of a new fire truck apparatus and equipment and declaring an emergency. Boolman asked why this Resolution had to be an emergency instead of going three readings. Pohlman stated it is because the contract was already signed, so the legislation has to be now for then. A motion was made by Clark to waive the three reading rule on Resolution No. 2016-24. Delk seconded. All present voted yea. Clark made a motion to adopt Resolution No. 2016-24. Delk seconded. All present voted yea. Clark made a motion to declare an emergency on Resolution No. 2016-24. Delk seconded. All present voted yea. Legislation passed.

Resolution No. 2016-25 - 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. Due to changing the dollar amount on Ordinance 2016-28 from \$75,000 to \$64,000, the transfer amounts in this resolution will also all need to be changed to \$64,000. A motion was made by Millard to waive the three reading rule on Resolution No. 2016-22 as amended. Boolman seconded. All present voted yea. Millard made a motion to adopt Resolution No. 2016-25 as amended. Boolman seconded. All present voted yea. Millard made a motion to declare an emergency on Resolution No. 2016-25 as amended. Boolman seconded. All present voted yea. Legislation passed.

Expenditures: Mayor Foureman asked for a motion to approve the properly appropriated and funded expenditures. Boolman asked why popcorn was purchased from Rural King by the Utility Department. Woodall explained that the popcorn was purchased for Family Movie Night, not for employee use. A motion was made by Millard to pay the properly appropriated and funded expenditures. Boolman seconded. All present voted yea. Motion passed.

Old Business:

Announcements: Mayor Foureman informed Council that resident, Dale Fisher, had taken care of the issue at his property concerning how something on his property was tied into the Village's storm drain. Mayor Foureman stated that Darcy would not be at the August 9th Council meeting. She asked Delk if she would act as Clerk. Delk agreed.

Adjournment: A motion was made by Boolman to adjourn. Willis seconded. Meeting ended at 8:34 PM.

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

Mayor Judith F. Foureman