

Village of Arcanum Council Meeting
Tuesday, January 30, 2018
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 Jerry Boolman, Vanessa Delk, Blaine Vencill, Greg Baumle, and Eric Van Hoose answered roll call. Before Mayor Foureman asked for a motion to excuse Millard, she opened the floor for discussion concerning the issue of excused/unexcused absences of council members that was brought up at the previous council meeting. Also present were Village Administrator Bill Kessler, Fiscal Officer Darcy Woodall, Solicitor Nicole Pohlman, Fire Chief Kurt Troutwine, Erik Martin from the Daily Advocate, Mike Bruns from Mote & Associates, George Lovett (running for State Representative), and residents Bruce Shank, Joe LeMaster, Phil Garbig, and Wayne Stutz.

Baumle opened the discussion by addressing the main concern of the public, which is that members of council are still compensated even when they are absent, especially several meetings in a row. Baumle suggested doing away with excused and unexcused absences, and if a member is not present at a council meeting, they are not paid. He also suggested that maybe there could start to be compensation for attendance at committee meetings. Delk was in agreement with the suggestions. Boolman was not because his stance is that council members are paid for their public service, not just for attendance at meetings. Boolman stated that many council members perform work outside of council meetings that they are not compensated for, and council members are paid a salary of \$150/month whether they attend any meetings or not. The Solicitor, Nicole, interjected at this time to clarify some items that are required by statute. The first being that a yearly salary is to be set for council members and must be paid monthly, meaning members cannot be paid by meeting. The second item is that excused and unexcused absences cannot be done away with because by statute if a member is unexcused for a certain number of absences, their council seat is vacated. Vencill added that the perception/concern in the community is that in a 4-year term, Millard is absent the equivalent of one full year of that term by being gone 3 months each year, yet she is still being compensated and not here serving the community in the capacity to which she was elected. Boolman then pointed out that the Mayor went on leave in 2017 and was still compensated to which Delk replied that this discussion is not about the Mayor. Boolman then talked about Baumle missing three meetings in 2017 because of work after stating to the interview panel that he would be able to attend meetings. Baumle spoke up and reminded Boolman that at the time of his interview, he explained that the nature of his job requires that all leave be scheduled at the beginning of the calendar year. Therefore, he informed council at that time there would be three meetings that he would be unable to attend during the remainder of 2017, and council still chose to appoint him. Baumle also added that his schedule for 2018 has been arranged so that he will not miss any meetings in 2018. Resident Joe LeMaster spoke at this time. He explained that part of his concern other than Millard being absent was her calling the Village Solicitor while in Florida. He asked if the Village is billed when Millard calls the Solicitor from Florida. Nicole answered that yes, the Village is billed if Millard calls and talks to her. He responded that if Millard was present at the council meetings and not in Florida, she could ask her questions to Nicole at the meetings when she is already here being paid for her time instead of costing the Village additional money because she is calling her from Florida. Baumle then said that he was trying to make this concern about Council absenteeism in general, not just Millard. If the statutes are the statutes, then he understands that. Baumle went on to say that Millard does do a lot for the Village and is really in tune with what is going on in the Village. He acknowledged that she puts in time outside of council meetings as do other council members, and the salary that council members are paid is just. He said that if there is not a way to make it more like a job where if you come to work you get paid, and if you don't come to work, you don't get paid, he suggested that we just move on from this issue. Delk said she was fine with that, but she felt it was important to acknowledge that the taxpayers of the Village had brought an issue to Council that they felt needed to be looked at and dealt with. Boolman stated that council was elected by the citizens of the Village for their service, not for the number of meetings they attend. He went on to say that many things are done behind the scenes that the citizens are not aware that are meant to better serve the community and more than help meet the compensation that the council members are paid. Boolman stated that none of the council members are getting rich from doing this job. Mr. LeMaster said he never accused anyone of getting rich from being on council. His point was that he feels it is unfair to continue to pay a council member when they are gone on vacation three months out the year, and then turn around and accuse residents in the community of not paying their fair share of the sewer debt reduction and then passing ordinances requiring them to pay their fair share all while continuing to pay someone who isn't here for three months. Mayor Foureman clarified at this time that she was off for one month in 2017, and it was for medical reasons. Mr. LeMaster finds it distasteful that council chooses to excuse Millard's absence when they know it really isn't excusable because it is her choice to go on vacation, so that is on her. He stated that she got elected, so she should fill the position as she was elected to do. Mayor Foureman then asked for the wishes of council on this issue. Nicole reminded council that per the council rules already in place, if an absence is unexcused, the council member does not receive compensation for that meeting. Delk suggested that if a member is absent from a meeting for any reason that the absence be considered unexcused and the member receive no compensation for that meeting. Boolman said that is breaking it down by meeting again, and it's not about attending the meetings. It's about the service to the Village. Mayor Foureman stated that per the ORC the position of a councilperson is to be present to vote. He asked if it was mandatory, to which the Mayor replied yes. She further explained that is the description of a

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councilperson listed in the Ohio Municipal League book, and the president of council takes the place of the Mayor if the Mayor is not there. Any other civic duties performed by a council member outside of meetings are done because a council member is dedicated to their Village. Boolman does not feel it is fair that if he goes on vacation, he won't get paid. Since they are considered salaried, they should get paid whether they are there or not because that is how it works when you are salaried. The Fiscal Officer did point out that she is salaried, and if she doesn't come to work, she has to use vacation or sick time in order to still get paid. If she does not have vacation or sick time to use, she does not get paid for that time off. Delk reminded Boolman that a council seat is an elected position, not a regular 40-hour per week salaried job, so receiving paid time off does not apply in this case. It was finally decided to table the issue until Millard returns from Florida. The VA did add that his concern was that a lot of legislation is passed as an emergency, and if one of the rest of the five present isn't on board, it halts what the Village is trying to accomplish. Woodall added that it isn't so much about someone else not agreeing, but if another member is absent, emergency legislation cannot be passed because five members are required to waive the three reading rule and declare an emergency. Woodall also stated that even though it was mentioned that not much goes on during the first part of the year, that is not actually the case this year. There is a progress meeting each month with the WWTP, which requires approval of additional appropriations to pay the contractor, and now there are many pieces that have to fall into place to move forward with funding for a new building, which also requires several pieces of legislation as well as additional appropriations.

Mayor Foureman asked for a motion to excuse Millard. A motion was made by Van Hoose to excuse Bonnie Millard. Boolman seconded. All present voted yea. Motion passed.

Council Minutes: Mayor Foureman asked for approval of the minutes of January 9, 2018. A motion was made by Baumle to approve the minutes of the January 9, 2018 Council meeting. Delk seconded. All present voted yea. Motion passed.

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

Amendments to the Agenda:

Comments from the Public:

Fire Chief Kurt Troutwine:

- **New Pagers** – tomorrow is the end of the sale for the pagers that were previously discussed – current sale includes a free 3-year warranty with each pager purchased – funds from the sale of the old firetruck will be used to purchase the pagers – Kurt is asking for council approval tonight so that he can purchase the pagers tomorrow before the sale ends – Woodall stated that there is legislation prepared authorizing Kurt to purchase the pagers as well as additional appropriations to cover the cost of purchase
- **AFG Grant application** – Kurt was informed that he needs council approval for any grants that he applies for that require Village match money or upfront funds – he informed council of a training reimbursement grant that he will receive that will reimburse the Village for money that has already been spent – this grant will not cost the Village any money – application deadline is January 31, 2018 – the Mayor informed Kurt he does not need approval if there is no cost involved – he then passed out information pertaining to the AFG grant application for air packs/bottles – the Village share of this grant would be roughly \$9,200 – these funds would also come from the sale of the old fire truck if the grant is received – A motion was made by Delk authorizing the Fire Chief to apply for the AFG grant for air packs/air bottles. Boolman seconded. All present voted yea. Motion passed. Application deadline is February 2, 2018.

George Lovett (Candidate for State Representative): Mr. Lovett introduced himself. He is from Tipp City. He spent 8 years on city council in Tipp City. Two of those years were as Mayor. He thanked the Council and the Solicitor for what they do, and reiterated that none of them is paid enough for all that they do. He went on to say he is running for State Representative and would love to hear from all of us what can be done better in Columbus. Mr. Lovett passed his business cards out to all who were present and said he would be able to stay until about 8:30PM.

Resident Phil Garbig: Phil stated that he was present to address Ordinance No. 2017-69 pertaining to water/sewer charges. Phil's understanding of the proposed ordinance is that bare lots will begin being charged for services that are not being used. The Mayor deferred the question to the Village Administrator. Bill explained if it is a bare lot that has never been tapped, the fee is \$0. Phil's concern is that investors, like Benanzer, will start being charged \$30-\$60 per lot for lots that have nothing built on them, and this will put a stop to development in the Village. Bill clarified that the bare lots in Harvest Fields and/or any other development will not be charged this fee as long as they remain untapped. If a property has been tapped and a water meter is attached, the full minimum is charged (even if the house is empty). If the water meter is removed but the tap exists, there is a \$30/month charge. Phil asked for the logic behind this. Bill explained that if it has been previously tapped, the Village still has to maintain those lines

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and infrastructure, so the \$30 helps cover those costs. If it has previously been tapped and can have a meter there, the Village has to maintain it. The Village will also never charge a full tap fee again. Boolman stated that the Village is starting by looking at residential, and if we find that there are old commercial lots with meters that aren't being used, they can be capped off so they won't be charged. Boolman was reminded by the Solicitor that the legislation as written includes commercial lots because it was discussed at the utility meeting that the Village cannot just choose to charge residential customers and not commercial customers. Boolman responded that the Village doesn't know how some of the commercial lots are structured because they are so old, so some investigation is necessary first. Kessler stated that he cannot answer as to what state the commercial lots are in at this time, but the Mayor did say that a list has been started and they are starting to look into those lots. The Mayor went on to say that she is going to ask Council to consider tabling the third reading of this ordinance until staff has an opportunity to be ready to move forward. Finally Phil circled back to his original concern and stated that as long as the proposed charges were not going to have a chilling effect on investors or development in the Village, then he is not opposed to the legislation.

Administrative Reports:

Mayor/Village Administrator: Mayor Foureman relinquished her time to the Village Administrator. Kessler reported on the following:

- **CDBG Grant** – Bill attended the CDBG meeting at the County – the amount would be \$50K with a minimum 15% Village match – Bill asked that the Service and Leisure Committee set a meeting to talk about some of the potential projects for the CDBG funds - Bill is working with Nola to get out the LMI survey to residents in the areas where the CDBG funds can be used, which needs to be completed in order to apply for the grant
- **Street Sweeper** – currently a couple options may be opening up – George Luce believes he can get the Village what it is looking for by Spring – Bill has also been contacted by the City of Greenville – they are looking to sell one of their current street sweepers as well – Bill will look into both of these further – will talk about more in Service and Leisure
- **Planning** – Bill feels that there should be a Planning Committee meeting at least once a month
- **Water Tower** – still waiting on Consolidated to come look at the issues with the water tower
- **Utility** – need to set a Utility Committee meeting to discuss a plan for generators
- **Other Committees** – with the exception of Finance, Bill would like to set a meeting with each committee to set goals for the year of what needs to be accomplished or would like to be accomplished
- **Code Red** – tested but still working on getting up and running – concerning the tornado sirens – Bill believes between Verizon, the Village, and Code Red, there may be a viable solution that could potentially work for the whole County – Baumle said he would give a further update on this in his Safety Committee report

Solicitor: Pohlman reported on the following:

- **Personnel Manual Update** – not done yet – more cumbersome than she anticipated – hoping to be completed with her review in the next few weeks

Fiscal Officer: Woodall apologized for the lateness of council packets. She explained that there has been quite a bit of sickness amongst all office staff, including herself. It is also January, which is an extremely busy time for a Fiscal Officer as everything is due on January 31st. She is hoping to get back to some sense of normalcy after tomorrow but is not holding her breath. Mayor Foureman then added that with the changes to council rules concerning delivery of packets via email, Nicole had some comments to make in reference to personal email addresses. Nicole has no issue with delivery of packets via email, but she explained that when a personal email is used for Village business, it does become subject to public record. Nicole's suggestion is to have Bill or whoever go through the same provider and set up an email for each council member that is specifically for Village use only. This will also allow Bill to control deleting that email as council members leave because the Village has its own secure email server. She also cautioned council members not to make Village decisions via email. Those decisions should be made in public meetings. At this time, Boolman stated that he did not want to spend money on ink and paper printing out lengthy packets from home. Woodall asked if he was okay with reviewing the packet via email, and she could still print it for him to have at the council meeting. He said that was fine. Mayor Foureman also said that she had a request that there be an agenda for each councilmember at their seat for the meeting. Woodall said she would do that for the next meeting.

Committee Reports:

Service & Leisure Committee: Nothing at this time. Meeting scheduled for Wednesday, February 7, 2018 at 5PM at 1 Pop Rite Drive.

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Safety Committee: Meeting was held on Tuesday, January 16, 2018 at 6:30PM at 1 Pop Rite Drive. Committee members present were Greg Baumle and Blaine Vencill. Also present were Mayor Judith Foureman, Village Administrator Bill Kessler, Fire Chief Kurt Troutwine, Police Chief Andrew Ashbaugh, and Sergeant Tim Zellers. Baumle reported on the following:

- Baumle asked if anyone had any questions on the minutes of the safety meeting
- Police Chief is researching what a used vehicle would cost (including outfitting it) as the costs to repair the Tahoe far exceed the current value of the Tahoe
- **Tornado Sirens** – spoke with Melissa Hawes (County 911 Coordinator) – Village needs to come up with a contingency plan for the tornado sirens if 800 is not upgraded on each individual siren in Darke County – all sirens will be operable on the vhf system after the upgrade to MARCS in Arpil, but the County will have nothing to do it – so the Village will be on its own unless Mindy Saylor comes up with some kind of grant (not likely with only 2 months to work with) – Baumle will discuss further with the Police Chief and Fire Chief – Bill stated that he has a few ideas – believes he can keep the vhf running and implement a new system simultaneously - Baumle was also informed that the Village will be receiving a letter from the County explaining that the basically the Village is on its own to figure it out

Utility Committee: Nothing at this time. Meeting scheduled for Monday, February 12, 2018 at 5PM at the VA Office.

Planning Committee: Meeting was held on Tuesday, February 6, 2018 at 7:30PM at 1 Pop Rite Drive. Committee members present were Blaine Vencill and Greg Baumle. Also present were Mayor Judith Foureman and Village Administrator Bill Kessler. Vencill reported on the following:

- **Bat Removal** – must be out by March – other removal time would be fall – Barnes Wildlife Control has proposed a 2-year contract for the removal/sealing at a cost of \$7385 – committee recommends council approval – next step is to get quote from a company to do an analysis of the present building and let it be known the building is available for exchange of ownership – Kessler added that there was a change since the planning meeting – he met with Jerry Snyder from Twin Township – the Township wants to pay 1/3 of the cost of the bat removal with the stipulation the guarantee be added to the contract at an additional cost of \$1000 – the new quote amount is \$8436 - Village portion will be \$5624, Township portion will be \$2812 – the Township would also like to pay 1/3 of the \$2800 that will be billed by ERA Tech for the analysis of what materials are present in the building – the Township will need an invoice billed to the Township for that amount as well – A motion was made by Boolman to accept the bat removal estimate of \$8436 (including the 3-year guarantee) from Barnes Wildlife Control. Delk seconded. All present voted yea. Motion passed. – Barnes will begin prepping for removal in February
- **Financing** – Bill to meet with Ashley Kelly on January 23rd to discuss funding options through USDA/RD – site recommendation for a new building is required – proposed sites are parking lot across from old building, lot behind current VA office, and acreage beside the VFW – A motion was made by Boolman to select the acreage by the VFW as the site recommended by USDA for the new municipal building. Delk seconded. All present voted yea. Motion passed.

New Business:

Resolution No. 2018-03 – Mayor Foureman read by title only a Resolution authorizing the Mayor to enter into an agreement with WSOS Community Action Commission, Inc. and declaring an emergency. This authorizes this group to perform an environmental study on the new site. A motion was made by Delk to waive the three reading rule on Resolution No. 2018-03. Boolman seconded. All present voted yea. Motion passed. Delk made a motion to adopt Resolution No. 2018-03. Boolman seconded. All present voted yea. Motion passed. Delk made a motion to declare an emergency on Resolution No. 2018-03. Boolman seconded. All present voted yea. Legislation passed.

Resolution No. 2018-02 – Mayor Foureman read by title only a Resolution authorizing the Mayor to enter into an agreement with WDC Group, LLC and declaring an emergency. (will prepare concept drawings/budget) A motion was made by Boolman to waive the three reading rule on Resolution No. 2018-02. Van Hoose seconded. All present voted yea. Motion passed. Boolman made a motion to adopt Resolution No. 2018-02. Van Hoose seconded. All present voted yea. Motion passed. Boolman made a motion to declare an emergency on Resolution No. 2018-02. Van Hoose seconded. All present voted yea. Legislation passed.

- **Architect** – getting 2 quotes for concept drawings – one company is owned by the Village Administrator's brother – the Mayor will get an opinion from the Solicitor to clarify if that would be a conflict of interest – A motion was made by Boolman for authorization to advertise for request for qualification of architects. Baumle seconded. All present voted yea. Motion passed. Nicole will prepare legislation for next meeting.

Next meeting is Wednesday, February 6, 2018 at 7PM at 1 Pop Rite Drive.

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Personnel Committee: Nothing at this time.

Finance & Audit Committee: Boolman asked Woodall to prepare legislation for the next meeting to transfer the funds for the water tower and street sweeper.

Old Business:

New Business:

Ordinance No. 2017-68 – Mayor Foureman read by title only an Ordinance amending the utility billing policy for the Village of Arcanum, Ohio. This is the third reading. A motion was made by Boolman to adopt Ordinance No. 2017-68. Van Hoose seconded. All present voted yea. Legislation passed. Ordinance No. 2017-68 will become effective March 1, 2018.

Ordinance No. 2017-69 – Mayor Foureman read by title only an Ordinance establishing certain water and sewer charges for the Village of Arcanum, Ohio. This is the third reading. After much discussion from residents expressing their concern about the unclearness of the new sewer fees and Mayor Foureman stating that the staff has not had adequate time to evaluate ALL properties, residential and commercial, to determine if the new fees will apply or not apply, Mayor Foureman asked for a motion to table the third reading of Ordinance No. 2017-69. A motion was made by Boolman to table the third reading of Ordinance No. 2017-69. Delk seconded. All present voted yea. Motion passed.

Ordinance No. 2018-01 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2018 appropriations of the Village of Arcanum, Darke County, Ohio and declaring an emergency. (Fire Fund) A motion was made by Baumle to waive the three reading rule on Ordinance No. 2018-01. Delk seconded. All present voted yea. Motion passed. Baumle made a motion to adopt Ordinance No. 2018-01. Delk seconded. All present voted yea. Motion passed. Baumle made a motion to declare an emergency on Ordinance No. 2018-01. Delk seconded. All present voted yea. Legislation passed.

Ordinance No. 2018-02 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2018 appropriations of the Village of Arcanum, Darke County, Ohio and declaring an emergency. (Sewer Fund) A motion was made by Boolman to waive the three reading rule on Ordinance No. 2018-02. Van Hoose seconded. All present voted yea. Motion passed. Boolman made a motion to adopt Ordinance No. 2018-02. Van Hoose seconded. All present voted yea. Motion passed. Boolman made a motion to declare an emergency on Ordinance No. 2018-02. Van Hoose seconded. All present voted yea. Legislation passed.

Ordinance No. 2018-03 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2018 appropriations of the Village of Arcanum, Darke County, Ohio and declaring an emergency. (Water Fund) This will be the backup generator for the well fields. A motion was made by Van Hoose to waive the three reading rule on Ordinance No. 2018-03. Baumle seconded. All present voted yea. Motion passed. Van Hoose made a motion to adopt Ordinance No. 2018-03. Baumle seconded. All present voted yea. Motion passed. Van Hoose made a motion to declare an emergency on Ordinance No. 2018-03. Baumle seconded. All present voted yea. Legislation passed.

Ordinance No. 2018-04 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2018 appropriations of the Village of Arcanum, Darke County, Ohio and declaring an emergency. (General Fund) A motion was made by Baumle to waive the three reading rule on Ordinance No. 2018-04. Delk seconded. All present voted yea. Motion passed. Baumle made a motion to adopt Ordinance No. 2018-04. Delk seconded. All present voted yea. Motion passed. Baumle made a motion to declare an emergency on Ordinance No. 2018-04. Delk seconded. All present voted yea. Legislation passed.

Ordinance No. 2018-05 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2018 appropriations of the Village of Arcanum, Darke County, Ohio and declaring an emergency. (WWTP Improvements Project Fund) This covers OPWC disbursements. A motion was made by Van Hoose to waive the three reading rule on Ordinance No. 2018-05. Baumle seconded. All present voted yea. Motion passed. Van Hoose made a motion to adopt Ordinance No. 2018-05. Baumle seconded. All present voted yea. Motion passed. Van Hoose made a motion to declare an emergency on Ordinance No. 2018-05. Baumle seconded. All present voted yea. Legislation passed.

Ordinance No. 2018-06 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2018 appropriations of the Village of Arcanum, Darke County, Ohio and declaring an emergency. (WWTP Improvements Project Fund) A motion was made by Boolman to waive the three reading rule on Ordinance No. 2018-06. Delk seconded. All present voted yea. Motion passed. Boolman made a motion to adopt Ordinance No. 2018-06. Delk seconded. All present voted yea. Motion passed. Boolman made a motion to declare an emergency on Ordinance No. 2018-06. Delk seconded. All present voted yea. Legislation passed.

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Ordinance No. 2018-07 – Mayor Foureman read by title only an Ordinance authorizing the placement of stop signs at certain intersections in Harvest Fields Subdivision and declaring an emergency. A motion was made by Delk to waive the three reading rule on Ordinance No. 2018-07. Baumle seconded. All present voted yea. Motion passed. Delk made a motion to adopt Ordinance No. 2018-07. Baumle seconded. All present voted yea. Motion passed. Delk made a motion to declare an emergency on Ordinance No. 2018-07. Baumle seconded. All present voted yea. Legislation passed.

Resolution No. 2018-01 – Mayor Foureman read by title only a Resolution authorizing the Village of Arcanum to enter into a one-year agreement with BHM CPA Group, Inc. and declaring an emergency. A motion was made by Baumle to waive the three reading rule on Resolution No. 2018-01. Boolman seconded. All present voted yea. Motion passed. Baumle made a motion to adopt Resolution No. 2018-01. Boolman seconded. All present voted yea. Motion passed. Baumle made a motion to declare an emergency on Resolution No. 2018-01. Boolman seconded. All present voted yea. Legislation passed.

Resolution No. 2018-04 – Mayor Foureman read by title only a Resolution authorizing the purchase of pagers and associated equipment for the Village of Arcanum Fire Department and declaring an emergency. A motion was made by Boolman to waive the three reading rule on Resolution No. 2018-04. Van Hoose seconded. All present voted yea. Motion passed. Boolman made a motion to adopt Resolution No. 2018-04. Van Hoose seconded. All present voted yea. Motion passed. Boolman made a motion to declare an emergency on Resolution No. 2018-04. Van Hoose 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 Delk to pay the properly appropriated and funded expenditures. Boolman seconded. All present voted yea. Motion passed.

Announcements:

Mayor Foureman informed Council that there has been a public records request made for the birthdates and names of all Village employees and public officials

Adjournment: A motion was made by Boolman to adjourn. Delk seconded. Meeting ended at 8:37 PM.

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

Mayor Judith F. Foureman