

VILLAGE OF BOLIVAR COUNCIL MEETING June 6, 2016

The Bolivar Village Council met in regular session on **Monday, June 6, 2016**. Mayor Hubble called the special zoning hearing to order at 7:00 p.m. as advertised in the Times Reporter. The Pledge of Allegiance was said. Hubble opened the meeting with a moment of prayer. Cochran, Lang, Lapp, Lebold & Vincent answered roll call; **Lloyd was absent**.

Mayor Hubble turned the special zoning hearing portion over to Mr. Lebold. Lebold began the meeting with reading the title for each of the proposed Ordinances listed below. An opportunity for council discussion and public input was provided between each of the readings. Lebold stated if any changes need to be made, notes will be taken and submitted for the proposed change. Lebold recommends three (3) full readings for each of the Ordinances. Lebold read each of the titles and the solicitor provided a summary and clarification for each.

- 1) **AN ORDINANCE TO EDIT SECTION IX, SUBSECTION B OF THE VILLAGE ZONING CODE** to allow for the sale of antiques in a Business/Commercial District and to add a provision for outdoor displays and sales;
 - a. There wasn't any public input
- 2) **AN ORDINANCE TO EDIT SECTIONS II, III, AND IV OF THE VILLAGE OF BOLIVAR ZONING CODE** regarding new and used vehicle sales and Section IX to prohibit outdoor storage of parts and equipment at auto repair garages;

Council provided input on language in the proposed ordinance. Vincent agreed council should strike the word "**average**" period not to exceed 30 days. Cochran stated her idea of "average" may differ from someone else's opinion of average.

Tom Graef provided public input. He requested the word average because some cars are hard to get parts for. Some parts come in a few days and others may take much longer.

Council continued to discuss the definition of the word "average" as stated in the ordinance. Lang stated he would like to see more options; he is not comfortable with the current language. He suggested a conditional use permit. The solicitor agreed, she suggests a conditional use vs a permitted use. Lebold understands Tim's position but thinks there needs to be some give and take. The solicitor stated there will be a second reading next month regarding the car lot and will have some proposed new language to review additional options. Lang reiterated, he would like to see more options. Lapp asked Mr. Graef the typical turn-around time. Graef said it's normally one week; but there has been a case where it took 6 months. Council also asked, where will the work be done? Graef said the shop where the work is performed is close to Summit Racing and there is no parking or storage available there. Additional discussion regarding the 30 day time frame continued. Graef said it will be one more business leaving Bolivar. Cochran asked, he's leaving Bolivar when council is willing to change the ordinance that would allow him 30 days? Cochran the current zoning doesn't allow it at all; however, council is trying to meet his needs and considering changing the zoning to allow

him to continue his business. Cochran said there has to be a give and take here.

- 3) **AN ORDINANCE TO EDIT SECTION III, SUBSECTION L OF THE VILLAGE ZONING CODE** regarding porch, attic, garage and yard sales;
 - a. Lebold reviewed the content of the proposed ordinance. The Mayor said this would be very difficult for the Village to police. App said it would be a nightmare to micromanage. The solicitor said it all comes down to enforcement if the Village opts to have a permit. Hubble said she feels it would be extremely difficult to monitor. There was no public input. Will further discussion on this topic at the August meeting.
- 4) **AN ORDINANCE TO EDIT SECTION XXV OF THE VILLAGE ZONING CODE** for the Village of Bolivar regarding the policies for applying for a lot split within the Village; This is being added to the zoning code which details the procedures for applying for a lot split. Lebold further summarized the language in the proposed code.
 - a. No council or public input
- 5) **AN ORDINANCE TO EDIT SECTION XVIII OF THE VILLAGE ZONING CODE** to conform with the parking requirements under the Ohio Revised Code.
 - a. No council or public input
- 6) **AN ORDINANCE TO EDIT SECTIONS XIV AND XXV OF THE VILLAGE OF BOLIVAR ZONING CODE AND TO ADD A FEE SCHEDULE AS AN EXHIBIT TO THE ZONING** regarding the fee for various permits and applications and to add to the Zoning Code as an exhibit a fee schedule for easier reference;
 - a. No public input
- 7) **AN ORDINANCE TO EDIT SECTION VI, SUBSECTION F AND SECTION VII, SUBSECTION F OF THE VILLAGE ZONING CODE** regarding corrections to the setback requirements; In regards to side yard setbacks, any structure built has to be 10' from any side of their house. Lebold continued to explain the parameters of the ordinance.
 - a. No council or public input
- 8) **AN ORDINANCE TO EDIT SECTION III, SUBSECTION M OF THE VILLAGE ZONING CODE** regarding produce stands; A permit will need to be obtained annually, at no cost. The stand has to be on the actual property, not the Village of Bolivar right-of-way.
 - a. No council or public input

Once the special zoning hearing ended, Mayor Hubble called the regular scheduled council meeting to order at 7:34 p.m.

There was a correction to the meeting minutes for the previous bills paid in the amount of .40. Cochran moved-seconded by Lebold to accept the previous meeting minutes (as corrected), bills paid and financials. In a roll call vote, all members present voted yes.

The Fiscal Officer read the bills for the month of May, totaling \$47,379.41. Lapp motioned, seconded by Vincent to approve the bills. In a roll call vote, all members present voted yes. There were no corrections or additions to the agenda.

PUBLIC SPEAKS: - Jessica Gard, Michelle Ramsell and Andrea Legg with the Tuscarawas County Library were in attendance. Jessica provided an annual report on the Bolivar Branch. She noted the library is in continued

partnership with the Tusky Valley School District. This past year the Library has also partnered with the Bolivar Wesleyan Preschool.

Jessica also thanked Administrator David Franks for the repairs that were performed at the library. In other news, she stated there are new pink and rainbow signs featuring a children's picture book around the building. It was also announced they will be having a booth again this year at the Strawberry Festival. Other announcements included: Storytime is on Thursday at 5p and Saturdays. The library is adding a "makerspace" to the library which will feature access to a 3D printer.

MAYOR HUBBLE – Announced the Festival is fast approaching on June 16-18. There is a full set of crafters, businesses and food vendors. The entertainment this year is lined up and includes a juggler. The Mayor also noted she will be a guest on "Conversation Corner" on June 7 to do a recording.

FINANCE: - Vincent moved, seconded by Lebold to approve **RESOLUTION R-12-2016**, amending the official certificate of estimated resources - certificate 2. In a roll call vote, all members present voted yes.

Vincent moved, seconded by Lang to approve **RESOLUTION R-13-2016** to amend appropriations in the amount of \$9053.21. Solicitor Armstrong interjected the transfer of funds is due to the court order to close the Roy Parks Fund. In a roll call vote, all members present voted yes.

Vincent moved, seconded by Lapp to approve **RESOLUTION R-14-2016 to close the Roy Parks Fund**. In a roll call vote, all members present voted yes.

Vincent made the following announcements, as discussed in the finance meeting immediately preceding council:

- The Fiscal Officer negotiated a rate with Direct Energy in the amount of 5.69 per kilowatt, down from 7.99.
- The Village of Bolivar's state audit was completed last week for the years ending 2014-2015. "Wonderfully it was reduced to two days time because of the way Maria had the records in order and readable." It went very smooth. In that two day period they were not only able to clear the audit period, but clear up all findings from previous audits as well. The next audit will be in 2018.
- The Fiscal Officer will be contacting the Health Department to schedule mosquito spraying (as previously approved). The cost is 3.50 per minute.

Two resolutions previously approved in April need to be rescinded and reapproved. Lebold moved, seconded by Vincent to rescind Resolution R-8-2016. In a roll call vote, all members present voted yes.

Lapp moved, seconded by Cochran to approve **RESOLUTION R-15-2016 A RESOLUTION DECLARING THE NECESSITY TO LEVY A TAX IN EXCESS OF THE TEN-MILL LIMITATION** for street construction. In a roll call vote, all members present voted yes.

Cochran moved, seconded by Lapp to rescind Resolution R-9-2016. In a roll call vote, all members present voted yes.

Lapp moved, seconded by Vincent to approve **RESOLUTION R-16-2016 A RESOLUTION DECLARING THE NECESSITY TO LEVY A TAX IN EXCESS**

OF THE TEN-MILL LIMITATION for general expenses. In a roll call vote, all members present voted yes.

PLANNING – Lebold reported there wasn't a zoning meeting this month. Franks had no additional items to report.

SAFETY – Lloyd was absent; Vincent reported on his behalf. The police cleared 111 calls in the month of May. Vincent stated the Chief wanted to promote Michael Fink to part time patrol. Vincent moved, seconded by Lapp to suspend the rules to hire Michael Fink. In a roll call vote, all members present voted yes. Vincent moved, seconded by Lapp to approve **AN ORDINANCE, O-15-2016, TO HIRE MICHAEL FINK AS PART TIME POLICE OFFICER FOR THE VILLAGE OF BOLIVAR; ESTABLISHING AN EMERGENCY** In a roll call vote, all members present voted yes.

Vincent turned the discussion of Senate Bill 11 over to the solicitor. Armstrong read the title of and gave a summary of a proposed ORDINANCE TO ESTABLISH THE VILLAGE OF BOLIVAR VOLUNTEER PEACE OFFICERS' DEPENDANTS FUND. Armstrong explained there is a fee of \$120.00, based on assessed property. A board is also required to have five (5) members; two need elected by Village Council (refer to section 2016.02 items 1-3) and 1 needs to be a citizen with no village affiliation. The premium only gets paid once.

Lebold moved, seconded by Lang to suspend the rules. In a roll call vote, all members present voted yes. Lebold moved, seconded by Lang to approve **AN ORDINANCE, O-16-2016, TO ESTABLISH THE VILLAGE OF BOLIVAR VOLUNTEER PEACE OFFICERS' DEPENDANTS FUND BOARD AND PAY THE REQUIRED PREMIUM; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes.

Chief – Chief Haugh was away for training; Sgt. Hilty attended in his place..

STREET & ALLEY: Lang just wanted to thank Dave Franks for getting everything ready for Memorial Day.

STREET SUPERINTENDANT / ADMINISTRATOR - Franks reported Noah Carpenter has been hired for summer help. "He is a super kid and doing a fantastic job"! Franks encouraged council if they see him out and about to stop and say hi to him.

SHADE TREE – Franks reported May 25th was a wonderful day planting the tree for Arbor Day at Hennis Care Center. There were fifteen (15) residents that helped plant the tree. Franks said it was the best time planting with them. The Mayor stated it was remarkable; there were people in wheelchairs and walkers that could barely walk that were helping and digging in the dirt. They were all wanting to plant; and had several stories to tell.

RECREATION – Lebold stated there was nothing to report at this time, however, he has a few announcements. Lebold reported he is waiting on the Trail schedule. The annual Cruise-In will be on July 16. The Bolivar Lions Club will be doing the chicken BBQ. This year there will also be approximately 100-150 cyclists coming in from Cleveland for the Cruise-In. The Canal-way partners will also be coming in to entertain. The entertainment will be "Whiskey and Faith".

Lebold made a request from the Village of Bolivar to use the Cherry Street extension, where the Santa Claus House is located, for the beer garden. Lang motioned, seconded by Vincent to approve the beer garden at the specified location. In a roll call vote, all members present voted yes.

It was also noted, the entertainment is free to the community. The car show will be over around 7:00pm; the band will start thereafter and play until approximately 10p.

FISCAL OFFICER – none

LAW DIRECTOR – Armstrong presented a first reading by title only for AN ORDINANCE TO EDIT SECTION 3.2 OF THE POLICIES AND PROCEDURES MANUAL since we now have a Fiscal Officer vs. a Clerk-Treasurer.

The Mayor announced the next regularly scheduled council meeting falls on July 4th. Council needs to set a new date due to the holiday. The Mayor suggested Tuesday, July 5, 2016. Lebold moved, seconded by Lang to approve Tuesday, July 5th for the next council meeting. In a roll call vote, all members present voted yes.

There being no further business, Cochran moved, seconded by Lapp to adjourn until the next regular council meeting on Tuesday, July 5, 2016. In a roll call vote, all members present voted yes

Mayor Rebecca S. Hubble

ATTEST: _____
Maria A. App, Clerk Treasurer

Approved: _____