

VILLAGE OF BOLIVAR COUNCIL MEETING August 1, 2016

The Bolivar Village Council met in regular session on **Monday, August 1, 2016**. 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.

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

The Fiscal Officer read the bills for the month of July, totaling \$52,455.92. 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: - none

MAYOR HUBBLE – Deferred to later in meeting

FINANCE: - Vincent brought forth to Council a request for a water and trash exemption at 448 Park Avenue SW. Vincent moved, seconded by Lloyd to approve the request. In a roll call vote, all members present voted yes.

Vincent presented a **RESOLUTION TO AMEND APPROPRIATIONS** in the amount of \$5100.00 in the Library line item for the purpose of replacing the spouting at the Library. Vincent moved, seconded by Lang to approve **RESOLUTION R-19-2016**. In a roll call vote all members present voted yes.

Vincent moved, seconded by Lang to approve Wallick's to replace the spouting at the Library in the amount of \$5,050.00. In a roll call vote, all members present voted yes.

Other items discussed in the finance committee included the libraries lease agreement that comes due in 2017. Council will need to start looking at this. Finance also discussed the year to date income tax revenues.

PLANNING – Lebold asked Franks if he had anything to report. Franks stated the new house on Canal Street is starting to have walls up; will be starting water tap soon.

Lebold reported there will not be a zoning meeting on August 4th since there is no new or pending business.

SAFETY – Lloyd reported there were 104 calls cleared in the month of July. Also learned the camera system for the new cruiser is in. Learned the Chief got a great price for body cams with the new cruiser system. The new cruiser should be here by the end of the month.

Safety discussed adding a new auxiliary member, Tyler James McKelvey. Lloyd moved, seconded by Lebold to suspend the rules to add Tyler as an auxiliary officer. In a roll call vote, all members present voted yes. Lloyd moved,

seconded by Cochran to approve **AN ORDINANCE, O-20-2016, TO ADD TYLER JAMES MCKELVEY AS AN AUXILLARY POLICE OFFICER FOR THE VILLAGE OF BOLIVAR; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes.

Lloyd brought forth the recommendation of the safety committee to promote Mason Perry from auxiliary to part time. Lloyd moved, seconded by Lebold to suspend the rules. In a roll call vote, all members present voted yes. Lloyd moved, seconded by Lebold to **approve O-21-2016, AN ORDINANCE TO HIRE MASON PERRY AS PART TIME POLICE OFFICER FOR THE VILLAGE OF BOLIVAR; ESTABLISHING AN EMERGENCY**

Chief – Haugh stated the reason we keep adding auxiliary or part time officers is because the previous officers have been taking jobs elsewhere. He went on to state we don't have a lot of patrol because the turnover has been high.

STREET & ALLEY: The Village needs to continue updating our road signs to state standard with reflectivity. Lang moved, seconded by Lapp to approve replacing twenty four (24) stop signs and six (6) street signs through Kleem Inc. in the amount of \$2,081.00. In a roll call vote, all members present voted yes.

STREET SUPERINTENDANT / ADMINISTRATOR - Franks reported he finished up with the County Hazard Mitigation team. He could only pick two (2) items: 1) hot/cold - extreme temps and 2) severe wind. The County will send us a final draft and we will be on the County EMA plan for five years. Franks stated the Village pays the County either way, but they are eligible to get a lot of grants.

In other business, Parkview Drive will be a continued project to discuss at the next Street Committee meeting. Franks will be out of town at the next street meeting on Monday, August 15, however, Mr. Sundheimers grandson could attend if the street committee is comfortable with that. The residents and Village need to meet and discuss a reasonable amount of money to split with the project. The street meeting will be at 5:30 on the 15th.

SHADE TREE – Seven (7) Ash trees need removed and others need trimmed in the amount of \$3,350.00. Lang moved, seconded by Lapp to approve the expense. In a roll call vote, all members present voted yes.

RECREATION - Lebold thanked Franks and the part time street employees for the excellent mowing job at the ball fields. The baseball season is now over.

Franks added, since he will be on vacation, the street employees will be picking up compost after lunch on Monday, August 15 and 22 versus early morning.

FISCAL OFFICER – none

LAW DIRECTOR – Before moving forward with the third readings of each of the zoning ordinances, Armstrong presented the third reading for **AN ORDINANCE TO EDIT SECTION 3.2 OF THE POLICIES AND PROCEDURES MANUAL.** Vincent moved, seconded by Lloyd to approve **ORDINANCE O-22-2016.** In a roll call vote, all members present voted yes.

Cochran moved, seconded by Lang to approve **O-23-2016, AN ORDINANCE TO EDIT SECTION III, SUBSECTION M OF THE VILLAGE ZONING CODE** (re: produce stands). In a roll call vote, all members present voted yes.

Vincent moved, seconded by Cochran to approve **O-24-2016, AN ORDINANCE TO EDIT SECTION III, SUBSECTION L OF THE VILLAGE ZONING CODE** (regarding porch, attic, garage and yard sales). In a roll call vote, all members present voted yes.

Lang moved, seconded by Lapp to approve **O-25-2016, AN ORDINANCE TO EDIT SECTION XXV OF THE VILLAGE ZONING CODE** (re: lot splits). In a roll call vote, all members present voted yes.

Lebold moved, seconded by Lang to approve **O-26-2016, 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) In a roll call vote, all members present voted yes.

Lapp moved, seconded by Vincent to approve **O-27-2016, 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 a roll call vote, all members present voted yes.

Lebold moved, seconded by Lapp to approve **O-28-2016, 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**. In a roll call vote, all members present voted yes.

Lebold made a motion, Lang asked for discussion of the proposed ordinance regulating new/used cars prior to taking a vote. Lang stated he has spoke with several residents in regards and they are all opposed from an aesthetic standpoint. Cochran had concerns about the 30 day language. Armstrong added the language in the proposed Ordinance has been changed from "an average of 30 days, to just 30 days". The Mayor said aesthetically she would also be against it, however, we need to factor in all of our businesses and as long as we have a good Ordinance in place that polices or patrols that, she didn't think having a used car lot would be a problem. Lang would like to see stronger language. The Mayor said they would need to be in compliance with the EPA. Mayor Hubble recapped criteria stated in the Ordinance. .

Lebold added that this is not only making room for a used lot in Bolivar, but the new language will extend to all similar businesses if they ever sell their property. He went on to say there is a potential for used lots to generate income tax revenue as well. He feels we should leave the language in the ordinance as proposed.

Lebold thinks the biggest concern was the amount of days the cars could be stored. He went on to reference other types of businesses and comparing to the restrictions placed on the car lot.

The Mayor interjected this is the third reading and council needs to decide how they want to proceed. She went on to ask if council had any further discussion or questions.

Lebold moved, seconded by Cochran to approve **O-29-2016, 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). In a roll call vote, Cochran, Lapp, Lebold, Lloyd and Vincent voted yes; Lang voted no.

Lebold moved, seconded by Lang to approve **O-30-2016, AN ORDINANCE TO EDIT SECTION XVIII OF THE VILLAGE ZONING CODE** (to conform with the parking requirements under the Ohio Revised Code). In a roll call vote, all members present voted yes.

Armstrong posed an additional question to council as to whether or not they wanted to limit medical marijuana dispensaries, cultivators and/or processors within the village limits. Armstrong stated as of September, the former could take place unless the Village placed measures to prevent this. As of September 8, it will not be illegal with a prescription.

Armstrong said there are two issues for the Village to consider. Currently the Villages Policies and Procedures allows for our employees any prescription medication that is validly prescribed to be taken while on the job. The question is, does that include marijuana at this point? Armstrong asked, "do we want to tighten up our policy and procedure language to ensure that our employees are not coming to work under the influence of marijuana"? Armstrong stated other corporations are also looking at this but this biggest concern is employees operating heavy equipment and/or safety personnel such as the police force.

Cochran questioned, what's the difference between someone that has a prescription for Xanax verses marijuana? Council discussed the ramifications of different types of prescription meds to include marijuana.

Lang expressed several concerns. Council members were talking over each other; the Mayor racked her gavel. Lang went on to say, unlike alcohol that can be measured by a breathalyzer, marijuana doesn't have a method of monitoring outside of performing a blood test. Until a alternative testing method is in place, Lang prefers we ban it, until we get to the point where we could say, fine as long as it's not affecting your job. Armstrong said the Village could ban it if they chose to do so. Lang said the other thing is, there's going to be "brownies" and other things floating around in people's homes now. Can we make it a crime if someone has the brownies and it ends up another kid is over and they ingest those brownies that it's a crime that that parent didn't.....(discussion amongst council comparing contributing to minors with alcohol vs. marijuana). Lang went on to use the analogy of a parent not meaning to serve a minor but they left their pot material out; some kid's hungry, sees it, grabs it...the next thing you know... Armstrong said it would definitely be a civil action. Lang is questioning the criminal side of things. Armstrong said it sounds like Council is interested in looking at these options. The Mayor added Council could instruct the solicitor to bring something back to council to review our options.

Armstrong recapped by stating it sounds like the three things council would like her to look into is: 1) Some Policies and Procedures language for the employees; 2) zoning it out; basically saying we are not interested in having these types of businesses within the Village 3) criminal consequences. Cochran questioned what would be the difference between the marijuana issue and having a bar or winery in town. Armstrong stated the idea with these is that there is a potential criminal element that exceeds that of a bar.

The Mayor interjected that Armstrong could draft some proposed legislation to present at the next meeting. Armstrong said there are some options she can present that will clarify things for council.

Before adjourning, the Mayor said council needs to determine when they want to have their regular September meeting since it falls on a Holiday. Council discussed the options for the September meeting date. Lloyd moved, seconded by Cochran to change the council meeting to Tuesday, September 6, 2016 due to Labor Day on the 5th. In a roll call vote, all members present voted yes.

There being no further business, Lapp moved, seconded by Lebold to adjourn until the next meeting on September 6, 2016. In a roll call vote, all members present voted yes

Mayor Rebecca S. Hubble

ATTEST:

Maria A. App, Fiscal Officer

Approved: September 6, 2016