

Village of Arcanum Council Meeting
Tuesday, July 10, 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, Vanessa Delk, and Blaine Vencill answered roll call. Also present were Village Administrator Bill Kessler, Fiscal Officer Darcy Woodall, and Solicitor Nicole Pohlman.

Council Minutes: Mayor Foureman asked for approval of the minutes of June 26, 2018. A motion was made by Delk to approve the minutes of the June 26, 2018 Council meeting. Vencill seconded. All present voted yea. Motion passed.

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

Amendments to the Agenda:

Comments from the Public:

Administrative Reports:

Mayor: Mayor Foureman acknowledged that Carolyn Robinson was present at the meeting to observe. She had recently been in the office helping out and was also going to start helping with the transcription of the council minutes.

Solicitor: Nothing at this time.

Village Administrator: Kessler reported on the following:

- **Water Tower** – still not started
- **Mosquito spray** – scheduled for July 17th at 9PM – request for West retention pond to also be sprayed – Bill will contact Bug-A-Boo to see if this can be done
- **Planning Meeting** – needs to be rescheduled
- **Digger Truck** – Bill requested that Minster sell it to the Village for \$50K, and Minster's Council has approved the sale at that price – expected to take possession around mid-August

Fiscal Officer: Nothing at this time.

Committee Reports:

Service & Leisure Committee: Meeting July 9, 2018 at 5PM at 1 Pop Rite Drive. Committee members present were Eric Van Hoose, Bonnie Millard, and Jerry Boolman. Also present was Mayor Judith Foureman, Village Administrator Bill Kessler, and Susan Laux from Mote & Associates. Van Hoose reported on the following:

- **North Street Reconstruction** – working with Susan on different options – legislation on agenda tonight for funding – will set another meeting to discuss further
- **West South Street** – crack seal quote from Justin Hines - \$5796 – to add sealing of curb is an additional \$1200
- **Park Grant Work** – pathway to the playground – work to begin in mid-August – Mike Pollard is very busy right now and can't get to until then
- **East South/North Main Street Violations** – residents are starting to get back with Bill
- **Pool** – things are going good – no major water loss – just normal loss as in previous years – upcoming events to drive attendance at the pool (events will occur during regular pool hours) – Picnic at the Pool – two dates (7/27 and 8/12) – will charge \$2 admission all day – want to sell hot dog, chips, and applesauce combo for \$3 (will need a temporary food license to do this – temp food license is good for 10 days used throughout the year and cost for each day used is \$22/day) – corn hole tournament at a cost of \$5/team – winning team receives 60% of the purse, 2nd place receives 30%, and 3rd place receives 10% - everything taken in goes right back out (in reference to corn hole tournament) – Mayor Foureman asked for a motion authorizing \$2 admission to the pool and a corn hole tournament with an entry fee of \$5/team for Picnic at the Pool on 7/27 and 8/12. Delk made a motion authorizing \$2 admission to the pool and a corn hole tournament with an entry fee of \$5/team for Picnic at the Pool on 7/27 and 8/12. Van Hoose seconded. All present voted yea. Motion passed. Woodall asked for clarification from the Solicitor that the entry fee and prize for the corn hole tournament was kosher from an audit perspective in light of recent audit findings in a nearby Village where a fiscal officer was sited and ordered to pay back funds. The Solicitor confirmed that it is okay because the Village is not providing any of the funds pertaining to the corn hole tournament or the prize for the tournament. All funds will come from the participants and go right back out. No funds will go through the Village.

Next meeting is Monday, July 16, 2018 at 4:30PM at 1 Pop Rite Drive.

Village of Arcanum Council Meeting Tuesday, July 10, 2018

Safety Committee: Baumle reported that the Fire Chief and Police Chief will both be present at the next council meeting to give their quarterly activity reports. He also reported the police department was involved in some recent drug activity and investigation.

Baumle asked while he had the floor if he could address the status of Carolyn Robinson. He asked if she was an employee. Mayor Foureman stated that Carolyn was a temporary employee. Baumle then asked if Council has to authorize new employees. The Solicitor stated there should be something on the record from Council that authorizes the Fiscal Officer to pay the employee. Baumle asked if the addition of Carolyn changes the organizational chart for staffing level. Nicole commented she doubted this, although it is unclear to her how often Carolyn is being utilized, what the pay is, etc. Millard then stepped in to explain to Baumle the Village used to have but repealed a "strength ordinance" pertaining to staffing levels for each department because it was constantly being updated each time a new employee was added. A previous solicitor told council the ordinance unnecessary because all new employees had to come through council for approval. Baumle then stated that there is an employee present at this meeting that was not authorized by Council. Mayor Foureman asked for a motion for approval to hire Carolyn Robinson as a temporary employee at \$10/hour not to exceed 40 hours worked in a bi-weekly pay period (as previously explained in a prior meeting). There was some confusion among council members as to what had been previously discussed. Bill then brought up that he just hired a temporary employee to replace an employee in the street department who is out on medical leave that did not go through council for approval. Darcy added that other employees prior to this have been hired that did not go through council as well. The Mayor again asked for motion approving Carolyn Robinson as a temporary employee at \$10/hour not to exceed 40 hours worked in a bi-weekly pay period. Baumle then asked for an end date because he thought the original request of the temp employment was to cover sick leave and vacation by office staff. The Mayor said she did not have an exact end date in mind, but did reiterate that the employment need was indeed temporary. Millard asked if an end date could be determined and then need reviewed again at that time. Millard then said that she would call the position part-time, not temporary. Darcy stated that this was not just to cover the current 2-week vacation. The need is on-going. There will be more vacation from now until the end of the year, and there has been much time out of the office with absences and doctor's appointments. The Mayor explained that the staffing issue has taken time away from Bill's position as he has had to be in the office to help cover many times. The Mayor indicated that there have been times that the office needed to be closed due to lack of staff. Darcy explained she has even had to cancel going to training or conferences (which are required for her position) because of other staff being out of the office, and it showed up on the audit that she did not have all of her continuing education hours in because of it. Van Hoose suggested reviewing it again at the end of September. Baumle then came back to the original question of whether or not a new hire approval has to go through council and if it needs a motion. Nicole confirmed again that it does. The Mayor again stated that is the motion she had asked for now two times. If not, the Mayor said the next time the office is short staffed, we will put a sign out "closed for X number of hours". That is the only alternative that she is left with. Darcy reminded council that prior to her starting with the Village, there was always at least one part-time employee in the office. Vencill suggested reviewing the need for part-time office staff every 90 days. The Mayor was fine with this suggestion. The Mayor asked if this issue was going to die due to lack of motion. There was no response from anyone on council. The Mayor apologized to Carolyn, and Carolyn left the meeting. Bill then asked if this was an issue for the employee he just hired temporarily in the street department. Nicole said this is different because though the employment is temporary, the position itself is already established with a pay scale. The temp employee is filling the spot until the regular employee returns to work. She did add that as a "CYA" measure, there should still be council approval for the hiring of the temporary employee, especially for Darcy giving her authorization to pay that specific employee. A motion was made by Millard to approve the hiring of an individual at \$12/hour for replacement of Jeanette McFarland during her medical leave. Baumle seconded. All present voted yea. Motion passed.

Utility Committee: Meeting was July 9, 2018 at 4PM at 1 Pop Rite Drive. Committee members present were Bonnie Millard, Eric Van Hoose, and Vanessa Delk. Also present was Mayor Judith Foureman, Village Administrator Bill Kessler, Utility Clerk Angie Lear, and resident Jim Piel. Millard reported on the following:

- **Resident Jim Piel** – asked to be put on the agenda with an issue of commercial rates vs. residential rates for the Pizza & Cream building that he owns – committee to discuss further at next committee meeting – the general consensus from the rest of council members is that it is a commercial property in a business district – there is no exception to be made – committee will still discuss further at their next meeting
- **Utility Agreement** – committee reviewed the edited night light policy and approved – with no feedback from council received, committee is recommending moving forward with legislation for next meeting on July 31st - all council members have received a final updated version
- **Sawvel** – committee was presented with a generalized agreement of the terms for approval and signature – also submitted four service exhibits for projects – council provided with copies of the scope of work on 4 projects – these projects will be agreed upon individually with legislation with the first being the Power Cost Adjustment, hopefully with legislation at tomorrow's council meeting – committee is recommending to

**Village of Arcanum Council Meeting
Tuesday, July 10, 2018**

council approval for the Village Administrator to sign the agreement and approval to proceed with the PCA project at a cost of \$5K

- **12-inch Water Line on Albright Street** – to extend in front of VA office to front of service building, the PAR will pick up the 2-inch to the new building – legislation prepared to proceed with Choice One for OWDA funding hopefully for approval at council meeting on July 10th
- **Itron** – received notice on our radio read transmitters that they will no longer be supported as of December 31, 2021 – to obtain more information on status and long-term planning

Next meeting is Monday, July 23, 2018 at 4PM at 1 Pop Rite Drive.

Planning Committee: Meeting scheduled for Monday, July 23, 2018 at 5PM at 1 Pop Rite Drive.

Personnel Committee: Meeting was held immediately preceding council meeting. Delk reported Nicole has determined that all information previously provided by Clemans & Nelson was legally sound, so the Village does need to pay the outstanding bills that it owes to them. These bills date back to September 2017. Darcy will find the old bills and the amount to determine what additional appropriations are necessary to pay the bills. Darcy will prepare legislation for the next council meeting.

Finance & Audit Committee: Nothing at this time. Next meeting is Wednesday, July 11, 2018 at 5PM at 1 Pop Rite Drive.

Old Business:

New Business:

Ordinance No. 2018-37 – Mayor Foureman read by title only an Ordinance establishing certain water and sewer charges for the Village of Arcanum, Ohio. This is the second reading.

****Nicole asked the Mayor if she could address council before any further legislation was read. Nicole stated this has been addressed with Council before, but she wanted to remind them that Council is getting into a very bad habit again of doing all legislation as an emergency. There should not be this many pieces of emergency legislation on the agenda every meeting. She acknowledged that sometimes it cannot be helped. However, Village residents do have certain rights for referendum and different things, and the residents cannot exercise those rights on emergency legislation. They can only do that on standard, three reading legislation. Council is taking that right away from citizens each time it passes emergency legislation. Nicole reiterated that there is no way the majority of the legislation each meeting should be an emergency.****

Ordinance No. 2018-43 – 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-Miscellaneous) A motion was made by Delk to waive the three reading rule on Ordinance No. 2018-43. Baumle seconded. All present voted yea. Motion passed. Delk made a motion to adopt Ordinance No. 2018-43. Baumle seconded. All present voted yea. Motion passed. Delk made a motion to declare an emergency on Ordinance No. 2018-43. Baumle seconded. All present voted yea. Legislation passed.

Ordinance No. 2018-44 – Mayor Foureman read by title only an Ordinance establishing a monthly electric generation charge for the Village of Arcanum, Ohio and declaring an emergency. A motion was made by Baumle to waive the three reading rule on Ordinance No. 2018-44. Delk seconded. All present voted yea. Motion passed. Baumle made a motion to adopt Ordinance No. 2018-44. Delk seconded. All present voted yea. Motion passed. Baumle made a motion to declare an emergency on Ordinance No. 2018-44. Delk seconded. All present voted yea. Legislation passed.

Ordinance No. 2018-45 – Mayor Foureman read by title only an Ordinance adopting rates, terms, and conditions for electric service provided by the Village of Arcanum, Ohio. This is the first reading.

Resolution No. 2018-20 – Mayor Foureman read by title only a Resolution authorizing the Village Administrator to enter into a mutual aid agreement with the Ohio Water/Wastewater Agency Response Network. This is the third reading. A motion was made by Delk to adopt Resolution No. 2018-20. Boolman seconded. All present voted yea. Legislation passed. Resolution No. 2018-20 will become effective August 10, 2018.

Resolution No. 2018-21 – Mayor Foureman read by title only a Resolution authorizing the purchase of a street sweeper from the City of Greenville. This is the third reading. A motion was made by Delk to adopt Resolution No. 2018-21. Vencill seconded. All present voted yea. Legislation passed. Resolution No. 2018-21 will become effective August 10, 2018.

**Village of Arcanum Council Meeting
Tuesday, July 10, 2018**

Resolution No. 2018-25 – Mayor Foureman read by title only a Resolution adopting the budget for 2019 of the Village of Arcanum, Ohio and declaring an emergency. A motion was made by Van Hoose to waive the three reading rule on Resolution No. 2018-25. Delk seconded. All present voted yea. Motion passed. Van Hoose made a motion to adopt Resolution No. 2018-25. Delk seconded. All present voted yea. Van Hoose made a motion to declare an emergency on Resolution No. 2018-25. Delk seconded. All present voted yea. Legislation passed.

Resolution No. 2018-26 – Mayor Foureman read by title only a Resolution authorizing the Mayor to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation improvement program(s) and to execute contracts as required and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2018-26. Baumle seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2018-26. Baumle seconded. All present voted yea. Millard made a motion to declare an emergency on Resolution No. 2018-26. Baumle seconded. All present voted yea. Legislation passed.

Resolution No. 2018-27 – Mayor Foureman read by title only a Resolution to proceed with submission of the question of levying a renewal levy tax in excess of the ten-mill limitation for the purpose of current expenses (R.C. §§5705.03, 5705.191, 5705.192, and 5705.25) and declaring an emergency. A motion was made by Baumle to waive the three reading rule on Resolution No. 2018-27. Van Hoose seconded. All present voted yea. Motion passed. Baumle made a motion to adopt Resolution No. 2018-27. Van Hoose seconded. All present voted yea. Baumle made a motion to declare an emergency on Resolution No. 2018-27. Van Hoose seconded. All present voted yea. Legislation passed.

Resolution No. 2018-28 – Mayor Foureman read by title only a Resolution to proceed with submission of the question of levying a renewal levy tax in excess of the ten-mill limitation for the purpose of current expenses (R.C. §§5705.03, 5705.191, 5705.192, and 5705.25) and declaring an emergency. A motion was made by Van Hoose to waive the three reading rule on Resolution No. 2018-28. Delk seconded. All present voted yea. Motion passed. Van Hoose made a motion to adopt Resolution No. 2018-28. Delk seconded. All present voted yea. Van Hoose made a motion to declare an emergency on Resolution No. 2018-28. Delk seconded. All present voted yea. Legislation passed.

Resolution No. 2018-29 – Mayor Foureman read by title only a Resolution authorizing the Village Administrator to enter into an agreement with Choice One Engineering and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2018-29. Delk seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2018-29. Delk seconded. All present voted yea. Millard made a motion to declare an emergency on Resolution No. 2018-29. Delk seconded. All present voted yea. Legislation passed.

Resolution No. 2018-30 – Mayor Foureman read by title only a Resolution authorizing the Village Administrator to enter into an agreement with Sawvel and Associates, Inc. and declaring an emergency. A motion was made by Millard to waive the three reading rule on Resolution No. 2018-30. Van Hoose seconded. All present voted yea. Motion passed. Millard made a motion to adopt Resolution No. 2018-30. Van Hoose seconded. All present voted yea. Millard made a motion to declare an emergency on Resolution No. 2018-30. Van Hoose seconded. All present voted yea. Legislation passed.

Announcements:

Woodall, the Fiscal Officer, said that she did have a comment to make concerning the legislation that was passed to apply for grant/loan money for the North Street Reconstruction. Woodall started by saying that she understands the proper procedure was not followed to hire Carolyn, but there is help needed in the office. She went on to say that it's interesting that council wouldn't approve a part-time employee to be hired in the office, but they passed legislation to move forward with applying for funding for a project that some of the members of council don't even know what kind of dollars are involved for the Village match or if those funds are even available. Boolman stated that no funds have to be certified for the project for at least a year. Woodall clarified that she would have to certify the Village match funds at the time of application, and she will not certify the amount that is currently being presented with the application. Woodall also reminded Boolman and the rest of council that council cannot make her sign the certification. Those funds are not currently available and may not be available even a year from now, especially with other projects in the works at the present time (i.e. the new administration building). There are too many unknowns at this point for the Village to be committing this dollar amount to a street project. Woodall also stated to Millard that the project should have come as a recommendation from Service and Leisure to Finance to see if the funds were available. Woodall was not included in any of the discussions pertaining to this project once dollar figures became involved, and as the Fiscal Officer, she is certifying the Village match money as well as the Village's ability to repay the loan. Woodall is taking on all the liability by signing the CFO statement. Woodall referenced the recent findings by the State Auditor's office in Wayne Lakes, and now that previous Fiscal Officer has to pay back \$5,000, which is probably not only

financially devastating to her but also to her reputation. If something like that were to happen in Arcanum, it would be a lot more than \$5,000, and Woodall is not willing to put her personal finances on the line for any amount. Woodall said she doesn't feel that Council understands the position that she is in. Millard said she did, and that Council wouldn't ask her to put herself in a position like that. Woodall answered this by clarifying to Millard that it was her understanding that Millard had stated that Woodall says she runs this town. Woodall made it clear that she has never said that, nor has she said that this town wouldn't run without her. What Woodall did say was that she is responsible and liable for every single penny that pertains to the Village. Woodall again reiterated that she will not certify the \$572K for the North Street project. Boolman said she is welcome to voice her concerns, but ultimately Council is the one making the decisions. He said Woodall could voice her concerns, and if she didn't like their decision, there was the door. Woodall basically affirmed her stance on this issue, and the Mayor then said this would be a good point to adjourn.

Adjournment: A motion was made by Boolman to adjourn. Van Hoose seconded. Meeting ended at 8:15 PM.

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

Mayor Judith F. Fourman