

VILLAGE OF BOLIVAR COUNCIL MEETING January 4, 2016

The Bolivar Village Council met in regular session on **Monday, January 4, 2016**. Mayor Hubble called the meeting to order at 7:03 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.

Before proceeding with the meeting, Attorney Armstrong swore in Mayor Rebecca Hubble to her new term ending December 31, 2019. Next, Mayor Hubble asked Robert Lloyd and Donald Lapp to stand to be sworn in to their new council term which also ends December 31, 2019.

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

The Clerk read the bills for the month of December, totaling \$48,593.27. Lloyd motioned, 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.

The position of President Pro-Tempore also needs to be voted on by council for 2016. Cochran moved, seconded by Vincent to nominate Robert Lloyd as President Pro-Tempore. Mayor Hubble asked if there were any other nominations or further discussion. Lloyd was the only nomination. The term ends December 31, 2016. In a roll call vote, Cochran, Lang, Lapp, Lebold and Vincent answered yes; Lloyd abstained.

The Mayor took a moment to read the new committee members for each committee. The finance committee chair is Mary Vincent; members are Robert Lloyd and Lisa Cochran. The safety committee chair is Robert Lloyd; members are Lisa Cochran and Mary Vincent. The Street committee chairman is Tim Lang; members include Richard Lebold and Donald Lapp. The Recreation committee chairman is Richard Lebold; members include Tim Lang and Don Lapp. The shade tree committee also consists of Lang, Lapp and Lebold.

The Mayor made the following appointments for 2016: David Franks as the Street Superintendant and the Village Administrator and Stephanie Long as the Income Tax Administrator. The Clerk Treasurer's appointed term ends on March 31, 2016; thereafter the position will be a hired position as Fiscal Officer.

PUBLIC SPEAKS: - Matt Ritterbeck was in attendance. The purpose for attending is he heard some rumblings about the safety committee for the Village of Bolivar is contemplating a proposal to council to adopt some legislation or resolution regarding giving authority to the Bolivar Police force to hold handheld cameras and radar detectors and empower a company in which the village would contract to do that service to send speeding tickets to motorists within the village of Bolivar corporation limits. Ritterbeck feels we live in a safe community. He thinks this type of radar is sending a wrong message. He feels if an individual is speeding in the Village, the officer should pull the operator of the motor vehicle over and go through and follow the procedures as set forth in the Ohio Revised Code and not send an automatic fine for speeding. He feels the

proposed method council is considering is "nothing but Big Brother, nothing but a back door tax". Law enforcement in his opinion is to protect and serve. He doesn't think it's sending the right message. He made it clear he is not in support of it as a resident. "There is more negatives than positives. Yes it would generate a little bit of revenue, but I think it's the wrong way to generate revenue in my opinion". Ritterbeck went on to state he has reached out to everyone on council. He had conversations with everyone except for Mr. Lapp. He said if anyone has questions as to why he feels that way, he would be receptive to that.

Vincent stated it has been discussed again this evening safety and they realize there are just enough questions that as the village is moving towards it, there would be a public meeting so everyone's questions can be voiced. There is a graduated level of enforcement. For those going a couple miles over, it wouldn't affect them at all. If you are going 50 in a 35, it will affect them. In regards to the revenue, one of the issues is, it becomes Village revenue whereas a ticket goes to the courts. Ritterbeck still opposes the concept. Vincent stated the issue would be going to a public meeting for input versus staying within a committee. Ritterbeck stated, "I'm going to be very honest with you, I'm here strictly because I knew a reporter would be here. I want it put in the paper. I'm not grandstanding; I'm simply stating I want this to get out to the community so more people in the community have an opportunity to call you as an elected official. To come to meetings; for the discussion to get out there before it's proposed as a Resolution". Vincent stated she thinks we are all on the same lines as council having a public meeting. Ritterbeck stated, "when I found out about it, I went through the roof to be honest with you. I thought it was insane". Ritterbeck went

on to state if it passes, he would relocate out of the Village, out of the corporation limits. Vincent and Ritterbeck continued to converse about his opinions.

The solicitor interjected that she has reviewed the policies. There is a dispute process to have the fine removed. If it cannot be determined who was driving the vehicle, the ticket would have to be revoked. Ritterbeck asked for a copy of the policy. The solicitor stated, once it's before council, absolutely. She just received a copy of the policy because she wanted to review it in advance.

Mayor Hubble stated, at this time it is still being discussed. Nothing has been moved forward. It is basically still in committee; the company did give a presentation for council but that's been it. The purpose of discussion tonight was to bring it to a public meeting so everyone is better informed. We are currently at the point of discussion, but before anything is acted upon there would be a public meeting.

Ritterbeck wanted to know how many agencies are currently utilizing this type of program. He was told, this specific company is contracted with ten (10) agencies within the state, but we do not have data for other companies and agencies.

Ritterbeck was told the next safety committee meeting will be on February 1st at 5:30. The Mayor had a question for Ritterbeck. She stated she was told something that she couldn't believe was actually discussed was that he brought up, potentially at a trustee meeting, that the Village Mutual Aid and use of the salt program would be taken away if the traffic cam went forward. Ritterbeck stated, "That's not correct. I will say, I had a conversation with an individual, not someone present here, that I was so sour with what transpired with the John Deere Gator issue (not being able to use the Gator) on a mutual aid contract...I was referred to in an email with the Ohio Revised Code it was a liability issue, well then maybe Dave coming out to get salt would be a liability issue. I did say, where's the cooperation here? If I ask something from the Village, I feel like I

have to jump through all these hoops. We have never, us and the township; it's been whatever you guys need, come get it."

The Clerk interjected, "since we are going to bring that up with the Gator, did the township send their equipment elsewhere in the county for that same coalition project or no?" Ritterbeck replied, "Yes. The township owns the Kawasaki Mule that sits up at the Bolivar Fire Department. The township bought that." The clerk asked, "But they gave it to the Fire Department". Ritterbeck stated, "No, they can't give it to them, it's illegal. The township owns it". The clerk clarified, "we did things, Matt, within our parameters because it was not for mutual aid for the Township, it was elsewhere in the county". Ritterbeck stated, "it was for the Ohio Erie Canal and Towpath it is in the Township and in the Village; it's all for the betterment of the community". Ritterbeck went on to state, "Governor Kasich and elected officials in the entire state of Ohio has continuously pushed to stop with the bickering of equipment from being loaned to schools and other government entities". The Clerk responded, "according to our policy, the answer was the answer at that point in time because it's how our policy reads". Ritterbeck continued to expression his frustration regarding the use of equipment and the Villages current policy and mutual aid agreement with the township. He feels strongly that the village should lend out our equipment for community projects. The answer provided to Ritterbeck by the Clerk for the use of Village equipment for the coalition project was per Village policy. The Clerk also expressed, because the Village wasn't notified until a couple days prior to the event that he needed the equipment, it did not allow enough time for council to meet and vote on whether or not they would approve the use or not. It was reiterated that in order for the village to allow the equipment to be used for anything other than village purpose and/or mutual aid agreement with the township, Council would need to revisit the policy and possibly make changes to it.

The reporter added prior to Ritterbeck leaving, in regards to the proposed radar, that it has been in the meetings in the paper for the past two or three months. The Mayor reiterated it has been a topic for the last couple months but no decision has been made yet. Ritterbeck stated he would have to get an online subscription to the paper so he can read it online. He went on to say, that Deputy Watson actually mentioned it to him after their last board meeting.

MAYOR HUBBLE – Thanked Dave Franks and Nathan Alexander for renovating and painting the old Christmas angels.

FINANCE: - Lloyd moved, seconded by Lapp to suspend the rules for an **ORDINANCE AUTHORIZING A REALLOCATION OF FUNDS COLLECTED BY THE VILLAGE OF BOLIVAR AS A RESULT OF THE ENACTMENT OF THE BOLIVAR INCOME TAX; DECLARING AN EMERGENCY**. It would be an income tax split allocating 80% to general fund, 10% to the street, construction & maintenance fund and 10% to the capitol fund. In a roll call vote, all members present voted yes. Lloyd moved, seconded by Lapp to approve **ORDINANCE O-1-2016 AS AN EMERGENCY**. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Lang to accept the bid from Derek Depasquale in the amount of \$500.00 for the sale of a portion of Sassafras Alley. In a roll call vote, all members present voted yes. The solicitor stated she will have a purchase agreement to present to council at the next meeting. At that time, Council will approve entering into that contract by Ordinance. She stated, council accepted the bid, but the purchase will need approved by Ordinance with the

language that the buyer is bearing the costs. She will be in contact with Mr. Fox in regards to the contract.

Lloyd moved, seconded by Vincent to approve the Chief to attend an educational seminar through the OACP in the amount of \$589.00 plus travel expenses. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Vincent to amend the mailing date for the quarterly water bills. Currently the bills are mailed on the 10th of each quarter. The clerk is requesting the bills be mailed on the 15th due to having to wait for the county water to submit the meter reading for the Bellstore accounts which is read on the 11th. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Lang to amend the temporary appropriations for the Towpath Trail previously approved in December. The appropriation needs approved by Resolution in the amount of a 20,000.00 reduction from 80,000.00 to 60,000.00. In 2015, 25,000.00 had been appropriated for the Trail expense. Only a couple thousand was used, however, actual balances were not updated prior to the end of the year. An amended appropriation needs sent to the county auditor first showing the actual balance available prior to being able to appropriate the full 80,000.00. In a roll call vote, all members present voted yes to approve **Resolution R-1-2016**.

Lloyd moved, seconded by Lang to suspend the rules to **approve AN ORDINANCE INCREASING THE RATE OF PAY FOR CROSSING GUARDS FOR THE VILLAGE OF BOLIVAR, EFFECTIVE JANUARY 4, 2016; ESTABLISHING AN EMERGENCY.**In a roll call vote, all members present voted yes. Lloyd moved, seconded by Lang to approve **ORDINANCE O-2-2016**. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Vincent to approve paying \$100.00 to PC Liaison to repair the Mayors laptop. All members answered yes to roll call.

Lloyd moved, seconded by Lang to approve up to \$7,600.00 of equipment purchases for the police department. Items include two (2) bullet proof vests, a stationary and a portable radio to include installation. The Clerk reminded Council there is still \$7,500.00 available in the police levy fund from 2015 that can be used towards the purchase. In a roll call vote, all members present voted yes.

PLANNING – Lebold stated they will be having their next Zoning meeting on Thursday, January 7, 2016. Franks stated there will be discussion on junk vehicles which is a zoning issue since it's on private property vs a police issue.

Lebold announced Baer Gooding's has completed their assignment and the solicitor has drawn up the easements. He said there are five (5) easements involved with the Trail Project. Until they are recorded, they won't be doing anything else. Lebold is hopeful to have completed by early summer.

SAFETY – Vincent reported safety met at 5:30. They discussed the replacement of two (2) safety vests; a portable radio and a stationary radio for the department. For the year 2015, the police reported they had 1,017 calls. There was also further discussion in committee about the Dragon Cam. The committee realizes if there is to be further discussion, there would need to be a public meeting about the topic

in an effort for the public to hear all the pros and cons and not selected info. Safety also discussed the Chief's training in May 2016. The Chief will also be attending a free forty (40) hour training held at the Sheriff's Office for mental health on February 1 -5, 2016.

Chief – The Chief recapped upcoming trainings. The Chief also stated he be attending a free forty (40) hour training held at the Sheriff's Office for mental health on February 1 -5, 2016. The Chief also wanted to clarify with the Solicitor that he is not an appointed position. The Mayor said, it's a general statement, but no he's not appointed.

STREET & ALLEY: Lebold he has one issue that needs brought up and put to rest in regards to continued complaints from Mr. Diehl and Lovers Alley. Lebold reported, after continued discussion in committee, that Lover's Alley is a public street therefore everyone has a right to use this street which includes delivery vehicles. The speed limit is 15mph. It is a standard speed for all alleys in the Village of Bolivar. Speed bumps were installed, and then removed because of public demand. Closing or making this alley one way was previously discussed and decided against. The Street and Alley Commission has decided not to reinstall the speed bumps and recommend the village of Bolivar not have the speed bumps installed. The Solicitor stated, as long as we are keeping everything the way it is, Council would not need to take any action or approve an Ordinance for that. She stated he does not need a vote of Council to keep it the way it is. Lebold stated, this issue regarding the alley all took place before he was appointed to Council. The Solicitor stated council already voted to remove the speed bumps that they don't need to take any action to keep things the same. Lebold just wanted to make sure it was on record so the topic can be concluded.

STREET SUPERINTENDANT / ADMINISTRATOR - Franks announced they are still working on the GPS for the water system. Franks stated they have started taking junk trees down in field. The Weather has slowed things down until the ground is thawed out.

SHADE TREE – Lang and the Mayor, as well as Franks, will be attending the Tree City USA Ceremony in Wooster this year. The Tree City report has been submitted; awaiting a response.

RECREATION – none

CLERK/TREASURER – none

LAW DIRECTOR – Presented a contract to council for legal services with Fitzpatrick, Zimmerman & Rose. Lebold moved, seconded by Lang to suspend the rules for **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. Lebold moved, seconded by Lang to approve **ORDINANCE O-3-2016** as an emergency. In a roll call vote, all members present voted yes.

The Solicitor stated the only other thing she had was a proposed **ORDINANCE CHANGING THE PAY SCALE FOR THE VILLAGE COUNCIL MEMBERS OF THE VILLAGE OF BOLIVAR**. There was discussion at the last meeting but it was tabled. Council discussed options for raising the wage; perhaps increasing the committee meeting, special meeting or council meeting rate. The Clerk suggested perhaps raising the meeting rate from 80 to 90.00 or the committee meeting from 10.00 to 15.00. There was discussion amongst council as to what

combination would be acceptable. The rate would apply to all of council since we are in the Fifth District and already in the New Year. There is case law in the Fifth District that provides for municipalities to give raises. This only applies to the Fifth District which is our court of appeals. The Clerk added, there has not been an increase in Council wages since 2008.

Lloyd moved, seconded by Lebold to suspend the rules for **AN ORDINANCE CHANGING THE PAY SCALE FOR THE VILLAGE COUNCIL MEMBERS OF THE VILLAGE OF BOLIVAR**. In a roll call vote, Cochran, Lapp, Lebold & Lloyd answered yes; Lang & Vincent voted no. There was not enough for a quorum; therefore there was a first reading by title only for the Ordinance.

Prior to adjourning the meeting, Mayor Hubble announced Franks created recycling calendars which are available at the town hall, post office and library if anyone would like to pick up a copy.

Council also established a special meeting of council to be held on January 18, 2016 at 5:30p.m. to discuss pursuing a letter of intent for TAP funds from ODOT for the Downtown Project.

There being no further business, Lang moved, seconded by Cochran to adjourn until Monday, January 18 2016 for a special session of council at 5:30. Committee meetings will immediately follow. The next regularly scheduled council meeting will be on Monday, February 1, 2016. In a roll call vote, all members present voted yes

Mayor Rebecca S. Hubble

ATTEST:

Maria A. App, Clerk Treasurer

Approved: February 1, 2016