

Village of Arcanum Council Meeting
November 12, 2024
7:00 p.m. Regular Session

Call to Order – Mayor Bonnie Millard opened the meeting with the Pledge of Allegiance along with all present members of Council.

Roll Call – The following council members were present: David Hartley, Jerry Boolman, Rick Genovesi, Ryan Burns, Rick Genovesi, Eric VanHoose, and Tammy Bruner. Also in attendance were VA/Police Chief Marcus Ballinger, Solicitor Nicole Pohlman, Fiscal Officer Karen Deao, Fire Chief Mark Gibson, and Tracy Fout.

Meeting Minutes – Corrections and Approvals – Council Member Boolman moved to approve the Meeting Minutes dated 10/29/2024. Council Member Hartley seconded. All present council members voted yea. Motion passed.

Amendments to Agenda – None.

Comments from the Public – Tracy Fout from the Give Thanks Foundation and Brick Street Block Party, presented Council with a donation of \$1,500 to go toward the Village Parks. Tracy discussed the new attraction this year for the Brick Street Block Party, which will be the Brick Street Supper Raffle. Tracy also discussed his desire to have a multipurpose community center in Arcanum, that could be used for indoor pickleball, parties, etc. His foundation would like to partner with the Village on this project, and asks Council to consider having a more in-depth conversation with the Foundation on the idea.

Administrative Reports –

Mayor:

Fire Contracts –

- Township Solicitor has issue with a clause in the proposed contract. Township would like added language that states all the firefighters will be certified firefighters. Fire Chief stated that the clause isn't necessary as the Standard Operation Guidelines to be a fire department, you must be certified by the State of Ohio as a fire fighter. Village Solicitor stated that some insurance companies last year were requiring several surrounding municipalities with contracted fire protection contracts to add similar language to their contracts. Those present did not see the point in adding the language, however, Council agreed to have the language added into the contract, as well as, change the monthly run report to a quarterly run report. Twin Townships legislation will be tabled until the next meeting.
- Ithaca – A letter has been sent to the State considering Ithaca's 2024 contract. Solicitor stated that it was fine for Council to pass the new contract, it just won't be in effect until someone signs on behalf of Ithaca.

Solicitation – Received concerns from residents regarding solicitors within the Village. Solicitors are becoming overbearing with residents, and not obtaining the necessary permit. Mayor will be addressing solicitors within the village in her newsletter and on the Village Facebook page.

2024 Violations – 16 sidewalk violations were issue, with 3 left to be completed; 10 motor vehicle - all have been completed; Property violations – 32 from 2024, with 6 still open, and 2 from '23 yet to complete.

Organizational Meeting – Council agreed on January 7, 2025, at 6pm.

Solicitor Contract – Mayor recommends to Council to continue with the current solicitor for another two years, at the rate of \$150.00. Legislation will be prepared for the next meeting. Solicitor would prefer to only come to one meeting a month, with the Mayor suggesting that she come to the meeting only when requested. Councilman Boolman would rather not just call her when needed, but rather continue doing as it is now, when she can make it she comes, and when she can't she doesn't.

Solicitor: Will follow up in regards to the Ithaca Fire Contract; have not heard anything more on the Old Town Hall but will reach back out.

Village Administrator/ Police Chief: VA Report was provided in Council Packets.

- Ivester Park Expansion – Lowest and best bid was Brumbaugh Construction with a bid of \$739,257. Bid was lower than expected, with the Clean Ohio and ODNR grant paying a sizeable portion of the cost. Councilman Boolman moved to accept the bid for the Ivester Park Expansion Project submitted by Brumbaugh Construction in the amount of \$739,257.00. Councilman Hartley seconded. Councilwoman Bruner abstained. All present council members voted yea. Motion passed.
- Sewer Forgiveness – 17 Wheatland Drive was under new construction and is asking for sewer forgiveness for water the lawn. Councilman Boolman moved to approve a sewer forgiveness for 17 Wheatland Drive in the amount of \$150.82. Councilman Hartley seconded. All present council members voted yea. Motion passed.

Fiscal Officer: Check Registers were provided in the Council Packet.

- Authorized Expenditures 10/30/24 – 11/12/24

Safety: Report given by Rick Genovesi.

- Fire Department – 5 Firefighters in training; received a \$1,000 donation; applying for a grant to replace old hoses; several cadets in training.
- Police Department – Fully staffed; applying for several grants; discussed body cams; restriping the dodge with new graphic; replacing firearms next year; discussed new "Safe Exchange Zone".

Councilman Genovesi discussed with Council the need to continuously be replacing firearms within the department. Councilman Burns asked what the lifespan of a firearm should be, which the Chief explained was no longer than 10 years, but it should be taken into consideration that the firearms are worn at all times and are subjected to the environment. Chief also stated that there are not enough firearms for each full-time officer, so they are having to share. They would like to move away from 45 caliber, and go towards a 9-

millimeter, which would make obtaining ammunition easier and cheaper. Chief would like to have added to the firearm the red dot and the flashlight option. Councilmen Hartley asked how much time the officers spend training/qualifying. Chief advised that the officers spend one week doing various day/night training.

Utility Committee: Report given by Ryan Burns. Next meeting is scheduled for 11/18/24 @ 6pm.

- Water/Sewer Agreement – Discussed removing sections on deduct meters and regulation of the wells; applying a \$500 fee for tampering of water system and/or pits to the homeowner. A penalty section would need to be added to the manual. Discussion on having certain industries being required to pretreat the water before reentry into the system.
- Cisterns- To be added to the insurance umbrella policy, an estimated value needs to be established. Cisterns will be filled in overtime as construction or damage occurs.
- Water Towers – Discussed adding a Restore & Repair (R&R) Surcharge to water consumer bills; waiting on a restoration quote from USG for the green water tower.

Finance & Audit: Report given by Jerry Boolman.

- Employee Health Insurance – Committee recommends Council to stay with the renewal plan, which is 5.5% increase but is the best plan option. Committee also recommends Council to keep the HRA and HAS at the same perimeters and amounts as last year.
- Trash bids – Rumpke was the sole bidder, and it is recommended that Council choose Rumpke's alternate bid package. Committee recommends that the Village contributes a \$1.00 monthly to residential and commercial accounts from the garbage fund to offset the rate increases.

Mayor questioned whether it would be easier if the Village just covered the entire first year increase of \$2.15. General discussion was had on how to help offset price increases over the next three years, and what way would be easiest for the billing system. VA also stated that using the recycling green tote instead of the red bins would be a \$5.00 charge, he interprets it that the Village couldn't have both options, it's either the red bins, or the green totes. Going to the green totes the Village would move to every other week pickup due to the size of the green tote. Council was not keen on being charged more for the tote with less pickups, and agreed to stay with the red bins being picked up every week. Council further agreed for legislation to be done for the next meeting accepting the Rumpke alternate bid, with the Garbage Fund contributing \$1.00 per account per month for the next three years.

- 2025 budget is complete, but is slightly higher than 2024.
- Street employee – Applicant selected for the position would like to be part-time. Committee recommends to Council, that the individual be hired as part-time up to 30 hours per week at the hourly rate of \$15.50.
- Levies – Discussed the passed and failed levies, and how that will affect future plans. Committee is referring the discussion to the Planning Committee.
- Land Acquisition – Entered into executive session to discuss land acquisition, with the Committee recommending to Council to begin negotiations for a utility easement.

Council Member Boolman moved to approve bonuses for Marcus Ballinger and Randy Baker in the amount of \$2,750.00 each, to be paid prior to the end of 2024. Council Member Hartley seconded. All present council members voted yea. Motion passed.

Council Member Hartley moved to pay \$6,000.00 to the owner of the Gray property next to the Street Department for a utility easement. Council Member Boolman seconded. All present council members voted yea. Motion passed. Councilwoman Bruner questioned how the Committee arrived at that amount. Councilman Boolman stated that the original asked number was closer to \$10k, and to go the route of Imminent Domain would cost that and then some, so Committee felt it would meet the owner in the middle based on current market values for land. VA stated that this error really falls on the County Engineer for allowing a property to be purchased and recorded that does not have a utility easement in place within the Village.

Service and Leisure: Nothing to report.

Mayor advised Council that the School Art Teacher has requested to be able to have her students paint a mural on the back wall of the restrooms in Ivester Park. Mayor shared the submitted drawing with Council. Council gave a few suggestions for changes to the drawing, which will be relayed to the Art Teacher.

Personnel: Nothing to report. Next meeting is scheduled for 11/18/2024 @7pm.

Personnel Manual – Solicitor has been reviewing the updated manual as submitted by Clemans & Nelson, along with suggestions made by Council on some of those updates. Her recommendation is that if Clemans & Nelson recommends that something should or should not be in the manual, Council should follow their recommendation as they are experts in this area, where she is not. One issue of discussion is Section 7.13-5, which the Village would like to follow Ohio Law instead of Federal Law in regards to medical marijuana. The Personnel Committee feels that if marijuana is legal in the State of Ohio, they want employees to be able to use marijuana on the weekend, or on their own free time, when they are not at work or on call. Solicitor states that she interprets Section 7.13-5 only as definitions to what is unlawful or an illegal substance, with the only behavior prohibited is doing it while in the workplace. She believes that the Section already takes care of what Council's concern is. Councilman Hartley stated that they don't want these substances taken at work, or prior to an employee coming to work either. Solicitor stated that if Council chooses to go by state law, then technically, an employee could do just that. VA stated that the Personnel Committee want marijuana to be the only substance in which Council would follow State law, but in the workplace, it is completely prohibited, but outside of the workplace then it was usable. VA further went on to say that the way the policy is currently written, for example, if an employee was to

get into an accident, whether at work or on the weekend, on duty or off duty, if there are any traces of marijuana in the employees' system they would be automatically terminated, and that's what the Committee was trying to adjust. Councilman Boolman asked the question if it is a state law, and employee does marijuana off-clock, doesn't it stay in their system for 24-48 hours? VA stated that there is currently nothing in the Village policy that dictates what levels are acceptable to have in their system, and is why the Committee wanted to go with the State recommended levels of under the influence. Solicitor also did not agree with Council removing parts of Section 7.13-D, not requiring law enforcement to be notified of an employee/applicant being under the influence of a controlled substance. Solicitor reiterated that these policies deal with being strictly in the workplace. She went on to further say, that the Village shouldn't be trying to make it easier for employees to come to work under the influence. Councilman Hartley said it is an issue for him, if the policy only applies to drinking or doing drugs while on the job, and not prior to coming to the job. Councilmen Genovesi commented that maybe it should read as, "under the influence"? Solicitor stated that the language is specific to the work place, and she would not change that. After lots of discussion it was decided to leave Section 7.13-D as it was recommended by Clemans & Nelson. Councilman Genovesi stated that there is a test that can be done to show if someone is under the influence of medical or recreational marijuana. Councilman Boolman stated that he agrees with Clemans & Nelson in that the Village should follow federal law instead of state law in regards to marijuana. Councilman Boolman asked if medical marijuana is considered a controlled substance, which the VA stated it is. Solicitor is saying the language intent is saying yes, it is legal in Ohio, but it is not legal in the workplace. Mayor stated that the handbook is for while at work, which the VA stated there are a lot of things in the handbook that has to deal with your personal life as well, that can get an employee fired, everything in the handbook doesn't just apply to when you are at work, as it deals with an employee's conduct in their personal life. He gave an example that if you get arrested and have cocaine in your system, the Village is going to fire you for having cocaine in your system even though you are not at work when it happens. Councilmen Boolman said that the decision on the issue should be left up to the legal individuals for the Village. Councilmen Genovesi suggested reaching out to the Village Insurance Company to find out if the Village would still be insured if an employee was involved in an accident with a village vehicle, and traces of marijuana was found in their system even if they did it on their personal time. Councilman Hartley stated that is true, but it's usually after the fact, that the insurance company says they will no longer insure that individual. Mayor and Councilman Boolman recommended that the issue go back to the Personnel Committee for further discussion and investigation with the Solicitor attending the meeting.

Planning: Nothing to report. Will schedule a meeting at a later date to discuss levies.

Mayor stated that there was a BZA meeting on 11/11/2024 for a variance request for the library to erect a gazebo in front of their building. BZA approved it, but requested the gazebo be placed as far east as possible, and the lights and wi-fi only be on from 6am-10pm. Library is applying for a grant for the gazebo and Wi-Fi.

Old Business –

1. **Resolution 2024-30** – A Resolution Authorizing A Contract For The Fire Department To Provide Service To Twin Township, Darke County, Ohio. Exhibit A. (3rd Reading). **DIED DUE TO LACK OF MOTION.**
2. **Resolution 2024-31** – A Resolution Authorizing A Contract For The Fire Department To Provide Service To The Village Of Ithaca, Darke County, Ohio. Exhibit A. (3rd Reading). **Council Member Boolman moved to adopt Resolution 2024-31. Council Member Hartley seconded. All present council members voted yea. Motion passed.**


New Business –

1. **Ordinance 2024-35** - An Ordinance Confirming The Appointment Of Village Fiscal Officer. (1st Reading).
2. **Ordinance 2024-36** - An Ordinance Providing For The Appointment Of A Village Administrator/Chief Of Police. (1st Reading).
3. **Ordinance 2024-37** - An Ordinance For Appropriations For Current Expenses And Other Expenditures Of The Village Of Arcanum, Darke County Ohio, During Fiscal Year Ending December 31, 2025. Exhibit A. (1st Reading).
4. **Ordinance 2024-38** - An Ordinance Providing For Wages For The Village Of Arcanum Employees For Calendar Year 2025. Exhibit A. (1st Reading).
5. **Resolution 2024-36** - A Resolution Approving A Health Insurance Plan For Village Employees. (1st Reading).
6. **Resolution 2024-37** - A Resolution Authorizing The Village Of Arcanum To Enter Into An Agreement With Principal Life Insurance Company For Vision And Dental Insurance For Village Employees. (1st Reading).

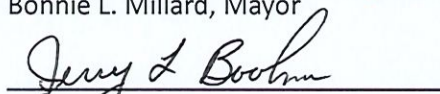
Announcements –

Adjournment – Council Member Boolman moved to adjourn. Council Member Hartley seconded. All present council members voted yea. Meeting adjourned at 8:30 pm.

ATTEST:


Bonnie L. Millard, Mayor


Karen L. Deao, Fiscal Officer


Jerry L. Boolman, President Pro-Tem