

# VILLAGE OF BOLIVAR COUNCIL MEETING July 5, 2016

The Bolivar Village Council met in regular session on **Tuesday, July 5, 2016** as previously announced at the last council meeting. The date was approved at the June meeting due to the July 4<sup>th</sup> Holiday. Mayor Hubble called the meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Lloyd opened the meeting with a moment of prayer. Cochran, Lang, Lapp, Lebold, Lloyd & Vincent answered roll call.

Vincent moved-seconded by Lang to accept the previous bills paid and financials. In a roll call vote, all members present voted yes.

The Fiscal Officer read the bills for the month of June, totaling \$47,170.98. Lloyd 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:** - Pam Ewing with RCAP was in attendance. She will be making a presentation to council towards the end of the meeting.

**MAYOR HUBBLE** – Reported the Village recycled 70.14 tons with Kimble which is an increase for the third straight year. Kimble will be issuing a rebate check per ton for our recycling efforts in the amount of \$771.54. Council needs to vote on the recipient of the check. Hubble made the recommendation to reinvest it into the Towpath Trail Project. The money can only be used towards a 501c3 or a Village project. Loving Heart had been the recipient in previous years. Another noteworthy organization is the Lions Club in which the money could be used towards purchasing children's eyeglasses. Lebold thought since the Trail is short on funds, he would support the Trail Project. Cochran was concerned if we aren't giving to Loving Hearts, will it hurt them? Lebold thought the Trail would be better served. Lang felt it's better for the Trail since the people in the community like to see trees planted. Franks interjected the money donated is a year to year item. This year it could go to a project, and next year perhaps something else. The Mayor noted, the more we recycle, the more money that can be earned.

Lebold motioned, seconded by Lang to approve using the recycling rebate money for the Towpath Trail Project pending approval from Kimble specifying the project requirements. In a roll call vote, Lang, Lebold, Lloyd and Vincent voted yes; Cochran and Lapp voted no.

Before moving forward with the meeting, the Mayor wanted to publically extend a heartfelt sympathy on behalf of the Village to Council member Don Lapp for the loss of his wife Kathy.

The Mayor presented a Resolution to council in support of a bicycle trail; a proposed path by ODOT. Lebold moved, seconded by Lloyd to approve **A RESOLUTION, R-17-2016, DECLARING A DESIGNATED BICYCLE ROUTE**

**WITHIN THE VILLAGE OF BOLIVAR.** In a roll call vote, all members present voted yes.

**FINANCE:** - Vincent provided a recap of the finance committee discussions to include the proposed purchase of a camera system for the police department which will be discussed in more detail under safety. Vincent also reported App will be signing the annual purchase order with Verizon Wireless to continue as the Villages service provider.

Vincent presented a **RESOLUTION TO AMEND APPROPRIATIONS** in the Towpath Trail Fund in the amount of \$173.35. Vincent moved, seconded by Lloyd to approve **RESOLUTION R-18-2016**. In a roll call vote all members present voted yes.

Per the recommendation of the Fiscal Officer, the finance committee will be revisiting the Uniform Allowance at a later date to establish a set amount for the full time employees and continue using a multiplier for the part time employees.

Vincent reported the finance committee also discussed Hilty's unused vacation time. Lloyd moved, seconded by Lapp to grant a 60 day extension, from today's date, to use his remaining days. In a roll call vote all members voted yes except Lebold who voted no.

**PLANNING** – Lebold reported there will not be a zoning meeting in July.

**SAFETY** – Lloyd reported Michael Fink submitted his resignation. Lloyd moved, seconded by Lang to accept Fink's resignation. In a roll call vote, all members present voted yes.

Lloyd also reported there were 102 calls cleared in the month of June.

Lloyd moved, seconded by Lang to approve the purchase of a dash camera for the new cruiser. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Lang to suspend the rules to hire Shawn Brady. In a roll call vote, all members present voted yes. Cochran moved, seconded by Lloyd to approve **AN ORDINANCE, O-17-2016, TO HIRE SHAWN BRADY AS A PART TIME POLICE OFFICER FOR THE VILLAGE OF BOLIVAR; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes.

**Chief** – none .

**STREET & ALLEY:** none

**STREET SUPERINTENDANT / ADMINISTRATOR -**

Franks thanked the part time workers, Nathan and Noah, plus Chief Haugh for all their help at the Strawberry Festival to include setting up and tearing down. Franks also thanked the three workers who helped with the trash clean up. They did a really good job keeping everything clean.

Franks went on to thank App for restructuring the CCR report. It's now set up in the computer where it can be easily edited and submitted.

In other business, Franks wanted to draw attention to our Water Ordinance during times of drought. "If we don't start getting rain, we will have to start enforcing the Water Ordinance in August. We are currently down three (3) feet. The Ordinance would limit sprinkler usage to M-W-F at the North end of town and T-TH-Sat at the South end of town."

**SHADE TREE** – Franks reported Dave Cipar is getting some tree removal prices for the next committee meeting.

The Mayor extended a special thank you to Franks, his part time help, the extra helpers for clean up and the police department at the Festival; she couldn't have done it without them. She said Dave goes above and beyond to be quite honest. "Thank you to the Village as a whole for allowing Dave to do those things for the festival". Lloyd asked how the festival did this year financially. Lebold stated they are hanging in there.

**RECREATION** - Lebold also personally thanked Franks for all his help at the Festival. Lebold went on to pass out flyers to council as a reminder of the upcoming car show on July 16, 2016. Recreation didn't have anything else to report for the month.

**FISCAL OFFICER** – none

**LAW DIRECTOR** – Armstrong brought forth the second reading by title only the following zoning ordinances:

- 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;
- 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;
- 3) **AN ORDINANCE TO EDIT SECTION III, SUBSECTION L OF THE VILLAGE ZONING CODE** regarding porch, attic, garage and yard sales;
- 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;
- 5) **AN ORDINANCE TO EDIT SECTION XVIII OF THE VILLAGE ZONING CODE** to conform with the parking requirements under the Ohio Revised Code.
- 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;

**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;

**8) 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

The next Ordinance brought forth for discussion is the establishment of the "Peace Officers Dependents Fund Board" (refer to Ordinance O-16-2016; approved at June 6, 2016 council meeting). The board is also required to have five (5) members; two (2) need elected by Village Council (refer to section 2016.02 items 1-3) and 1 needs to be a citizen with no village affiliation. Lang reported he would like to be one of the members. Haugh stated Don Lapp would also like to be the other member.

Armstrong stated this would need to be done by an Ordinance; and based on the time sensitivity of being in compliance someone would need to suspend the rules.

Lebold moved, seconded by Lloyd to suspend the rules to appoint two members of Council to the board. In a roll call vote, all members present voted yes. Cochran moved, seconded by Lloyd to approve **O-18-2016, AN ORDINANCE TO APPOINT TIM LANG AND DONALD LAPP TO THE VILLAGE OF BOLIVAR VOLUNTEER PEACE OFFICERS' DEPENDENTS FUND BOARD; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes.

Chief Haugh reported the other members on the board include: Haugh, Hilty and a resident, Dave Lingo.

Attorney Armstrong announced the final item she has is she is changing law firms from Fitzpatrick, Zimmerman and Rose and moving to Day Ketterer in Canton; effective July 6, 2016. She has already spoken with Fitzpatrick, Zimmerman and Rose. Anderson would remain as the Prosecutor. In addition, he is willing to fill in for Armstrong in the event she was not able to attend a meeting. The rate structure would remain the same as previously established.

Lang expressed the finance committee had some concerns about maintaining two different firms from two different counties. Lang would like to table the discussion until the August Council meeting. Armstrong stated Fitzpatrick is not willing to take on the solicitor duties; it's not uncommon to have two different firms representing an agency. Armstrong said it's completely up to council but keep in mind there would be a gap of time without a solicitor to perform any work.

Armstrong reiterated, Fitzpatrick is will willing to continue with prosecution, but no one is willing to take on the solicitor's duties. Again, Fitzpatrick is willing to fill in for the solicitor if needed, but that would be the extent of it. Anderson has only had to fill in for Armstrong one time since she began working with the Village.

Cochran asked, "If we don't do something tonight, does that mean at the August 1st meeting you would not be here"? Armstrong stated she is happy to

accommodate the village and wants to make sure the Village is covered. Armstrong stated the Village could make a temporary arrangement for legal services for this month until Council makes a decision at the next meeting. Armstrong stated the Village has way too much going on to not have someone covering the Village. Cochran was concerned about not having coverage. Lang asked Council their thoughts. Lang suggested Council take the 30 day extension and revisit the decision at the August 1st meeting.

The Mayor noted that the Chief wanted to speak. Haugh interjected that before he began working for the Village in 2007 he had been the Chief of Midvale. Haugh stated, "When I came here I had to have Steve as Prosecutor. Steve is the best Prosecutor he has ever worked with". Haugh went on to provide examples of Steve's both in and out of the court room. "Steve is excellent and I work well with him". Haugh highly endorsed Anderson at Fitzpatrick, Zimmerman & Rose.

Lebold added that he feels Armstrong is very well acclimated with the Village. Additional discussion took place amongst the solicitor and council weighing out options. It was reiterated that the hourly rate would remain the same. Council also has the option to select a new solicitor in January if they were not happy with services. Lang recapped the options of council. The Mayor asked the pleasure of council. Armstrong clarified, the legal services contract is renewed yearly.

Lebold moved, seconded by Lang to suspend the rules to adopt the proposed ordinance for legal services. In a roll call vote, all members present voted yes. Lebold moved, seconded by Lang to adopt **O-19-2016, AN ORDINANCE AMENDING ORDINANCE O-3-2016, AN ORDINANCE PROVIDING FOR THE CONTRACTUAL SERVICES OF LEGAL COUNSEL FOR THE VILLAGE OF BOLIVAR AND DECLARING IT AS AN EMERGENCY.** In a roll call vote, all members present voted yes.

Lastly, there was a **second 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. There will be a third reading next month.

Pam Ewing with Ohio RCAP was in attendance to give a presentation to council regarding water rates. For those that don't know, RCAP is a national non-profit organization. In Ohio, RCAP receives funding from several agencies such as the Ohio EPA, the US EPA and other sources so they can in turn come to communities such as the Village to help obtain funding for water services. There is no charge to the Village to receive assistance from RCAP.

Pam stated she had contacted the Mayor back in February to let her know that the Ohio EPA had a nomination process which takes place every March 1. It includes construction planning and design, asset management, rate studies, GIS and planning for the future; basically a plan of action. The Village is already partially doing this by doing the GIS.

The Village was nominated and approved to receive \$5,000.00 grant for a rate study. They also included is a portion of the GIS study that the village was responsible for. Pam wanted to attend the meeting tonight to explain the funding

to the Village which is called "principle forgiveness". The principle would not need to be repaid; it's up to \$5,000.00 towards the cost of the rate study. Basically what the rate study does is looks at the past history, the past financials, the rate structures and puts forth a study to determine where rates need to be in order to cover current expenses; then planning for capital improvements we might have. It's also a plan the Village could use to move forward with a water system.

Pam stated the reason she wanted to come tonight is because there are a couple requirements for this financing. The EPA requires at least 50% of the government body, which is you, to either attend or complete the online courses that are free of charge. One is called finance management and the other is called utility management. They are both online courses and are offered in a classroom environment as well. The online courses can be done online at your own pace. Pam advised there is one system glitch that requires you to be logged in to each module for at least one hour. It is a requirement that at least 50% of you would need to attend or participate in the online courses that would help you qualify for the grant. If offsite, it would be two half day courses in small groups. The online course is very good as well. The length of online courses is approximately 6 courses that take 45 minutes to an hour.

The website is [www.ohiorcap.org](http://www.ohiorcap.org). There is a training button that give instructions as to how to log on to the course.

The rate study/analysis would allow the village to plan their rates for the future and set monies aside for planning.

Lang asked, "When does the training need to be completed"? Pam replied it would most likely need to be done before the rate study is complete which typically the study takes a few months.

Pam distributed information to council on what a rate study involves. She went on to ask if the Village follows a structure to raise water rates each year. The Mayor responded, "No, that's been the issue. There hasn't been a rate increase for a number of years; it just sort of fell through the cracks. There was an Ordinance several years ago that was supposed to increase the rate a certain amount. There was apparently a failure of communication in 2012. As a result of that, the scheduled increase did not take place which was prior to App becoming the Clerk". The purpose of the rate study is so we can explain to the residents why the rates are increasing.

Pam said RCAP would come to a meeting once the rate study is complete to explain to the public why the rates need to be increased. She said the Village has to be planning for the present and future generations that's coming up so they aren't left like we're left. Pam went on to explain that during this rate study process, they will be looking at the current rules and regulations that we currently operate our water system under. She assumes there haven't been too many updates over the years. RCAP will take a look at those as well and advise the Village where those may need adjusted as well to bring them up to speed with where we are today. She can provide some examples as to what we will need.

Other topics Pam discussed were reserve accounts for future projects. The Village should have a reserve account. She added, the Village should be

looking at fixed rates and variable rates; definitions of this are included in the RCAP packet.

As part of the presentation, the question was posed, "what would happen if you don't raise rates"? She showed examples in the RCAP packets she distributed as to what that scenario would look like. The bottom line, by waiting to increase rates, it's actually costing our users more.

Grant funds are dwindling and more competition is surfacing. Pam went on to explain and give examples of funding, rates and loan eligibility. As of now, the Village would not qualify for any loans towards the water system because our monthly water rate is well below the threshold to apply for loans.

The longer the Village waits to raise their rates, the harder it will become.

The Mayor added she has met with Pam Ewing several times over the past few years. She added, when she took over as Mayor, there were some major issues with the EPA that we were not compliant with; there was a list of things that needed addressed. The Village took care of those issues and went on to address the deplorable conditions at the reservoir house. The Village had it completely rebuilt and went on to have the reservoir tanks professionally cleaned which hadn't been done for many years. After that, the next level of improvements was at the pump house; changing the system from chlorine gas. The phosphate system was also added to address the iron. The goal is to replace our water lines, but we have to take several steps first.

Mayor Hubble reported that the GIS study is another part of the steps that need to be taken to move forward.

Pam wants council to start thinking forward in the next few weeks or perhaps by the next council meeting what are future plans are for capital improvements? Do we want water meters? The training will preach the pros and cons to having or not having a metered water system. The Village will need to determine what their capital projects are for the next ten years. We need to start looking at what kind of costs we are looking at. The Mayor said, there currently isn't a line item specific to water reserves. Pam said that is something that can be phased into the budget.

Before concluding her presentation, Pam reviewed highlights of the rate study and the application process. She also discussed our next steps and planning phase with the Fiscal Officer.

Pam said if everyone is ok with the rate study, she will start working with the Fiscal Officer to gather the documents needed to submit to the EPA.

There being no further business, Cochran moved, seconded by Lapp to adjourn until the next meeting on August 1, 2016. In a roll call vote, all members present voted yes. The meeting adjourned at 8:35 p.m.

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Mayor Rebecca S. Hubble

ATTEST: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Maria A. App, Fiscal Officer