

# VILLAGE OF BOLIVAR COUNCIL MEETING March 5, 2018

The Bolivar Village Council met in regular session on **Monday, March 5, 2018**. Mayor Hubble called the meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Lapp opened the meeting with a moment of prayer. Gettan, Lang, Lapp and Vincent answered to roll call; Lloyd was absent.

Vincent moved, seconded by Gettan 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 February totaling \$43,816.01. Lapp moved, seconded by Lang to approve the bills. In a roll call vote, all members present voted yes.

App announced there was a correction to last month's meeting. Previously council approved \$3,698.00 for the new windows, however, the actual cost was \$1,849.00. Gettan moved, seconded by Lapp to approve the correction. In a roll call vote, all members present voted yes.

**PUBLIC SPEAKS:** The first guest to speak was Dick Harvey. He wanted to express a concern. He stated he expressed with the previous council the terrible effects with diesel exhausts. He went on to add in Germany they passed a law where the cities in Germany can actually ban diesel and diesel cars in their towns. Harvey further added that some of the cities have done that which also caused total chaos because they have Volvo and Volkswagen which are also diesel. They are actually thinking of banning diesel exhausts from their whole country because of carcinogens that are produced. Harvey added he has always been concerned about Bolivar; he has worked thirty (30) years to try and protect Bolivar. His concern is with the access road that Massillon Materials put in which will be used very heavily in the summer time. He went on to state the proximity to the ball fields and the wind direction from the South/Southwest. He said all that exhaust will blow in on all those kids and families playing ball there. He said he's very concerned the children will be exposed to diesel exhaust on that road. "It's a real concern". Harvey reiterate he's very concerned. Harvey went on to add that they (Massillon Materials) has an access road approximately 4/10th of a mile long that comes out onto CR102. He knows they said they don't want to use that but they have a 50' right-of-way that comes out onto CR102. Harvey added if there were people who lived on 102 sitting here, they would be very angry with him for even suggesting something like this. They would have to exit onto Sherman Church; people living on Sherman Church would probably be pretty mad at Dick Harvey for suggesting they come out on 102. The truth is, the side effects and the effects that 102 would have compared to having the trucks come out on Route 212 is very minimal. He said he a concern about our children and what our children are going to be exposed to. You don't see it, you don't know it; it's there. They play evening ball and the exhausts are down low. He's just concerned about them exiting onto 212 with the children up there.

He also expressed a concern about the property being zoned commercial or business. He referenced a situation with Countywide landfill when they got the

zoning changed from agricultural. Harvey wanted to advise council if they change the zoning to add some language stating the intention of the property.

Harvey concluded by reiterating his concern tonight is about the exhaust fumes coming onto the ball fields.

The next guest on the agenda was Tom Graef. He made reference to discussion he heard at the street and alley committee regarding a water engineer and some proposed changes. Graef asked if he understood something like that. Lebold asked for where. The Mayor added the Village is seeking requests for qualifications of engineers. Graef asked if there would be a design available at some point for public review. He was told yes. He was wondering if the concept was being sold as less expensive than what it's going to be; adding he heard Vincent state the bill would go down for a single user.

His concern is whether or not the residents will have a way of knowing what their final water bill will cost or will it be a surprise. The solicitor explained it's still early in the process but what's been done so far is a request for proposals which is the first step when selecting engineers; design professionals. The Mayor added, everything that has been done so far is under the guidelines of the EPA. One of the things the EPA is requesting by October 2018 is an Asset Management Plan. It's a plan where the Village looks at all its assets in regards to its water; put a money figure to it and come up with a plan as to how it will be maintained. This means the water lines; how we will maintain the pump house, what is our plan for cleaning out the water reservoir and how will we pay for that. The Mayor further added, as a consumer, we consume water. We use water for a number of things and we have to make sure our water is viable to drink. We have to follow the guidelines. The Village had been given a plan and had a water rate study done. Based on that study we have been given guidelines and suggestions that the EPA feels like we need to follow. One of the big suggestions, our water rate here because we have no meters, you can use as much water as you want to use and only pay one price. So it was recommended that our water rates are raised because we are one of the lowest, practically the lowest in the state of Ohio. That was one of the suggestions. The next part of the phase is water meters; that's where the engineers come in. The Mayor agreed with Vincent and feels those who are metered tend to pay less money for the use of their water. The further explained how the process would work by explaining the residents would pay a rate per 1000 gallons of water usage.

The Mayor stated, "At this time we are at the beginning stages of even planning metering. We have to go through the process of getting that done and getting the money to do that because it's not going to be cheap. A lot of different counties"... Graef interjected a question, "Do I understand, even getting the money kind of requires metering"? The Mayor replied, Yes, in order for the EPA...if we were to go with the EPA for them to give us money or a lot of different government agencies...for example we need to have new water line replacements. We could do it in different phases; we could do it all at once but we are talking millions of dollars to do water line replacement, they want to know where we are at". One of the things they are asking for is whether the Village has an asset management plan; which we are required by law to have that by October. Another thing they question is whether or not we are metered. They do not like flat rates at all. Our Village has never been metered; we never saw it as a great need but now we do with the EPA making those requirements.

The Mayor added, "Our goal is to not gouge our residents. As a resident of this Village I do not want to have to pay excessive amounts for the water either." She added she's already paying a high rate for the sewer. The sewer rates as everyone has noticed has gone up. It has gone up every year. They are getting ready to put in two new water treatment facilities.

One of the biggest issues in this area is we have a lot of manganese and iron. If you have a well, most home wells in this area have a lot of iron and manganese;

it's very prevalent in this area. We have to face that every day and the EPA doesn't like it. It never used to be a problem but now it's a problem. Our goal is to maintain our well system so we don't have high rates of manganese and iron.

Our next plan after we get the meters in, is to look toward having a new water treatment facility. That's where we have the green sand filters to help rid us of the manganese and the iron. "It is a process and it's not going to be a cheap process. We are trying to do this so it's not a great burden to the Village. We are trying to do it in a very conservative way; as conservative as we can."

Graef replied that he understands and agrees it's probably required. He went on to say it's no big deal to him that the rates go up; whatever they are. However, he anticipates it's going to cause a hardship on some people in the Village. He also speculates the sewer rates will also go up based on usage. With that said, he was wondering if there was a way to make the rate progressive. The Mayor stated, once the Village gets the meters in, I think you're going to see that. Once you're metered, you are paying a price per 1,000 gallons of water. If you are using 10,000 gallons of water, your price will be much higher than if you weren't. The Mayor added, this will help with the sewer rate because the sewer rate is based upon gallons of water used. In the end, the Mayor feels it will help our residents, especially our elders where there is one (or two) to a household. Instead of them paying a flat rate as they are doing now, and they are paying a higher sewer rate, once they see their water bill is going down it will correspond with their sewer bill. Graef added that he anticipates the sewer rates will only go up. The Mayor added that they will but it will still be based upon gallons of water.

Graef said there will be people impacted. Gettan added that they will be impacted because she has a family of six, including four kids. She knows she will be impacted by this but she also noted it's the best thing for the Village. It's something we have to do, so we work with it. She wants a good healthy water system and a healthy water system for her children.

Harvey asked if he could address the issue. The Mayor said yes. Harvey added that he thinks what Tom was trying to say is there's a reward for conserving. If the Village put a different rate for usage....Graef interjected, in addition to the quantity if you're conservative, if the rate was progressive; if the per unit of water was less for the first so many. As you incrementally use more and more water, the per unit goes up as well. The Mayor the system would be set up as such. It would be a tier rated system based on usage of water.

Harvey added, all the experts say the next war in this world will be over water. It won't be over fuel; it won't be anything like that. It will be over water. He also noted there's a place in Mexico right now that they are pumping water where they were 40' now they are 400' deep in the panhandle. He said in the United States, they are trying not to use ground water. Once the ground water is gone it's gone. He said he thinks the meter, not that he's a big meter person, but he does feel it will cause people to stand back and take a look and realize we have to preserve our water. We have to take care of our water; we need to keep our water. He feels whatever people on this earth can do to watch our water system; we need to watch it. The Mayor agreed and said that's our plan; to track water use loss. We need to be able to track it more effectively if there's a water line break, where it's coming from and is it coming from someone's home.

Before moving forward the Mayor asked if anyone had any other questions. There were none.

Next, the Mayor introduced Julie Monroy and Andrew Kimble with The Kimble Company. The trash bid contract was opened in the finance meeting as stated in the newspaper. We only had one bidder for our trash contract from Kimble. She turned it over to the solicitor to go over any additional items.

Gardner stated since council already saw the contract, they can move forward with approval since it's the "lowest and best" bid. She asked if there is anything anyone wanted to add. Andrew asked if there were any questions from council that they would like addressed. He noted it is a bit different than the previous five years.

He said something new they added that was discussed was the ability to offer an additional recycle tote for those who need it. The additional cost is 30.00 per year plus an extra \$15.00 delivery charge. It's an option that is available for those interested. The pickup will remain at every two (2) weeks. Andrew continued to recap the items included in the contract to include the recycling rebate. Everything else will stay the same.

Lebold made a motion to accept the bid, seconded by Vincent. Gardner interjected, they can accept the bid, but the Village will be entering into a contract. It's a five (5) year contract which is the maximum allowed by law. If Council wants to enter into a five (5) year contract it will need to be approved as an Ordinance, by an emergency since the current contract expires in May.

Vincent wanted to clarify what Andrew already explained regarding the contract term. This bid is for \$11.85 per month beginning June 1, 2018 through May 31, 2019. There will be an annual change. The average annual increase is approximately 2.5-3.5% per year on top of the \$11.85. She just wanted to make sure Council understood the structure of the five years.

Gettan moved, seconded by Vincent to suspend the rules. In a roll call vote, all members present voted yes. (Lloyd was absent). Gettan moved, seconded by Lapp to accept the contract as an emergency. **AN ORDINANCE, O-8-2018, TO ENTER INTO A TRASH COLLECTION CONTRACT FOR THE VILLAGE OF BOLIVAR; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes.

Andrew Kimble thanked council and looks forward to another five years.

#### **MAYOR HUBBLE – none**

**FINANCE:** - Vincent reported the finance committee met at its regular time this evening before council. The first item discussed was the trash bid which was just approved as an emergency. The Fiscal Officer already announced the correction to the window cost. Vincent gave a shout out to Dante Mariani with PC Liaison renewed the Village's domain name at no charge. It was his donation to the Village of Bolivar. Other items discussed in committee included the Ohio Sunshine Law online public records training that is free of charge. Lebold added, for those who haven't already taken the Sunshine Law training needs to get it done. Vincent continued, the Ohio Municipal League is offering a Council training on March 24 from 9-4p at a rate of \$65.00 per person. For anyone committing to going, they need to do so now. Vincent moved, seconded by Lang to allocate up to \$65.00 per person, plus mileage, if anyone is able to attend the Ohio Municipal League conference. In a roll call vote, all members present voted yes.

Vincent also reported the annual expense for the Ohio Municipal League grant finder membership for 2018 is \$50.00. This amount has already been included with the annual appropriations. Finance also briefly discussed the future of Mayors Court in the Village; at this time the topic is being tabled.

Vincent moved, seconded by Lang to approve the Fiscal Officer to attend the free CPIM training in Columbus on April 12. There is no charge for the registration, however, the hotel, mileage and food will cost approximately 350.00. The fiscal officer said it's actually 305.00. In a roll call vote, all members present voted yes.

Vincent deferred the cruiser repair status to Gettan. Gettan reported Dodge charger is back and has been fixed. Dodge paid for a new motor but an issue was discovered with the radiator and water pump. Initially council approved up to \$3,000.00 to fix it. However the revised price is \$1,900.00 including the diagnostics.

Vincent announced they would like to do the first reading of a discussion for water rates. The in-town village resident rate were previously approved and will take effect with the March billing for the 2018 first quarter. Finance had an additional discussion this evening as to how to address the cost changes for the out of town rates as well as the homestead rate which is approved by the county for eligible residents. Traditionally the out of town rate is a higher rate and the homestead is a discounted rate. Although we don't have the dollar amounts to fill in at this time, we would like to have a first reading and continue discussions next month as we get a value for each one.

Vincent moved, seconded by Lebold to approve amended appropriations in the amount of \$1,000.00. It was due to a simple entry error where 1,000.00 was allocated to 1000-410 and it should have been 1000-390. In a roll call vote, all members present voted yes to approve a **RESOLUTION, R-2-2018**.

**PLANNING** – Lebold reported Zoning didn't have their monthly meeting on March 1, 2018. However, there will be a hearing on March 19, 2018 at 6:30pm at the Fire Department. Lebold asked the Fiscal Officer to attend to take the minutes. He asked all of Council to attend. It was noted it's a special session of council so yes, all of council will be there.

#### **SAFETY -**

Gettan reported the police had 83 calls for the month of February. She reported the police were still working on the Policies and Procedures Manual to include updates.

Currently Chad Hudson is an auxiliary officer and the committee is recommending he gets moved to part time. Lang moved, seconded by Gettan to suspend the rules. In a roll call vote, all members present voted yes. Gettan moved, seconded by Lapp to **APPROVE AN ORDINANCE, O-9-2018, TO HIRE CHAD HUDSON AS PART TIME POLICE OFFICER FOR THE VILLAGE OF BOLIVAR; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes.

**CHIEF** – Learned from Chief Haugh the department is discussing some training opportunities. Haugh also reported, he and the sergeant are currently discussing a training that is coming up in Sandusky in June. It's an officer response training. The Fiscal Officer interjected that she needs the registration form for the upcoming May training previously approved.

**STREET & ALLEY - Lapp** reported the fence between the red building and the Towpath Tavern has been taken down. Began grading and stoning the road behind the businesses. Lapp added that Franks is filling potholes as needed. Lapp also noted we have started receiving some equipment previously approved. The brush chipper is in. The mowers, gator and trimmer have been ordered. Franks also has sign proofs for the parking ordinance on Sassafra. On March 14th there is a class in Massillon that Dave will be attending. Compost pick up begins on April 16. The lights are already up downtown behind the businesses; Franks still need to verify they are all working.

Reported there are residents on East Street from Water Street to the corporate line that had some issues regarding the trucks.

Lapp went on to report they had two guests at the street & alley committee meeting; Tom Graef and Michela Huth. They had questions regarding the feral cats. The committee said if they come up with a plan to bring to the street and

alley meeting the committee can review it. The committee would also still like to contact Marlene Anderson from Sandyville to see what her presentation may be to control the cats. Lapp went on to report there was a question about the meters but the committee didn't have any definite answers regarding the rates at that time. Another item brought up was the re-zoning of the Wenger property which will be discussed at the public hearing.

Vincent added the committee discussed having additional discussion at the next street and alley meeting; having the guest from Sandyville attend. However, that night is also the night of the public hearing which may not be a great night for the feral cat issue. The Mayor added the committee meeting is at 5:30; she's hoping they would be done for the 6:30 meeting. Typically the committees don't take that long. She could still attend to show us her presentation. It should be ok.

**STREET SUPERINTENDANT / ADMINISTRATOR** - Franks reported he took the sod off behind the Towpath Tavern last Monday. He started hauling stone in today. In other news, the Tusky Valley Baseball Association is asking to use Waterworks Fields 1 & 2. They currently have liability insurance through the end of March 2018. As soon as they get a head count they will update their insurance policy and get it to the Village. They just want an ok from our Village that they can use the fields. Vincent moved, seconded by Lang to approve the Baseball Association to use our fields. In a roll call vote, all members present voted yes.

Franks met with Patrick Eddy with the Soccer Association. They will use the fields this year. They are going to start putting down seeds and picking up rocks. Franks gave them waiver & release forms and advised them they can't do anything until they are signed. The way it sounds, we will have them with us for quite a while.

**SHADE TREE** – none

**RECREATION** - Lebold was absent for the February committee meeting. Vincent provided the report. The committee met on Monday, February 19. Learned that Matt Ritterbeck emailed Lang in regards to the tennis and basketball courts at the Intermediate School. Ritterbeck made a request for new rims and backboards plus re-seal the surface and provide fence repair. The committee also discussed TC United and the soccer fields as Franks previously brought up in his report.

**FISCAL OFFICER** – none

**LAW DIRECTOR** – There was a second reading of an ORDINANCE TO PROHIBIT PARKING WITHIN THE VILLAGE OF BOLIVAR ON A SECTION OF SASSAFRAS ALLEY, between Poplar and Water Street. Council had wanted to pass this as an emergency since it's a recurring problem but there wasn't a quorum last month. This is the second reading. Council can either make a motion to suspend the rules or wait until next month.

Lang moved, seconded by Gettan to suspend the rules. In a roll call vote, all members present voted yes. Lang proceeded to ask if there is a criminal offense associated with this. Gardner said we don't right now but a fine can be imposed. She said there is an offense in the basic code that will apply to this. Lang moved, seconded by Lapp to approve **AN ORDINANCE TO PROHIBIT PARKING WITHIN THE VILLAGE OF BOLIVAR ON A SECTION OF**

**SASSAFRAS ALLEY; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes to approve **ORDINANCE O-10-2018.**

Gardner announced she has been working with the Fiscal Officer and the Mayor regarding revising the job descriptions in the Policies and Procedures manual which is Article 3. A few job descriptions were missing or weren't the most accurate. Gardner presented a first reading of an Ordinance to edit Article 3 of the Policies and Procedures manual. Council already received the packet to further review next month.

Unfortunately the Cities/Villages lost the tax challenge against the state. The injunction was denied and the centralized collection of business taxes is going to move forward. It was appealed but that will take a long time and there's no guarantee. However, we have to comply now. Council did previously pass something to go into effect only if there was no injunction. There was a temporary injunction so our previous ordinance did not go into effect because of the court injunction on that issue. Now we have to comply so we have our revised and updated ordinance, which incorporates the guidance on the interpretation. Council will need to approve this as an emergency because this is in effect now. There will need to be a motion to suspend the rules.

Lang moved, seconded by Gettan to suspend the rules. In a roll call vote, all members present voted yes. Lang moved, seconded by Lapp to approve **AN ORDINANCE, O-11-2018, TO REPLACE THE VILLAGE OF BOLIVAR'S MUNICIPAL INCOME TAX ORDINANCE; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes.

Gardner added she has talked to Heather Lecce, the Income Tax Administrator, about getting this on the website. Vincent asked what the logistics of this are. Gardner said it will be a bit of a nightmare for a while because this was put into the budget bill and they didn't really provide any guidance along with it. Lecce has contacted the State and is working with them to figure out how it's going to work. The problem is, no one even has the information as to how the processing will take place and what are the fees. Gardner continued to explain the ruling.

Lecce is being very diligent about it and has been working closely with Gardner this past week since the ruling came out.

The Mayor announced the next regular council meeting will be on April 2, 2018. The next special session of Council will take place on Monday, March 19, 2018 at 6:30pm.

There being no further business, Lapp moved, seconded by Lebold to adjourn until the special session of council on Monday, March 19, 2018; followed by the next regular council meeting on Monday, April 2, 2018. In a roll call vote, all members present voted yes.

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Mayor Rebecca S. Hubble

ATTEST: 

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Maria A. App, Fiscal Officer

Approved: April 2, 2018