

Village of Arcanum Council Meeting
Tuesday, March 13, 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 Greg Baumle, Eric Van Hoose, Jerry Boolman, Bonnie Millard, and Vanessa Delk answered roll call. Mayor Foureman asked for a motion to excuse Vencill. A motion was made by Delk to excuse Blaine Vencill. Boolman seconded. All present voted yea. Motion passed. Also present were Village Administrator Bill Kessler, Fiscal Officer Darcy Woodall, Solicitor Nicole Pohlman, Erik Martin from the Daily Advocate, and residents Chuck Bechard, Ben Stewart, Joe LeMaster, Jon Weaver, Missy Shilt, Katrina Gibson, Rob Kendig, Gary Moore, and Wayne Stutz.

Council Minutes: Mayor Foureman asked for approval of the minutes of March 2, 2018. A motion was made by Boolman to approve the minutes of the March 2, 2018 Council meeting. Delk seconded. Baumle, Van Hoose, Boolman, and Delk voted yea. Millard abstained. 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:

Resident Gary Moore: Mr. Moore was present to speak on the high cost and continuing to rise costs of the Village's electric services. Mr. Moore expressed that he has two main concerns. The first being conflicting conversations he feels he had with the Village Administrator several months ago, in which Mr. Moore states that he was given different sets of facts/information. The second being the contract the Village as with AMP (who the Village purchases power from). Mr. Moore has a copy of the contract, which he stated expired in 2005. He is concerned that the Village is operating in a co-op with an expired contract, and the residents are being forced to use this energy source. He would like to see the residents be able to choose their own energy source, like 90% of Ohio does (according to him) because they are not in co-ops. Mr. Moore did have a third item concerning records requests he made under the Sunshine Laws. Mr. Moore stated that he had sent emails to the Mayor and Village Administrator requesting names and dates of birth of public officials and employees. He stated he was provided with 1/3 of the information and has since sent more emails requesting the remaining information with no response.

Resident Benjamin Stewart: Mr. Stewart was also present to speak about the high cost of his utility bill. He stated that he had previously spoken with both the Mayor and the Village Administrator after last month's utility bill topped \$700. On this month's bill, he used 1300kW less, but his bill was higher. He wants to know what incentive he has to use less kW's if his bill is going to be higher because the Village raised the generation charge, especially if the Village is operating on an expired contract. Mr. Stewart is also upset that there are no programs out there to help residents in Arcanum because we are an unregulated public utility. Mr. Stewart expressed that his family has changed many habits surrounding water and sewer usage, but his cubic feet of water usage was exactly the same this month as last month. He was told by the Village Administrator he must have a leaky toilet. Mr. Stewart addressed that with his landlord, but found out that everything from the main into the house is brand new. Wayne Stutz, Mr. Stewart's land lord, spoke up on his behalf. He said that some comments had been made that the house could have leaky pipes. Mr. Stutz clarified that **everything** in the house has been upgraded (brand new). There are no leaky pipes.

Resident Jon Weaver: Mr. Weaver spoke about his utility bill also. He explained that the first 10 years he lived here, his kW usage was never higher than 2600, but in the past three months in particular, it has been up over 4000 with nothing changing at his house.

Resident Missy Shilt: Ms. Shilt is a new resident in town that was previously on just the Village's electric out in the country. She expressed that she has no complaints about her utility bill since moving into town last September. She came to the meeting mostly because she is nosy and had seen quite a bit of commenting happening on Facebook.

Mayor Foureman asked Council how they would like to address the concerns made by the residents. Baumle stated the majority of the statements were directed to the Mayor and the Village Administrator, so he deferred to them.

Village Administrator Bill Kessler: Bill gave a brief overview of how the utility bills are calculated once the AMP bill is received. He explained that there is a lag between when AMP bills the Village, and the Village bills the residents. Bill explained how certain line items on the bill were used to calculate the generation charge, at which time he pointed out the difference in transport fees from January to February. Mr. Moore asked at this time if a resident could see a copy of the bill. The Fiscal Officer stated that yes, a copy of the bill could be requested by filling out a public records request form. Mr. Moore said that he did not have to fill out a form per the Sunshine Laws. Woodall informed Mr. Moore that the Village does in fact have their own public

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records policy, and he does have to abide by it. Mr. Moore responded by saying that the Ohio Sunshine Laws state that you do not have to fill out a form, so filling out a form may be the Village's policy but it is not the State of Ohio's policy. He went on to say he has a copy of the Sunshine Laws if she needed to see it. At this point, the Village's legal counsel interjected to clarify that even though the Sunshine Laws state one thing, they are just the like ORC. If the Village chooses to adopt a policy that is more strict than those laws, they are able to do that. She went on to say that almost every community has a policy requiring someone to fill out a form to request records. It is a procedure that everyone is required to follow, so it is a requirement in the Village of Arcanum that Mr. Moore (or anyone else) fill out the appropriate form when requesting records. Woodall also stated that the original request did not ask for all of the information that Mr. Moore previously stated he requested. She can always go back and pull the original request if necessary.

Jon Weaver asked why the Village did not start collecting money for the sewer debt reduction 10 plus years ago when the Village knew it was going to need a new plant then instead of waiting until now and charging so much more for the debt reduction. Millard explained that a project was started several years ago to separate the sewer from the storm sewer. This was done in three phases. The cost of that project was added to the debt reduction at that time, but the new WWTP was not something that was known 10 years ago. He is also of the understanding that the point of being in a co-op is that the water, sewer, and electric make enough money to pay the bills and operate, and any remaining money is to be disbursed amongst the consumers. Another resident, Chuck Bechard, stated that is his understanding as well. He asked what the upcharge is to the end user each month. The VA explained that the generation fee is calculated based off the AMP bill, and then \$0.02/kW is added to run our department. Bill did say that there was a utility meeting this week where the fluctuating generation charge was discussed. He also said that in the state of Ohio, the average charge per kWh is \$0.10-\$0.12, so even when ours reaches \$0.10, we are still on the low end. He went on to explain that DP&L splits up two charges on their bill, a transport charge and a generation charge. The Village actually takes the transport charge it receives from DP&L & AMP and adds it into the other charges and then divides it out, which is how the generation charge is calculated, so only one charge, not two.

The bottom line is that the residents present at the meeting feel like they should be able to choose what company they want to use for energy. Chuck Bechard stated that the Village is basically just a middle man, so why wouldn't residents just want to cut that part out. Bill explained there will always be a middle man. Power companies will never sell directly to the end user. Power companies want to sell to a banker or investor, whoever is going to pay the most for that energy for that time of day.

Katrina Gibson spoke up stating that she doesn't feel that AMP provides the Village a great service because the power goes out frequently. Missy Shilt said that she was very happy with the service she receives here in town. Her power went out recently, she called the 24-hour number, and they were there within 15 minutes to fix her power. It was back on within an hour. Missy went on to say she would never get that kind of service from DP&L. She said that the electric department is quick to take care of issues when the issue is on the Village's end. If it is on DP&L's end, our electric department's hands are tied. However after this last long outage, it was discovered that more trees were going to cause future issues. DP&L was unwilling to go out and cut down those trees (according to limitations with their rules and regulations), so with permission from those property owners, the Village's electric department went out and trimmed the trees to hopefully prevent another long power outage for our customers.

Resident Rob Kendig asked if there is going to be any kind of investigation into why the utility bills have suddenly went so much higher, his included. Bill stated that he is trying to explain things, but the Village is not changing anyone's meters by tampering with them. Mr. Kendig asked if the handheld that is used to read meters is calibrated. Bill said yes it is. Mr. Kendig wants to know how the Village explains someone's doubled usage. Bill explained that first and foremost, it is on the resident to prove they are not consuming the electric. It could be something very minor. Bottom line, the meter tells the Village what you are consuming but doesn't tell us where it is going. A resident can say what they are doing to conserve energy or use less, but Bill and the employees don't live there to witness any of it. Mr. Kendig and Mr. Weaver would like to be notified the day their meter is read so they can go out and look at it the same day.

Wayne Stutz asked if the Village still has generators at the well fields. Bill informed him that we do, but they cannot be used to generate power per the EPA because of the emissions. They are only used to back up the plant at this time. Mr. Weaver added that the \$5.00 fee for operation and maintenance on the current bill could be eliminated when the generators are retired. Woodall explained that the \$5 O&M fee had nothing to do with the generators and is a requirement of the USDA loan that the Village has as part of the WWTP.

Mr. Bechard suggested that maybe some satisfaction could be reached with the residents in general if the terms of payment for utility bills was not so stringent, especially at times like now when the bills have jumped so dramatically. The Mayor explained that in previous years, the Village did allow payment arrangements with residents, but eventually that resulted in the Village writing off upwards of \$30K-\$40K in bad utility bills each year. That is why the Village had to go to a no tolerance policy. Joe LeMaster spoke up and did say that it would be nice if when the

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church is paying a bill to help out a resident that the church did not have to pay the late fees or administration fees. Then maybe they could help more people by freeing up more money to pay more bills.

Millard suggested that some residents might be helped out by switching to level billing. Mr. Weaver said his utility bill states he is not eligible for level billing. The Mayor went over a few of the provisions to qualify for level billing. She told Mr. Weaver that she will look into his billing history and check on his eligibility for level billing and the day his meter is being read.

Joe LeMaster said he was present to make sure the issue concerning council person absences that had been tabled until Millard's return was going to be addressed. Delk stated that it was still tabled and would be addressed at a future meeting due to so much time being taken up on the utility bill topic.

Administrative Reports:

Mayor: Mayor Foureman reported that the Zoning & Appeals Board met and approved revising the setback footage on 3 lots in Harvest Fields.

Solicitor: Nothing at this time.

Village Administrator: Bill reported that the Darke County Park Grant is available to apply for again. He is attending a meeting tomorrow and needs permission to pursue this grant again this year. A motion was made by Delk authorizing the Village Administrator to pursue the 2018 Darke County Park Grant. Boolman seconded. All present voted yea. Motion passed.

Fiscal Officer: Woodall reported on the following:

- The Tax Administrator has requested that verbiage be added to the Utility Clerk's job description stating that she is permitted to handle tax information (i.e. payments, forms, etc.). This is a requirement of the State of Ohio for anyone privy to tax information, but there is nothing currently in the utility clerk job description referencing this permission. Council is okay to move forward with this addition to the job description. Darcy will update the job description. This will require legislation to be prepared for the next meeting. Nicole to prepare.
- Computer Software Updates – finance, payroll, and tax software will need to be updated within the next two years – currently a jBase program – within the next two years, these programs will no longer be supported or have updates provided – CMI has provided a package quote for all three software program updates to Authority – total package price is \$93,450 – only pay as each is implemented – can be spread out over any period of time – no deadline – there were a couple of questions raised by council members – Darcy will take those back to Mark at CMI and bring answers back to the next meeting

Committee Reports:

Service & Leisure Committee: Meeting was held on Tuesday, March 6, 2018 at 5PM at 1 Pop Rite Drive. Committee members present were Eric Van Hoose and Jerry Boolman. Also present was Village Administrator Bill Kessler. Van Hoose reported on the following:

- **CDBG Grant** – West South Street – 2019 project – resurface cost (\$96,175), reclamite cost (\$9,384) – use County Engineer – West North Street – reapply for grant (not until August)
- **Traffic Lights** – blew a relay – Bill is asking the State about using money in the State Highway fund to purchase new lights
- **Serve Arcanum** – one project is to paint the fence at the pool
- **Ball Diamonds** – caps for the fence are ordered – cost is \$2100
- **Bridges** – 2 bridges at Alternate 49 East and beside Seminole Lane to be repaired in 2019 will be closed for 14 days – will be done at separate times
- **Pool** – will paint baby pool but not the big pool this year – repair a valve and an elbow at the pump house
- **Circus** – April 30th at the ball diamonds – will ask Business Association about liability with the circus so the ball diamonds does not get torn up

Next meeting is Monday, March 19, 2018 at 5PM at 1 Pop Rite Drive.

Safety Committee: Nothing at this time.

Utility Committee: Meeting was held Monday, March 12, 2018 at 5PM at the VA Office. Committee members present were Bonnie Millard, Eric Van Hoose, and Vanessa Delk. Also present were Village Administrator Bill Kessler and Utility Clerk Angie Lear. Millard reported on the following:

- Reviewed the automatic customer payment plan with an additional rule added. Committee is ready to move forward with council's approval to begin a test. This would be announced in the Mayor's newsletter and customers' would need to pick up and fill

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out form from utility office. Need to check with solicitor if ordinance is needed for this service.

- The tabled ordinance 17-69 regarding the infrastructure charges was discussed, with Bill having some recommended changes to ordinance that committee would like to invite Nicole to next meeting if available.
- Utility personnel feels there is a need to have a fee for residents that do not have a water shutoff valve that request department employees to disconnect/reconnect during working hours. There is currently an ordinance identifying charges for emergency and after hours. Bill to write a draft for review by committee before recommending for council approval.
- Administration requested a charge for tampering with a meter. Informed that it is already covered by ORC 4933.18. Bill will do further research.
- Committee discussed changing all lights to LED at a cost of \$213/light for 100 lights over the course of 2 years at a cost of \$21,300. Definite payback. Vanessa made motion, seconded by Eric. Recommending to council for approval to proceed with project.
- Water/wastewater employee quit after four days. Placing ad for replacement.
- The present 1988 digger truck for setting poles is going to be repaired at a cost of \$14K-\$15K and then will sell. Minster has a 2010 they are going to get rid of mid-summer for \$50K-\$55K. Vanessa motioned and Eric seconded to move forward with council approval.
- Water tower at old city building has hole repaired and has been refilled. It is too old to put money into refurbishing it at a cost of \$200K-\$300K. We have already reserved \$80K for a new one down the road a few years. With the filter loan paid off this year at \$30K/year, it was discussed to take this and reserve it, bringing the total to \$50K being reserved yearly. Will pass this to finance committee during their 2019 budget process. Bill still trying to get a company to power wash the peeling paint.
- Doss presented a project quote for updating the website to be more user friendly. Initially \$3500 upfront to design and install and then an approximate annual cost of \$500 for backup plus security fees and registration, hosting, etc. Could be up in 2 months. Bonnie motioned to proceed and Vanessa seconded. Recommending for council approval.
- Issue addressed from January 9th council meeting when landlord inquired why they are not notified when their tenant's water and sewer bill is late (which landlord is responsible for if tenant does not pay). Committee discussed and if landlord comes in and talks with Angie, she will add their name to the notification list.
- Delk made a motion to proceed with the purchase of LED street lights to finish out the Village. Baumle seconded. All present voted yea. Motion passed.
- Boolman made a motion authorizing the Utility Department to proceed with the purchase of a digger truck from the Village of Minster not to exceed \$55,000. Van Hoose seconded. All present voted yea. Motion passed.
- Delk made a motion to have Doss Business Systems update the Village website at a cost of \$3500. Van Hoose seconded. All present voted yea. Motion passed.

Next meeting is Tuesday, March 20, 2018 at 5PM at the VA.

Planning Committee: Meeting was Wednesday, March 7, 2018 at 7PM at 1 Pop Rite Drive. Committee members present were Jerry Boolman, Greg Baumle, and Blaine Vencill. Also present were Mayor Judith Foureman and Village Administrator Bill Kessler. Boolman reported on the following:

- **Discussion on hiring an architect** – cheaper to hire an architect than do a design build with a construction firm – committee recommending Garmin-Miller Architect firm – they have done several schools along with other projects
- **Discussion on hiring engineering firm** – discussed hiring engineering firm for surveying and topographical work – committee recommends Choice One Engineering to award contract for \$12K
- **Discussed hiring a company for soil borings** – committee recommends hiring Geo Tech Consultants for this work at a cost of \$3300
- Boolman made a motion recommending Garmin-Miller as the architect for the new municipal building. Baumle seconded. All present voted yea. Motion passed.
- Boolman made a motion recommending Choice One Engineering to do the survey and topographical work for the new municipal building. Baumle seconded. All present voted yea. Motion passed.
- Boolman made a motion recommending Geo Tech Consultants to perform the soil borings at the site for the new municipal building. Baumle seconded. All present voted yea. Motion passed.

Personnel Committee: Nothing at this time.

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Finance & Audit Committee: Meeting was held Wednesday, March 7, 2018 at 6PM at 1 Pop Rite Drive. Committee members present were Blaine Vencill, Vanessa Delk, and Jerry Boolman. Also present were Mayor Judith Foureman, Fiscal Officer Darcy Woodall, and Village Administrator Bill Kessler. In Vencill's absence, Woodall reported on the following:

- **Pool** – Estimate to paint baby pool – have a call in to Martin Painting out of Columbus – will come and give an estimate – hold off painting big pool until next year – Pool Manager – Bill would like to hire one at \$10/hour, 40 hours/week over 7 days – would need to set aside \$5K for wages and \$1K for benefits (PERS, MEDI, etc) – **committee recommends moving forward with hiring a pool manager** – Bill would like to purchase lounge chairs for the pool at a cost of \$350 for 8 chairs – Bill plans to have more “community events” at the pool this season to help generate more revenue – open to ideas
- **Police** – currently \$17K set aside in budget for purchase of a cruiser – Chief Ashbaugh looked into purchase of a used cruiser – with cost of vehicle, switching over of equipment, and striping, total cost came to roughly \$18,300 – a brand new base model explorer with no equipment is around \$27K – committee decided to hold off another year at which time \$25K would be set aside for a cruiser – committee feels it makes more sense to purchase new – 2019 will also be last payment on current explorer – Chief Ashbaugh hasn't found any grants available yet but will continue to look
- **Electric** – digger truck – Minster has one for sale – max amount needed would be \$55K – electric fund has enough to cover
- **State Highway** – new stop lights – Woodall has confirmation from the State Auditor that State Highway funds can be used to purchase new stop lights
- **WWTP** – need to appropriate remaining amounts for loan/grant funds in entirety per Ashley Kelly from USDA to speed up disbursements to contractor – legislation prepared for tonight
- **2019 Budget** – need to appropriate estimated revenue and all or majority of carryover instead of estimated revenue only – correspondence from County Auditor can be obtained if necessary – this creates less work at the County level as well as less work for the Fiscal Officer – this would also eliminate most of the additional appropriation legislation that is typically part of our council meetings

New Business:

Ordinance No. 2018-16 – 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 Delk to waive the three reading rule on Ordinance No. 2018-16. Van Hoose seconded. All present voted yea. Motion passed. Delk made a motion to adopt Ordinance No. 2018-16. Van Hoose seconded. All present voted yea. Motion passed. Delk made a motion to declare an emergency on Ordinance No. 2018-16. Van Hoose seconded. All present voted yea. Legislation passed.

Old Business:

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:

- Millard addressed Council concerning her being a topic of conversation while she was gone in Florida. She read from something she had typed out. Something came up concerning how salaried employees are paid when they run out of sick or vacation time. The Fiscal Officer explained that the way Millard said it was treated in the past is not how it has been treated since she started working here. It was decided that this issue would need to be looked into further by the personnel committee and Nicole.

Adjournment: A motion was made by Boolman to adjourn. Delk seconded. Meeting ended at 9:01 PM.

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

Mayor Judith F. Foureman