

Arcadia Village Council Meeting Minutes,

May 13th, 2024

Arcadia Village Council met for the regular scheduled session on May 13th, 2024, at the Town Hall located at 104 South Gibson Street Arcadia, Ohio at 7:00 p.m. Mayor Brian Fink called the meeting to order. All present recited the Pledge of Allegiance to the Flag.

Roll Call Attendance: Mayor; Brian Fink. Voting Council Members: Stephanie Balderson, Donald Moses, Jenifer Bowman, Rhonda Dingelstedt, Aadam Duckett, and Angela Kimble. Village Administrator; Mark Bowman, and Solicitor; John Filkins. Fiscal Officer; Amie Clouse was absent.

Executive Session: Mayor Brian Fink asked the council to make a motion to go into executive session to interview a solicitor and include himself and council. Aadam Duckett made a motion to go into executive session with the mayor, council members and the administrator to interview a solicitor. Stephanie Balderson seconded the motion. All in favor motion carried. Roll call vote 6-0. Enter the executive session at 7:02 p.m.

Jenifer Bowman made a motion to come out of executive session. Aadam Duckett seconded the motion. All in favor. Motion passes 6-0. Executive session ended at 7:11 p.m.

Residents in Attendance: Karen Hanna, Jeff Hanna, Vicki Simon, Teresa Margraf, Carol Berning, Carol Mc Donald, Sherrie Keefe, Roger Keefe, Chester Balderson, Tim Kimble, Lonnie Moses, Shelley Hill, Michelle Santa Cruz, Gilbert Santa Cruz, Michelle Hengsteler, David S. Roberts Sr., Simone Santa Cruz, Seth Jacomet and Laurie Lucas.

Visitors in Attendance: Jeff Dennis, representing Stearns and Hammer

Minutes: Mayor Brian Fink asked for a motion to forgo the reading of the April 13th, 2024 minutes. Stephanie Balderson made a motion to forgo the reading of the April 13th, 2024 minutes. Rhonda Dingelstedt seconded the motion. Roll call 6-0. Motion passes.

Mayor Fink asked for a motion to accept the April 13th minutes with an amendment to the spelling of personal to "personnel". Aadam Duckett made a motion to accept the April 13th minutes with amendments. Jenifer Bowman seconded the motion. All in favor motion carried. Roll call vote 6-0.

Mayor Fink asked for a motion to forgo the reading of the April 23rd minutes. Rhonda Dingelstedt made a motion to forgo the reading of the April 23rd, 2024 special meeting. Donald E. Moses seconded the motion. Roll call vote 6-0. Motion carried.

Donald E. Moses made a motion to accept the minutes for the special meeting for April 23rd with revisions to the date of the meeting as well as adding p.m. to the time and 2024 to the date Mr. Bowman was to return to work. Stephanie Balderson seconded the motion. Roll call vote 6-0. Motion carried.

Bills: Mayor Fink asked for a motion to pay the April bills. Rhonda Dingelstedt made a motion to pay the April bills. Jenifer Bowman seconded the motion. Roll call vote 6-0. Motion carried.

Resident Concerns: Vicki Simon addressed her questions to Solicitor, John Filkins. She stated that on April 15th, 2024 Carol Berning was sworn in as temporary fiscal officer by Mayor Fink, with a witness present. Mrs. Simon would like to know how this affects the village? Does the village have 2 fiscal officers? Is the village open to litigation from Mrs. Clouse and or Mrs. Berning? She also inquired if the appointment was legal since the village did not have an open

position at the time? Solicitor John Filkins addressed Mrs. Simons questions all together instead of one at a time. He explained that section 733.262 of the Ohio revised code addresses a fiscal position. He went on to read the section that explains that a fiscal officer shall be appointed by the mayor but that appointment does not become effective until it is approved by a majority vote of the village voting legislative authority. Mr. Filkins explained that he understood that someone was appointed to the position. He explained that they could not be appointed to the position for a number of reasons. First, there was not an opening as someone is in the position. Second, there was not a presentation or a request for a vote from the village council to appoint a fiscal officer. Mr. Filkins explained that for these reasons the position Mrs. Berning thought she was taking, she was not eligible because there was not an opening and the village council has never been presented with a vote to approve Mrs. Berning to the position. Mr. Filkins addressed the section of the code that explains how a fiscal officer is removed. He explained that a fiscal officer may be removed without cause either by the mayor with the consent of a majority vote of the council or by a three fourth majority vote of the council with or without the consent of the mayor. He further explained that the village had a fiscal officer, no request was made to remove her, and no request was made to appoint a new fiscal officer. For those reasons he believes Amie Clouse to hold the position of fiscal officer. Mr. Filkins hoped that he answered Mrs. Simon's questions. Mrs. Simon explained that she was still concerned that Mrs. Clouse or Mrs. Berning could sue the village. Mr. Filkins first addressed the concern that Mrs. Clouse would sue the village. He explained that she did not lose her position and is still employed as the fiscal officer. He did not believe she had action against the village. He then addressed Mrs. Berning. He explained that he doesn't know all of the details of her situation with being sworn in to answer that fully. He did state that she does not have a claim to the position because it was never approved and the village already has a fiscal officer.

Teresa Margraf reminded the council that the tree commission will be planting a tree with the students on May 24th. She explained that she spoke with Mr. Golden about the area that has been chosen to plant the tree. The spot is located on the corner of Brown Rd. and State Route 12, on the edge of the school property. Mr. Golden explained to Mrs. Margraf that he recently had a tree relocated to the area behind the bus garage. Mrs. Margraf explained that the tree she was planting would be in the street right of way. Mrs. Margraf explained that Tree City USA has requirements to meet each year to qualify for the award. Planting a tree with the elementary students meets the educational requirement for the award each year. Mrs. Margraf also explained that she would be helping with landscaping around the town hall with the "Arcadia Cares" on Friday May 17th, 2024, the kids will be planting bulbs that will come up next year and years to come. Also, some flowers and perineal will be planted and mulched.

Carol McDonald inquired about the properties by her home on Farmers Lane. She explained that the grass was very tall. She also asked about the minutes on the community website. Mayor Fink explained that Ruthie Tong is working on it. Mrs. McDonald explained that she is concerned and wished for the council to start getting along and start working together. She felt there was a lot of anger and tension at the last council meeting.

Lonnie Moses explained that he wished to speak on the same topic as Mrs. McDonald. He explained that there is obvious friction between council members and Mayor Fink. He explained council members need to put their differences aside and that the mayor was elected by a majority vote of the residents. He explained that some people have a problem with this. He wanted to remind council members that their positions will be up for election and that a lot of residents are not happy.

Michelle Hengsteler explained that she believed that everyone at the council meeting cares about the community. She stated that everyone has better things to do and she appreciates everything and everyone that wants to help make the community better. She explained that it's a hard job and we don't always understand what others do. She stated that everyone here cares, and we can work together.

Guest concerns: no guest concerns.

Administrator Report: Mark Bowman prepared the reports for receipts and expenditures for April 2024:

	<u>Receipts</u>	<u>Expenditures</u>	<u>Gain/Loss</u>
Water	\$29,988.66	\$21,049.47	+\$8,939.19
Sanitary Sewer	\$9,632.81	\$9,693.98	-\$61.17
Electric	\$49,023.81	\$52,620.24	-\$3,596.43

33 delinquent accounts: \$7,528.51

1 resident was disconnected for nonpayment.

Water: Mr. Bowman explained that pump 1 needs to be replaced at the water pump station on Route 12. He presented the council with a quote for the pump and installation. The quote totaled \$5,341.00 for parts and installation. He also explained that testing in town and at Red Hawk have been normal.

Sanitary Sewer: Mr. Bowman explained that we have received the repair kit from Buckeye Pump to repair pump #1. Pump #2 is running fine. Overall, the pump station is working properly.

Electric: Mr. Bowman explained he is working on the estimates to complete an electric upgrade behind residents on State Route 12. He also explained that there were no power outages last month.

Streets: Mr. Bowman explained that he has been putting stones around street corners. He has also been working on filling potholes. The crack sealing machine is assembled and ready for dry weather to start crack sealing on the village streets.

Other: Mrs. Bowman reminded the council that Friday May 17th was Arcadia Cares Day along with Arcadia's Dump Day. He asked the council how they would like to handle the dumpsters on that day and possibly Saturday. Mr. Bowman will help with the kids during Arcadia Cares Day but would not be available on Saturday. Council member Angela Kimble asked how it has been done in the past. Chester Balderson explained that they usually have 2 dumpsters and then on Saturday they are taken away around 10:30 so Curt's Hauling has time to take it to the landfill. Mr. Bowman also mentioned that the dump truck can be used and taken to the landfill on Monday. Council Members Stephanie Balderson was concerned that when the dumpster is left out overnight it is taken advantage of. Mr. Bowman explained that he would have the dumpster removed on Friday and have a new one delivered Saturday morning.

Solicitor John Filkins addressed the Amplex contract. He explained that he got a template contract from Mrs. Clouse on Friday. He explained that Mrs. Clouse explained the pole attachment and inquired about the number of poles that would be attached. Mr. Filkins reached out to Amplex for this information. Mr. Bowman explained that the agreement was not to exceed 350 pole attachments. Mr. Filkins was still unclear of the payment schedule for the pole rental. Spectrum's pay schedule would be similar to Amplex's. The other option for reimbursement was for free internet service to the town hall and community building. Mr. Bowman explained that they would pay for the pole rental and free service. Council will need to decide which option they would like to move forward with. Mr. Filkins inquired if this needed to be addressed this month or was there time to wait. Mr. Bowman explained that there was time and the council can revisit the topic at next month's meeting.

Mr. Filkins drafted a letter to send to Climavision that he sent to council and the mayor prior to the meeting. He asked if this was acceptable to send or if any changes were requested. Council agreed to send the letter.

Fiscal Officers Report: Fiscal Officer, Amie Clouse was not present but she prepared the following reports for the council: Appropriation Status, Revenue Status, Cash Summary by Fund, Year End Balances comparisons (gains/ losses), and the monthly fund balance.

<u>For January</u>	<u>Beginning Balance</u>	<u>Ending Balance</u>
General fund:	\$347,835.81	\$355,132.51
Streets:	\$226,596.58	\$224,672.34
Highway:	\$14,028.23	\$14,164.68
Storm Sewer:	\$110,499.10	\$110,918.68
Permissive Tax:	\$6,356.99	\$6,700.00
ARPA CoronaVirus:	\$50,385.79	\$50,385.79
Heart and Soul:	\$60,765.35	\$57,351.69
Water:	\$179,187.85	\$188,127.04
Sanitary Sewer:	\$247,816.17	\$247,755.00
Electric:	\$996,457.65	\$992,861.22
Enterprise Deposits:	\$18,297.97	\$18,597.97
Enterprise Improvement:	\$102,812.12	\$103,911.68

Mayor's Report: Mayor Brian Fink presented Resolution 2024-B to direct the fiscal officer to pay the invoice for a new master meter at the water pump station using ARPA funds. The date the resolution was passed needed to be revised to the current date. Donald Moses made a motion to accept resolution 2024-B with revisions. Rhonda Dingelstedt seconded the motion. Roll call vote, 6-0. Motion carried.

Mayor Fink presented Resolution 2024-E to direct the administrator to contract with Industrial Technologies to purchase and install a new pump at the water pump station located on Route 12. Stephanie Balderson made a motion to accept resolution 2024-E. Jenifer Bowman seconded the motion. Roll call 6-0. Motion passes.

Solicitor Report: Mr. Filkins presented Ordinance 2024-6 to reinstate Mark Bowman as village administrator. Council voted to reinstate Mr. Bowman at the special meeting on April 23, 2024. Mr. Filkins asked the council and the mayor if they had a chance to review the ordinances and resolutions that he emailed it to them. Mayor Fink asked for a motion to declare an emergency for ordinance 2024-6 providing to reinstate Mark Bowman as Village Administrator for the Village of Arcadia, Ohio under the same terms as previously agreed upon. Donald Moses made a motion to declare ordinance 2024-6 an emergency. Adam Duckett seconded the motion. Roll call 5-0. Jenifer Bowman abstained from the vote. Motion carried.

Mayor Fink asked for a motion to accept Ordinance 2024-6 to reinstate Mark Bowman and declare it an emergency. Stephanie Balderson made a motion to accept Ordinance 2024-6. Rhonda Dingelstedt seconded the motion. Roll Call 5-0. Jenifer Bowman abstained from the vote. Motion carried.

Mr. Filkins presented Ordinance 2024-7 to address the purchasing authority of the village administrator as well as how to keep an inventory of certain new purchases. Mr. Filkins also emailed this legislation to everyone and asked if they had reviewed the ordinance. He asked the council and mayor if they had any concerns or revisions. Stephanie Balderson asked for the information to go through the TDS emails. Mayor Fink explained that he has been able to use the TDS email but it does cause him issues getting logged in. Mayor Fink asked for a motion to pass Ordinance 2024-7 as an emergency for purchasing authorities and a spreadsheet to track inventory. Rhonda Dingelstedt made a motion. Donald Moses seconded the motion. Roll call 6-0, all in favor. Motion passed.

Mayor Fink asked for a motion to pass Ordinance 2024-7 and declare it an emergency. Stephanie made a motion. Adam Duckett seconded the motion. Roll call, 6-0. Motion carried. Next Mr. Filkins explained that he emailed everyone a copy of the employee agreement for Amie Clouse as the fiscal officer, spelling out the terms and conditions for her employment. Mr.

Filkins asked if everyone had a chance to review it. He also asked if anyone had any revisions or concerns. Council agreed they did not see anything they wished to change. Mr. Filkins asked Mayor Fink to call for a motion to accept the contract. Mr. Filkins stated that everyone would need to sign the contract. Then he also had an Ordinance to go along with the employment of Mrs. Clouse. Mayor Fink explained that he had not seen the contract yet. He asked what the contract covered. Mr. Filkins explained that the contract maintains the same level of benefits, vacation, compensations of pay and refers back to the personnel policy manual for topics like holidays and sick time. Mr. Filkins explained that the contract does not change any of the current terms as far as compensation is concerned. Donald Moses made a motion to accept the employment contract for Amie Clouse as the fiscal officer for the Village of Arcadia. Jenifer Bowman seconded the motion. Roll call, 6-0. Motion carried.

Mr. Filkins asked if everyone received, reviewed, questions and revisions to Ordinance 2024-5. Council agreed they didn't see any corrections. Mayor Fink asked for a motion to suspend the rules and declare as an emergency for Ordinance 2024-5 to provide for the employment of Amie Clouse as the Fiscal Officer for the Village of Arcadia and to approve the fiscal officer live outside of the Village of Arcadia. Rhonda Dingelstedt made a motion to declare Ordinance 2024-5 an emergency. Angela Kimble seconded the motion. Roll Call 6-0. Motion carried.

Mayor Fink asked for a motion to pass Ordinance 2024-5 as an emergency to provide for the employment of Amie Clouse as the Fiscal Officer for the Village of Arcadia and to approve the fiscal officer's residence be outside of the Village of Arcadia. Stephanie Balderson made a motion to accept Ordinance 2024-5. Donald Moses seconded the motion. Roll call 6-0. Motion carried.

Mr. Filkins prepared additional legislation that he sent out before the meeting. He asked the council if they would like to address, review or discuss them at the current meeting or table until the next meeting. Mayor Fink stated that the ordinance regarding disruptions and cell phone usage was too vague and needed some clarification. Mr. Filkins explained that he agreed, and that legislation was prepared for the council to discuss and make modifications to fit the village needs. He again asked the council if they would like to discuss the topic or wait until the next council meeting. Stephanie Balderson explained that the current meeting has been very pleasant because she has been able to hear everything. She also explained that in the past there were side conversations that made it difficult to hear during the meeting. Council agreed to wait on this topic. Aadam Duckett explained that as long as meetings go the way this one did then there would not be a reason for the legislation. Mr. Filkins then asked what the council would like to do regarding the ordinance relating to cell phone usage. Aadam Duckett also agreed to wait on this ordinance as well. He proposed that everyone could be reminded to turn cell phones off. The next resolution Mr. Filkins emailed was dealing with the use of the TDS email. This topic was tabled because some of the council did not have a chance to review this legislation. Mr. Filkins will email it again.

Old Business: Mayor Fink explained that there were not any updates to the open positions for the variance committee or building inspector. Mayor Fink asked for an update on hiring someone to help the administrator. Mr. Bowman explained that he has not completed interviews but does have a candidate he is interested in hiring. Mr. Bowman would like to hire Brett O'Conner. He would like to talk about it in executive session.

New Business: Laurie Lucas asked to speak as she was skipped at the beginning of the meeting. She did not realize she needed to check by her name to speak. Mrs. Lucas was disappointed about the feeling of her community. She doesn't recognize her Arcadia. She asked everyone to do better. She wished to see everyone to find a way to work together and be kind. Mrs. Vicki Simon agreed with Mrs. Lucas and explained that she wanted to know her neighbors. Mrs. Simon explained that something that really bothers her is how sweet and nice people are to each other until they are not around. Then she hears them speak horribly about them. Then the next time they are so nice again. Her point was that instead of talking about the problem, talk

to them. Ask them if they need help. This is the community she would like to see. Mrs. Lucas would like to see a return to kindness.

Shelly Hill also wanted to thank Mr. Bowman for helping monitor the students leaving school. He sits in the area and this deters students from speeding.

Mr. Bowman also told the council that he ordered deaf children at play road signs. These are for a resident that lives in the area around Farmers Lane.

Mayor Brian Fink asked for a motion to go into executive session to discuss employment of an assistant to the administrator, with himself, the council, solicitor and administrator. Stephanie Balderson made a motion to go into executive session. Jenifer Bowman seconded the motion. Roll call vote, 6-0. Motion carried at 8:03 p.m.

Donald Moses made a motion to come out of executive session at 8:12 p.m. Jenifer Bowman seconded the motion. Roll call 6-0. All in favor motion carried.

Adjourn: Donald Moses moved to adjourn the meeting. Jenifer Bowman seconded the motion. Roll call 6-0. All in favor, the meeting was adjourned at 8:15 p.m.

Fiscal Officer, Amie Clouse

Mayor Brian Fink