

Village of Arcanum Council Meeting
Tuesday, August 29, 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 Bonnie Millard, Monte Clark, Greg Baumle, Eric Van Hoose, and Jerry Boolman answered roll call. Mayor Foureman asked for a motion to excuse Delk. Boolman made a motion to excuse Vanessa Delk, Baumle seconded. All present voted yea. Motion passed. Also present were Village Administrator Bill Kessler, Fiscal Officer Darcy Woodall, Solicitor Nicole Pohlman, Mike Bruns from Mote & Associates, and Erik Martin from the Daily Advocate.

Council Minutes: Mayor Foureman asked for approval of the minutes of August 8, 2017. A motion was made by Boolman to approve the minutes of the August 8, 2017 Council meeting. Baumle seconded. All present voted yea. Motion passed. Mayor Foureman asked for approval of the minutes of August 17, 2017. A motion was made by Van Hoose to approve the minutes of the August 17, 2017 Special Council meeting. Baumle seconded. Millard, Baumle, Van Hoose, and Boolman voted yea. Clark 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:

Administrative Reports:

Mayor: Nothing at this time.

Solicitor: Nothing at this time.

Village Administrator: Bill Kessler reported on the following:

- **WWTP** – ground has been broken – council decided to hold off on a ribbon cutting until the plant is actually done – Bill has ordered signage per the Roberts agreement but is still waiting to hear from Phil Garbig to know if the Village can also put up no parking signs – Keir will go out and discuss temporary electric for construction trailers with the contractor – 2410 Albright Road is the address for the plant during construction
- **Carwash** – Hinshaw will stay out of the Village's easement – Bill passed out a map of the area – the orange highlighted area is the portion that Bill would like to see separated so Hinshaw can build his automated bay – Bill has not researched a value for that portion of land yet – Hinshaw anticipates investing about \$300K in building the automated bay, and he has already started upgrading the current structure at a cost of about \$80K
- **Street Sweeper** – street sweeper in Noblesville, IN is \$67K, but Bill will try to get them down to \$60K – this street sweeper is a 2006 with 2000 hours on it – it does need new brushes, and Noblesville intends to take care of that
- **Smoke Test** – letter went into utility bills with the date and rain date for this test to let the public know – date of test is September 12th and rain date is September 13th
- **Violations** – 8 out of 10 people have responded to notices on dead trees – others are keeping their trees out of streets and alleys – of the 75 to 100 notices that have been passed out, the majority of the response has been positive – the next notices to go out will be for nuisances such as trash, debris, etc.

Fiscal Officer: Woodall reported on the following:

- Woodall brought up from a past meeting that approval from Council was given for some painting to be done in the Utility Department, but where the funds would come from was never determined – however, Woodall was then informed that that this project was not going to be done until 2018, so it would be part of the 2018 budget
- **AMP Credit Score** – Woodall needs to provide information annually to AMP that helps determine our credit rating with AMP, which in turn can raise AMP's overall credit score to help with pricing – AMP asked if the Village had established a cash reserve policy for the Electric Fund or a Capital Outlay policy – as of this point in time, neither has been established, but establishing both would increase our score, increasing AMP's overall score, which helps with pricing – AMP recommends that the Village use a third party for the cash reserve policy – Woodall had the AMP representative forward an example of both policies

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Committee Reports:

Service & Leisure Committee: Meetings were held on Monday, August 14, 2017 at 4:30PM and Monday, August 28, 2017 at 4:30PM 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:

- **Removal of Park Trees** – committee recommends contracting with Foster Tree to remove the trees at a cost of \$9700 – 14 dead trees will be taken out and another 4 trees will be trimmed up - they will cut down and clean up but leave the wood – Jason North subcontracts with Fosters to grind the stumps – funds will come out of the park levy fund, which has approximately \$28K in the fund currently
- **Street Resurfacing** – legislation tonight to award street resurfacing to Wagner Paving for \$180K (the school will be reimbursing the Village for their portion of Weisenbarger Court, which is about \$17,800 – the school will be providing a letter stating such) – Pavement Technology will apply reclamation to certain streets in two phases – phase 1 cost is \$20,587 – phase 2 cost is \$14,183 – Justin Hines will be doing the necessary crack sealing at a cost of \$13,892 – total cost of resurfacing project is \$230K – all funds to come from the ¼% except for the \$12,440 to do the circle in the park – those funds will come from the parks and pool levy
- **¼% & North Street** – committee estimates that the Village will have approximately \$350K by the end of 2019 for the Village match for the North Street Reconstruction
- **Hillis Curb** – quote from Larry Fourman is \$5350 – will be paid out of ¼%
- **North Main & East South Curbs & Sidewalks** – Bill drafted a letter to residents on these streets letting them know about a public meeting that will take place on September 27th to discuss this potential project
- **Street Sweeper** – Noblesville, IN has a 2006 reconditioned street sweeper similar to our current machine but a little smaller for \$65K – currently have \$30K put back for a new street sweeper – more discussion needed about where remainder of funds to come from – Bill is to speak with guy in Noblesville about possibility of getting price down to \$60K
- **Pool** – Bill is reviewing the cost versus income for the whole season
- **¼% Breakdown** – Bonnie passed out a rough breakdown of the ¼% through 2019

Safety Committee: Nothing at this time.

Utility Committee: Nothing at this time. Meeting scheduled for Tuesday, September 5, 2017 at 4:30PM in Council Chambers.

Planning Committee: Nothing at this time. Meeting scheduled for Tuesday, September 5, 2017 at 5:30PM in Council Chambers.

Personnel Committee: Millard reported on the following:

- Committee submitted questions, additions, deletions, etc to Wendy at Clemans & Nelson – Wendy made revisions and attended personnel meeting earlier today to go through the manual with the committee
- There are still items that need to come to Council in a work session
- Wendy asked if the Village would like her to present a summary to highlight the changes – Wendy is going to add in the changes that were made today and put these changes in *italics* so that everyone will be able to differentiate between the first changes and the most recent changes - Millard feels it is a good idea – however, there is a minimum cost of \$540 – Wendy also recommended that she do an orientation with the employees (will take a minimum of two hours) but the Village will be charged a minimum of 4 hours at \$135/hour
- Millard said that the question was asked if employees would have the opportunity to review the manual before it was passed – Wendy told the committee that manuals are not typically reviewed by employees because Council legislates, so whatever Council decides through the work session that is what Wendy will present in the work session – Millard also added that Delk would like the manual to be completed by October 1st
- Millard then posed the question to Council again about whether or not they wanted Wendy to prepare the summary and perform an orientation for the employees – Boolman stated he feels it is a great idea – Baumle said that he felt if there was going to be significant changes to benefits, wages, hours worked, etc. directly affecting the employees, he definitely wanted to see ALL of the changes in a power point or bulleted list, not just a summary, and he felt that should be gone through by the entire Council – he also pointed out that this was not simply a procedure manual and that typically when subjects involving employee benefits, retirement, hours worked and wages are involved there is an employee representative and administration involved in the discussion, so he asked if that would be happening even though Wendy indicated that has not been common practice in her prior dealings – Millard responded that Baumle will like what he reads and that the Village is not taking anything away – Baumle said he will make his determination once he reads through the manual – he again asked if there would be employee input or if the employees just get what they get – Millard answered that there would be no employee involvement and they will get what they get – Bill spoke up at this point and did add that Darcy's input in today's meeting with Wendy was very valuable because she deals with human resource aspect and the benefits aspect everyday – he also added that she was able to clarify some things and why they are the way they are

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- Millard then shared that Wendy stated that the Village does not fall under FMLA because the Village does not have 50 or more employees – Woodall spoke up and stated that because the Village is a government agency the 50 or more employee rule does not apply – regardless of the number of employees, the Village does fall under FMLA simply because the Village is a government agency – Woodall went on to say that extensive research was done 2 years ago when an employee was off for an extended period of time, and the Village did not believe that FMLA applied – however, through research by the Solicitor and Woodall, it was found that the Village does in fact have to abide by FMLA – Baumle pulled up some verbiage on his phone and read verbatim that FMLA applies to ALL public agencies
- Millard then asked again if it was okay to tell Wendy to move forward with preparing the summary of changes – all present agreed

Finance & Audit Committee: Nothing at this time. Meeting scheduled for Wednesday, September 6, 2017 at 4:30PM in Council Chambers.

Old Business:

New Business:

Ordinance No. 2017-44 – Mayor Foureman read by title only an Ordinance amending Ordinance 2013-22 with regard to the planting of trees in the green space. This is the second reading.

Ordinance No. 2017-46 – Mayor Foureman read by title only an Ordinance prohibiting the keeping of farm animals within the Village of Arcanum. This is the first reading. Mayor Foureman asked if anyone would be grandfathered, or if once the ordinance is effective all farm animals are out. Boolman said they are all out of here. Nicole did interject to say that she started looking into what other towns do, and it is much more detailed than just straight prohibition. Nicole suggested that the Planning Committee discuss further and potentially amend the legislation by maybe basing it on lot size or limiting the number or something along those lines.

Ordinance No. 2017-47 – 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-Community Environment) A motion was made by Millard to waive the three reading rule on Ordinance No. 2017-47. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to adopt Ordinance No. 2017-47. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Ordinance No. 2017-47. Van Hoose seconded. All present voted yea. Legislation passed.

Ordinance No. 2017-48 – 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-Town Hall) A motion was made by Van Hoose to waive the three reading rule on Ordinance No. 2017-48. Baumle seconded. All present voted yea. Motion passed. Van Hoose made a motion to adopt Ordinance No. 2017-48. Baumle seconded. All present voted yea. Motion passed. Van Hoose made a motion to declare an emergency on Ordinance No. 2017-48. Baumle seconded. All present voted yea. Legislation passed.

Ordinance No. 2017-49 – 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, Sewer, & Electric Funds) A motion was made by Millard to waive the three reading rule on Ordinance No. 2017-49. Boolman seconded. All present voted yea. Motion passed. Millard made a motion to adopt Ordinance No. 2017-49. Boolman seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Ordinance No. 2017-49. Boolman seconded. All present voted yea. Legislation passed.

Resolution No. 2017-32 – Mayor Foureman read by title only a Resolution authorizing the Village Administrator to seek bids for 2018 tree trimming and declaring an emergency. This is the second reading.

Resolution No. 2017-34 – Mayor Foureman read by title only a Resolution authorizing the Mayor and/or Village Administrator to approve pay requests and change orders for the Village Wastewater Treatment Plant Project and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2017-34. Baumle seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2017-34. Baumle seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Resolution No. 2017-34. Baumle seconded. All present voted yea. Legislation passed.

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Resolution No. 2017-35 – Mayor Foureman read by title only a Resolution authorizing the Fire Chief to seek bids for certain personal property owned by the Village and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2017-35. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2017-35. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Resolution No. 2017-35. Van Hoose seconded. All present voted yea. Legislation passed.

Resolution No. 2017-36 – Mayor Foureman read by title only a Resolution accepting the bid for the resurfacing of certain streets within the Village and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2017-36. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2017-36. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to declare an emergency on Resolution No. 2017-36. Van Hoose seconded. All present voted yea. Legislation passed.

Resolution No. 2017-37 – Mayor Foureman read by title only a Resolution authorizing Village Administrator to enter into an agreement for materials/engineering testing and declaring an emergency. A motion was made by Boolman to waive the three reading rule on Resolution No. 2017-37. Millard seconded. All present voted yea. Motion passed. Boolman made a motion to adopt Resolution No. 2017-37. Millard seconded. All present voted yea. Motion passed. Boolman made a motion to declare an emergency on Resolution No. 2017-37. Millard 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. Van Hoose seconded. All present voted yea. Motion passed.

Announcements:

Adjournment: A motion was made by Boolman to adjourn. Van Hoose seconded. Meeting ended at 8:25 PM.

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

Mayor Judith F. Foureman