

Village of Arcanum Council Meeting
Tuesday, July 11, 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 Monte Clark, Greg Baumle, Jerry Boolman, Bonnie Millard, and Vanessa Delk answered roll call. Mayor Foureman asked for a motion to excuse Van Hoose. Boolman made a motion to excuse Eric Van Hoose, Delk seconded. All present voted yea. Motion passed. Van Hoose arrived at 7:03PM. Also present were Village Administrator Bill Kessler, Fiscal Officer Darcy Woodall, Solicitor Nicole Pohlman, resident Michael Scott, resident Tim Becker, and Tax Administrator Nola Ditmars.

Council Minutes: Mayor Foureman asked for approval of the minutes of June 27, 2017. A motion was made by Boolman to approve the minutes of the June 27, 2017 Council meeting. Delk seconded. Clark, Van Hoose, Boolman, Millard, and Delk voted yea. Baumle 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: Mayor Foureman added an Executive Session for Personnel after New Business.

Comments from the Public:

- **Fire Chief Kurt Troutwine** – provided Council with copies of his 2nd Quarter fire report – fire department has taken on three new members, two of which were fire cadets who graduated from CTC and are now full-fledged Ohio Firefighters with some EMS training – getting close to being a full roster, which is 30 firefighters – currently sitting at 27-28 members – Chief Troutwine announced that the new firetruck is here – he reported that a few modifications had to be made when they traveled to South Dakota for the final inspection – the charges for that are minimal – Chief Troutwine offered to have everyone go out to the parking lot to view the new truck – Millard asked Chief Troutwine if he knew the status of the investigation of the fire cadet that had been turned over to the Sheriff's Office – he did not – Mayor Foureman informed Millard that could be discussed in the executive session later in the meeting

Mayor Foureman called for a brief recess at 7:11PM so that all interested parties could go outside and view the new fire truck – Council reconvened at 7:16PM

- **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 has not heard anything further from the County – Becker stated that he spoke with Rob England, and he also informed Council that a sign had been removed from the property stating that it was an abandonment nuisance – Mr. England told Mr. Becker that he called the Darke County Health Department and was told that no permission was given for the sign to be removed – Mr. Becker went on to say that the sign was now back up, and as of this Thursday, a CONDEMNED sign will be placed at the property – Mr. Becker told Council that Mr. Hyden had asked for a 2-week extension to delay the property from being condemned – in that time, Mr. Hyden planned to attempt to force the Garber's to take the property back – the 2-week extension ends on Thursday, and the Garber's are not taking the property back from Mr. Hyden because he purchased the house fully aware of its condition and the house was purchased without a warranty – also, the deed to the house was already transferred to Mr. Hyden and another individual – after Thursday, Hyden has 30 days to take the house down – if he does not, then the County will take it down and bill Mr. Hyden
- **Tax Administrator Nola Ditmars** – Nola wanted to address Council to clarify some comments that were made in the last council meeting and documented in the minutes concerning the additional cell phones for the police department – Nola wanted to re-iterate that she was asked if the iPhone 6, which the Village could get for free, had fingerprint capability – Nola confirmed that the iPhone 6 does have that capability – she wanted to state on the record that is what she relayed to both parties that she spoke with about the phones – she felt that the minutes from the previous meeting indicated that she was in the wrong and had lied rather than it just being a miscommunication about the actual capability of the free phone – Mayor Foureman added that the day after the last council meeting, she spoke with Nola and confirmed at that time that the iPhone 6 does in fact have the fingerprint capability, whereas in the meeting minutes, Mayor Foureman indicated that Nola told her it did not have that capability

Administrative Reports:

Mayor: Mayor Foureman reported on the following:

- The Mayor passed out a report prepared by the Police Chief explaining what the SRO was doing for the Village in the summer months – attached to this was the call log from dispatch, and the Mayor informed Council that Officer Hyden's call number is 304 – Mayor Foureman asked Council to review report and get back with her with questions

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- Clark asked Mayor Foureman the status on a former council person's key fob, pool keys, and front door key being returned – Mayor Foureman stated that these were returned
- Clark also asked about the Apple watch purchased through one of the officer's uniform allowance – Delk passed out a breakdown by officer of what items had been purchased with their allotted uniform allowance YTD – Clark asked if the watch was actually taken out of that officer's uniform allowance, and it did – Delk said she was also in agreement that the watch should not have been purchased this way - Millard asked what happens to the watch when the officer leaves – then she went on to say that she felt this was possibly falsification of records to which Delk explained that a PO was written and signed off on by the police chief and the Mayor as well as the Fiscal Officer verifying the funds were available – Delk did not feel there was any type of falsification – Millard asked the Mayor if she knew the PO she was signing was for an Apple watch, and Mayor Foureman said no because she doesn't even know what an Apple watch is – the Mayor did add that when the officer leaves, the watch stays – Millard then asked what happens when someone in another department asks for something similar to be purchased by the Village now this precedent has been set – Millard also wanted to know if the officer had been told that the watch would have to stay with the Village if he leaves – at this point, Woodall interrupted to make it clear that the Apple watch and the iPhone 7 that the officer upgraded to at the end of 2016 were two completely separate pieces of equipment – she brought this up because in listening to the previous meeting's minutes, she found that when the watch and the iPhone were being discussed, some people were making it seem like one issue, when in fact, they are two totally separate issues – the officer paid (out of his own pocket) the cost to upgrade to the iPhone 7 – the watch was paid for by the Village out of his uniform allowance – Woodall also wanted to make clear that her responsibility in the PO process is simply to verify the funds are available and taken out of the right line item – the supervisor of the department is responsible for WHAT is purchased – Woodall explained she wanted to clear that up because she had been asked more than once why she let the watch be purchased – however, that part of the PO process is not her responsibility, and she did not like her name being put out there as “letting this happen” – at this point, Delk suggested that a list be made that lays out exactly what an officer needs to be equipped with – that way there is no confusion as to what qualifies to be purchased – Baumle added that this list of items would be issued upon hire – when things wear out or need replaced, the officer would have to go the police chief – if the officer wants “extras”, then those items would have to be purchased out of their own pocket - this does away with a uniform allowance per person completely and stops any chance of there being an abuse of the allowance – a Safety Committee meeting will be scheduled with the Police Chief present to address this and establish such a list – at this point, multiple conversations were going on, and I was unable to differentiate between the separate conversations
- Millard brought to the attention of Council that the Zoning & Appeals Board meeting that was held on Monday only had three members present, which is not enough for a quorum to vote and pass anything – therefore, the meeting is invalid and will have to be re-advertised and held again to determine if the requested change will be permitted – she cited ORC 1135.08 – Mayor Foureman explained she is not on that Board, so Millard will have to take it up with one of the members of the Board – Millard said she would contact the Chairman, Tom Staley

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

Village Administrator: Bill Kessler reported on the following:

- **Don Roberts meeting** – there is a tentative meeting scheduled for Tuesday, July 18th at 10:30AM at Nicole's office – Mote & Associates will have a representative there to answer questions, and Bill will also let Keir know in case he is needed
- **No Through Truck Signs** – Bill put up a “No Through Trucks” sign between Albright and East George streets but didn't realize that he needed to have legislation passed through Council first – Bill will take the signs down until he has the proper authorization passed – the signs are needed because trucks are currently tearing up the curbs when turning onto these streets – it is too small an area for the trucks to go through
- **Village items for sale** - Millard brought up the fact that the original legislation was redone – but she felt the original legislation was okay and wanted to know why it had to be changed – she mentioned that Nicole had advised Council that most other entities have bid opening at the beginning of a council meeting versus opening them a day before or at a different time as the Village has typically done – Millard wanted to Nicole to verify legally how it should be done and when – Nicole clarified that it IS NOT illegal to open the bids outside of a council meeting – however, in her opinion, when people are allowed to increase their bids after the bids are opened and the bids are not revealed in open session, it opens the Village up to accusations that the process wasn't done properly or fairly – if the bids are opened in open session, then there is no chance of accusations of impropriety
- **511-1/2 West George Street** – Millard asked if the electric for this property had been paid and made current – Bill had informed the landlord after the last meeting that Council was no longer willing to accept just a portion of the delinquent balance – the delinquent balance would need to be paid in full in order for the tenants to have their electric service turned back on – Bill also informed the landlord he was reporting the property to the Health Department – Bill then contacted the tenant and left several

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- messages with no return call as of yet – the Health Department sent a letter to the landlord and the tenant stating that they are in violation due to no electric in the house –
- the tenants have until July 28th to bring the balance current, or the landlord will still have to appear in small claims court on August 3rd
 - **Flooding from storm** – the majority of the high water was down West South and by Harvest Fields – Boolman stated that there was a backup in a resident's shower (going out of town of East South) and he asked how a sewer backup could happen if the lines are all separated – Bill said that should not happen unless for some reason that line is not separated – Boolman's concern is, does the Village have someone dumping sewage in the Village's storm sewer – Bill will look into it
 - **Nuisance Violations** – Bill said he is going to do a better job of informing the Mayor of these violations as he comes across them while driving around town or as they are reported – Boolman told Bill that he needs to notify Dr. Farst that the area to the side of his house is in violation because he does not have any livestock in that fenced area, but there is rubbish, weeds, trees along the easement, etc taking over – Millard asked Bill what he found out about chickens in town – Bill said the Village does not have an ordinance on the books – Millard said that she spoke to someone from the County who stated they are considered agricultural, and the Village is zoned all residential – therefore, they are not permitted – Bill informed Millard that in fact, chickens are considered pets, not livestock – Delk asked if chickens are addressed in the ORC or Ohio Basic Code, and Bill stated that he did extensive research and found nothing – all council members were in agreement that an ordinance needs to be established
 - **Traffic Light** – one of the traffic lights stopped working recently – Bill is working on finding out if the light is the responsibility of the State since it is on a state route – the light has a bad relay – Village has the spare parts to fix it – Bill is asking Council if they want him to just fix it or check with the State first – the Mayor suggested that Bill call the State first to find out who maintains it and go from there

Fiscal Officer: Woodall reported on the following:

- **WWTP Fund** – Darcy is waiting on a response back from the State Auditor on this issue
- **Bank Reconciliations** – Darcy also spoke with the Auditor about the bank reconciliations, which was an audit issue, and she is to follow up with the Auditor to get this on track
- **Blanket PO Policy** – Darcy received a copy of Versailles's policy to review and work toward instituting a policy here for the Village (also a cleanup from the audit)
- Millard asked if Darcy had a chance to find out if the Village could make double payments or payoff early the sewer loan with OWDA that is at 4.84% - Darcy apologized for not having an answer – she actually forgot to check into it – she will have the information for the next finance meeting

Committee Reports:

Service & Leisure Committee: Meeting was held on Monday, July 10, 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:

- **Park Grants** – awarded \$4930 – project for this grant money will be at the ballpark behind the new restrooms – will be putting down a walkway for access for strollers and wheelchairs
- **Curbs and Sidewalks** – Bill will finish getting the cost for each resident – will set a public meeting around the middle of September – also looking at the cost for traffic flow during this project
- **Hillis Property** – needs curb – need to talk with Solicitor Nicole Pohlman – the original contractor never put in a curb (way back in the 60s) – the property owner now is more than happy to maintain a curb if the Village wants to put one in, but she does not want to pay to have it put in

Next meeting is Wednesday, July 19, 2017 at 4:30PM in Council Chambers.

Safety Committee: Nothing at this time. A meeting was scheduled for Monday, July 17, 2017 at 12PM in Council Chambers.

Utility Committee: Nothing at this time. Meeting was scheduled for Monday, July 17, 2017 at 4:30PM at the VA Office. Millard asked that a determination be made for what is an improved versus an unimproved lot.

Planning Committee: Nothing at this time. Millard asked if there was going to be discussion about the revised zoning ordinance that was passed out at the last meeting for review.

- **Zoning 1167.22** – Millard asked about the definition for a utility trailer and the enforcing officer for zoning – she said the definition for a utility trailer from the previous revision had been removed, the enforcing officer was changed back to the Mayor, the changing of 1 hour back to 12 hours for how long a commercial vehicle can be parked on a public right-of-way, and there were some things added concerning the combining of the 2010-

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06 and 2010-07 ordinances, which address heavy equipment, etc. – Millard said the definition of a utility trailer in this version was completely different from that of the revision that Nicole had prepared – the previous definition was read verbatim by Millard in a previous meeting and the Mayor took notes on it – her concern is that flat bed and utility trailers are not covered under the definition in the latest revision – the most recent definition came from West Milton’s ordinance, whereas the previous definition came from Versailles’s definition – it was determined to change it back to the Versailles definition – next issue is changing the enforcing officer back to the Mayor – Baumle explained that he asked who has the authority to designate authority to someone else – the person with that authority is the Mayor, so if it is kept as the Mayor, then she can delegate any person, whereas if it’s changed to the Village Administrator, then it would be limiting who has the authority to enforce – if it is kept as the Mayor, then she can enforce as well as anyone that she chooses to designate – Millard asked for an explanation of changing the 1 hour back to 12 hours for parking on public right-of-ways (i.e. trailers, campers, work trailers, etc.) – Baumle stated that the committee revisited the issue and decided that 1 hour was too extreme and would be difficult to monitor – it was agreed that Nicole would update the zoning ordinance again and change the definition of a utility trailer back to the original revision – the other two issues Millard had would not be changed

Personnel Committee: Delk is still waiting on Clemans & Nelson to provide an updated draft of the personnel manual. She has a call into Wendy, but she is now out of the office. Delk left a message for Wendy to contact her upon her return to the office.

Finance & Audit Committee: Nothing at this time. Meeting was scheduled for Thursday, July 20, 2017 at 4:30PM in Council Chambers.

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 third reading. A motion was made by Van Hoose to adopt Ordinance No. 2017-31. Baumle seconded. Clark, Baumle, Van Hoose, Boolman, and Millard voted yea. Delk voted no. Motion passed. Van Hoose made a motion to declare an emergency on Ordinance No. 2017-31. Baumle seconded. Clark, Baumle, Van Hoose, Boolman, and Millard voted yea. Delk voted no. 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) This is the second reading. A motion was made by Millard to waive the three reading rule on Ordinance No. 2017-33. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to adopt Ordinance No. 2017-33. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Ordinance No. 2017-33. Van Hoose seconded. All present voted yea. Legislation passed.

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) This is the second reading. A motion was made by Millard to waive the three reading rule on Ordinance No. 2017-34. Baumle seconded. Clark, Baumle, Van Hoose, Boolman, and Millard voted yea. Delk voted no. Motion passed. Millard made a motion to adopt Ordinance No. 2017-34. Baumle seconded. Clark, Baumle, Van Hoose, Boolman, and Millard voted yea. Delk voted no. Motion passed. Millard made a motion to declare an emergency on Ordinance No. 2017-34. Baumle seconded. Clark, Baumle, Van Hoose, Boolman and Millard voted yea. Delk voted no. 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. This is the second reading. Millard stated that she has a concern that the school still did not agree to pay for the Christmas Day and New’s Year Day holidays. Millard said that the Mayor had stated at the previous meeting that the school paid for those holidays last year. Woodall stated that the school did not and would not pay for those holidays because the SRO is here working at the Village during Christmas break and school is not in session. The Mayor said that she did say that, but the Fiscal Officer was not at the last meeting to confirm that. The Mayor did believe that all holidays during the school year were paid by the school, but she has since learned that is not the case. Woodall again said that the school is willing to pay for any holidays that fall when school is in session, and during Christmas break, school is not in session. Millard then pointed out the dates of the contract are August 28th to May 30th, and the contract states the school will pay any holidays that fall within the school year. Millard considers those holidays as falling within the school year based on the dates in the contract. Woodall pointed out that the contract states, “the Board agrees to pay for holidays occurring during the school year with the exception of Christmas Day and New Year’s Day”, and she stated that verbiage addresses Millard’s date issue. Mayor Foureman then added that she hoped Council approved

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the contract for the community and not just the school because it is the whole community that benefits from the SRO being in place. It is not just the school that benefits. Delk asked what dollar amount this amounts to. Woodall said whatever \$17/hour times 16 hours is. A motion was made by Baumle to waive the three reading rule on Ordinance No. 2017-36. Delk seconded. Baumle, Van Hoose, and Delk voted yea. Clark, Boolman, and Millard voted no. Motion did not pass. This legislation will go to a third reading. **Mayor Foureman requested that Bonnie Millard, Jerry Boolman, and Monte Clark attend a meeting with Superintendent John Stephens and herself to discuss this.**

Ordinance No. 2017-37 – 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. (Sewer Fund) A motion was made by Millard to waive the three reading rule on Ordinance No. 2017-37. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to adopt Ordinance No. 2017-37. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Ordinance No. 2017-37. Van Hoose seconded. All present voted yea. Legislation passed.

Resolution No. 2017-27 – Mayor Foureman read by title only a Resolution authorizing the Mayor to enter into an annexation agreement concerning certain real property located in Twin Township and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2017-27. Delk seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2017-27. Delk seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Resolution No. 2017-27. Delk seconded. All present voted yea. Legislation passed.

Resolution No. 2017-28 – Mayor Foureman read by title only a Resolution authorizing the Mayor and Village Administrator to enter into an agreement with Twin Township for the use of Albright Road and declaring an emergency. A motion was made by Clark to waive the three reading rule on Resolution No. 2017-28. Delk seconded. All present voted yea. Motion passed. Clark made a motion to adopt Resolution No. 2017-28. Delk seconded. All present voted yea. Motion passed. Clark made a motion to declare an emergency on Resolution No. 2017-28. Delk seconded. All present voted yea. Legislation passed.

Expenditures: Mayor Foureman asked for a motion to approve the properly appropriated and funded expenditures. A motion was made by Millard to pay the properly appropriated and funded expenditures as amended. Clark seconded. All present voted yea. Motion passed.

Mayor Foureman asked for a motion to go into an Executive Session to discuss Personnel. A motion was made by Boolman to move to executive session. Van Hoose seconded. All present voted yea. Council went into executive session at 9:03 PM.

*******Executive Session*******

A motion was made by Boolman to return from executive session. Delk seconded. Council returned from executive session at 9:19 PM.

Announcements:

Adjournment: A motion was made by Boolman to adjourn. Van Hoose seconded. Meeting ended at 9:20 PM.

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

Mayor Judith F. Foureman