

# VILLAGE OF BOLIVAR COUNCIL MEETING October 3, 2016

The Bolivar Village Council met in regular session on **Monday, October 3, 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.

Vincent moved-seconded by Lang to accept the previous meeting 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 September, totaling \$38,588.39. Lloyd moved, seconded by Cochran 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:** - Nathan Quicksall with Quicksall and Associates attended the meeting to discuss the OPWC grant application process and deadline. Prior to speaking, he handed out packets to Council. He said \$539,600.00 will cover the ODOT tap costs. On Wednesday at 10:00a there will be a scope of work walk through. ODOT will have reps from their environmental team and set a project schedule. In the commitment letter, TAP will be awarded in July 2018 for fiscal year 2019. Nathan stated there is approximately a \$300,000.00 remaining shortfall for the Village. The OPWC app is due on October 28. Since tonight is our last meeting prior to the OPWC grant application deadline, council would need to approve an ordinance tonight authorizing the application. Nathan noted page two has funding options. The Village would be applying for \$147,200.00 in grant and loans with OPWC. In the spring they will apply for 150,000.00 with ARC to make up the balance of funds needed. Nathan went on to state the Village will also need to have a traffic count study done. Applying for ARC in the spring will help offset the difference owed.

Attorney Armstrong presented **AN ORDINANCE, AUTHORIZING THE VILLAGE OF BOLIVAR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY**. Armstrong added the Ordinance would need to be approved as an emergency to meet the October 28 grant application deadline. Lang moved, seconded by Vincent to suspend the rules. In a roll call vote, all members voted yes. Lang moved, seconded by Lapp to approve **ORDINANCE O-31-2016** as an emergency. In a roll call vote, all members present voted yes.

**MAYOR HUBBLE** – Mayor Hubble stated she needs the authorization of council to contact Brook Shilling to start the traffic study for the downtown project. Lloyd moved, seconded by Lang to authorize the Mayor to make the appropriate contact to begin the study. In a roll call vote, all members present voted yes.

Megan Gettan attended the meeting to observe. She introduced herself and expressed an interest in applying for the open council seat.

Council member, Lisa Cochran, apologized for not attending the council meeting in September. She went on to state she has enjoyed being on council and working with the village.

Mayor Hubble announced the Village is seeking letters of intent for an open council seat. Megan Gettan has submitted a letter of intent expressing interest in the position. Hubble went on to state it would be advertised in the paper that there is an open seat. The next step will be to interview interested candidates with an interview committee. At this time, Megan is the first person to submit a letter of interest.

The Mayor announced Halloween will be on Monday, October 31 from 6-7:00p.m. The Lions Club party will immediately follow at the Tusky Valley Intermediate School. The Village has always supplied candy for the Lions Club and police officers to hand out. Lebold moved, seconded by Vincent to approve the purchase of candy; \$200.00 for the Lions Club and \$50.00 for the police department. In a roll call vote, all members present voted yes.

In other news, the Bolivar Fire Department will be hosting an open house on October 15 from 4-8:00p.m.

On Wednesday, October 5, Countywide Recycling and Disposal Facility will have an open house between 11:00a.m.-2:00p.m. The Ohio EPA will be there, as well as the Stark County Health Department and engineers to answer questions about landfills.

**FINANCE:** - Vincent recapped topics discussed in the finance meeting. She said there is a series of Resolutions to be approved; hard copies are available in the Fiscal Officers office.

Vincent moved, seconded by Lang to approve **RESOLUTION R-24-2016 to amend the certificate of estimated resources**. In a roll call vote, all members present voted yes.

Vincent moved, seconded by Lloyd to approve **RESOLUTION R-25-2016 to amend appropriations in the Towpath Trail Fund**. In a roll call vote, all members present voted yes.

Vincent moved, seconded by Lapp to approve **RESOLUTION R-26-2016 to amend appropriations in the General Fund**. In a roll call vote, all members present voted yes.

Vincent moved, seconded by Lapp to approve **RESOLUTION R-27-2016, an AGREEMENT FOR DEPOSIT OF PUBLIC FUNDS IN OHIO with Huntington Bank, October 2016 - October 2017**. In a roll call vote, all members present voted yes.

Vincent moved, seconded by Lang to approve a **RESOLUTION R-28-2016, ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**. In a roll call vote, all members present voted yes.

Other topics discussed in finance included the GIS mapping project in the amount of \$1500.00. Monies were previously approved for the project in 2015. Also discussed was the need for additional income tax department hours.

Vincent stated the finance committee discussed the need to have a special finance work session to go over the annual budget. Council discussed a couple of dates before agreeing to Monday, October 17, immediately following the regular committee meetings.

**PLANNING** – For simplicity, Lebold combined Parks & Recreation and Zoning into one discussion. He distributed trail maps to each of the council members. Lebold went on to announce there will be a ribbon cutting ceremony on October 15, 2016 at 1:30 past the Water Works Ball Fields. Signs need erected for the Trail a.s.a.p. and he needs to get funds approved through the Trail Fund to spend.

An update was given for the Ohio Erie Canal Coalition matching grant; a 50/50 matching grant totaling \$7500.00. The Ohio Erie Canal will match up to 3750.00. The Trail Fund already has \$771.54 reserved towards our match. Lebold is requesting of Council to pass as an emergency an Ordinance accepting OECC's grant. He would like it passed as an emergency so they can get the signs installed prior to the ribbon ceremony on the 15<sup>th</sup>. Lebold asked Armstrong how he should proceed. Armstrong stated it would first need to be determined where the funds would come from before proceeding. Lebold asked App where would the funds need to come from; App stated they would have to come from either General Fund or Capital Fund. Lebold stated that he knows they will have to raise additional funds to help offset the Villages share.

Lebold moved, seconded by Lloyd to suspend the rules for **AN ORDINANCE TO APPROVE ACCEPTING MATCHING GRANT FUNDS FOR THE TOWPATH TRAIL; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes. Lebold moved, seconded by Lloyd to approve **ORDINANCE O-32-2016** as an emergency. In a roll call vote, all members voted yes. Cochran abstained.

The Towpath Trail is complete. Council discussed a proposed ordinance for signs that are needed to direct the Towpath Trail traffic as well as to warn motorists and other persons of the flow of Trail traffic. Lebold moved, seconded by Vincent to suspend the rules. In a roll call vote, all members present voted yes. Lebold moved to approve **AN ORDINANCE TO APPROVE SIGNAGE FOR THE TOWPATH TRAIL; ESTABLISHING AN EMERGENCY**. Prior to getting a second on the motion, Chief Haugh interjected that there needs to be an additional sign added, prohibiting motorized vehicles on the Trail. Lang seconded the motion to approve **ORDINANCE O-33-2016**. In a roll call vote, all members present voted yes.

Lebold moved, seconded by Lloyd to purchase shared roadway signs, eight (8) - 2' high bollards and anchor bolts; \$183.54 from the Street Fund; plus approximately \$745.00 from the Trail Fund to include two (2) no-motorized vehicle signs; In a roll call vote, all members present voted yes.

Lebold stated that Franks has a 5' bike stencil that has been used to paint bike markings on the Trail. He is seeking Council approval to add stenciling on Bolivar Street to Canal Street; through Downtown and out to Fort Laurens. Vincent stated this is already included in the Ordinance they just passed.

Lebold reminded council of the ribbon cutting at 1:30 on October 15, 2016.

**SAFETY** – Lloyd reported there were 79 calls that were cleared in September. He also announced the police are enjoying and making good use of the new cruiser.

**CHIEF** – none

**STREET & ALLEY:** none

**STREET SUPERINTENDANT / ADMINISTRATOR** - Franks reported hydrant flushing will be on Friday, October 14 and leaf vacuuming will begin on Monday, October 17. He asked that residents please separate twigs from leaves. He is also asking that residents remove all basketball hoops away from the roadway and to keep leaves away from mailboxes.

Franks stated they have been mowing a property that has been left empty. Trash bags have been left behind at the residence. He asked what can the Village legally do to clean this up? He went on to state several trash bags have been ripped open; pill bottles were exposed. Armstrong stated, under the circumstances, if there is a safety hazard, the situation needs documented and items removed. She suggests Dave needs to include what was done and why we did it in case the owner comes back later questioning what was done. The home is located on Dale Avenue.

**SHADE TREE** – none

**RECREATION** – Franks noted since the Trail is now in, we have an open field by the back ball fields. Franks will bring to Street and Alley Committee. He has also been in contact with the Bolivar Baseball Association. They are going to start seeking grants to put two (2) more baseball fields in. He said once he gets more information he will pass it along; in the meantime the Baseball Association is very interested.

**FISCAL OFFICER** – none

**LAW DIRECTOR** – Armstrong presented the **second reading by title only AN ORDINANCE TO EDIT SECTION 19 OF THE POLICIES AND PROCEDURES MANUAL**, which refers to the Villages drug policy.

Armstrong also read, a **second reading by title only, AN ORDINANCE PROHIBITING MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, MARIJUANA PRODUCERS, MARIJUANA PROCESSORS, MARIJUANA WHOLESALERS, and MARIJUANA CULTIVATORS AND MARIJUANA RETAILERS WITHIN THE VILLAGE OF BOLIVAR**. There will be a third reading at the November meeting.

Lebold wanted to recognize the Street Department, Franks and Alexander for all their clean-up at the old Burfield strawberry stand. He is also very appreciative of Dave for moving the corporation signs today.

Franks asked Lebold if there was going to be a zoning meeting on Thursday (10/6/16). One of the members cannot be at the meeting. Lebold said they could postpone their meeting until November.

The Mayor initiated conversation regarding the Trail clean-up day. Matt Ritterbeck, a Township Trustee, approached the Village in regards to an event sponsored by the Ohio Erie Canalway Coalition and Tuscarawas Parks. They are having a work day again this year. The clean-up will be on October 15; located off Shepler Church Road at the Trailhead. A request has been made to

use the Village Gator to help with the clean-up effort. This question was also presented in 2015 as well. Council questioned who would be the responsible party operating the Gator. Lebold volunteered to be the responsible party for the Gator usage. Franks interjected reminded council the Gator is not licensed and it would require being driven on-road to get to the work location.

Armstrong is concerned, whoever will be driving the Gator, will have to take full responsibility for operating the vehicle by signing a waiver since it does not involve Village property or employees. She is concerned as to whether it would be covered under the sponsoring parties insurance. Armstrong went on to note, the use of the equipment does not fall under a mutual aid agreement because it's not the Township requesting it. Lebold feels, considering all that the Ohio Erie Coalition has done for Bolivar, the Village needs to try to make this work. App interjected that feels that's the wrong reason to make it work; that there should be more of a legal reason to make it work. App went on to note, the mutual aid agreement is not with the Ohio Erie Canal Coalition, it's with Lawrence Township so Council should proceed with caution. Cochran questioned if the Attorney can draft something allowing Lebold to take responsibility. Armstrong stated as long as Dick is willing to take over every bit of responsibility she can draft a waiver. Franks said he feels the Village should draft something up. If Dick doesn't want to take the responsibility and another person does, they would need to talk to Franks and the Mayor. They would need to sign a waiver; keeping a copy for themselves and the original with the Village. When the Gator is returned, Franks would go over it with a fine tooth comb. If anything is wrong with it, they would be fined. Armstrong noted since the OECC is a non-profit, they may have insurance coverage for these type of things.

Lebold moved, seconded by Lloyd to approve the use of the Village Gator for the Trail clean-up project, provided the responsible party is willing to sign a full waiver and assumption of liability. In a roll call vote, all members present voted yes.

Prior to adjourning, Council established a work session of finance for October 17, 2016 after the regular street & alley and parks/rec committee meetings which begin at 5:30.

There being no further business, Lang moved, seconded by Cochran to adjourn until the next meeting on Monday, November 7, 2016. In a roll call vote, all members present voted yes. .

\_\_\_\_\_  
Mayor Rebecca S. Hubble

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

Approved: \_\_\_\_\_