

VILLAGE OF BOLIVAR COUNCIL MEETING Special Session April 18, 2016

The Bolivar Village Council met in a **special session** on Monday, **April 18, 2016** as advertised in the Times Reporter. Mayor Hubble called the meeting to order at 5:32. The Pledge of Allegiance was said. Lloyd opened the meeting with a moment of prayer. Lang, Lebold, Lloyd & Vincent answered roll call; Cochran and Lapp were absent.

The Mayor stated the first item on the agenda, as advertised in the Times Reporter, is to discuss the ODOT TAP funds for the downtown project. We have been working with Quicksall in regards to that. Nathan Quicksall and Erin Begue from Quicksall are here this evening to present to the public and answer any questions. Nathan stated they were contacted by the village in December or so to look at ODOT TAP funding. Nathan said they have been coming to council meetings to explain the application process. Nathan reported when they started this project there was already a design done essentially but the village needed an upgrade of the plans to get approval through ODOT. The plan that was developed is on the last page attached (referring to handout). The project goals were for four different elements: Economic growth to the village, having a more beautiful downtown to bring in more tourism to the area, the infrastructure of putting in a new water line with larger capacity and being able to expand for future business growth and demands. The aesthetic beauty is a real draw with the brick pedestrian ramps, lighting upgrades, the trees and landscaping which will look really nice.

Safety is another item they would like to point out. The cross walks will be a higher visibility for pedestrians. Another goal is to have minimal impact on the village budget. The goal is to get as much grant funds as possible in an effort to not take away from the budget.

One of the big project elements is the water lines they are looking to put in downtown under the sidewalk on the west side. The decorative lighting will be a big improvement as well as the buried electrical lines. It's really going to tighten up the look. In addition, the village will have the new sidewalk that will last for many years along with the street paving downtown that will top off the project.

The total project costs Quicksall is estimating at this time is \$826,500.00. The TAP eligible grant funds will be in the range of \$540,000.00 which is a big part of the total project cost. There are limits as to what items are TAP eligible. They are also looking at ARC and OPWC funds to take care of the project. Nathan said they are also looking for public input and comments as it's a big part of the application for government funding. There will be a public section in the application for public feedback. Comments can be mailed or emailed to Erin at the address listed on the handout. Nathan opened up the conversation to questions from the public.

Those in attendance included, Kayla & Ashley Tsantis (owners of Canal Street Diner), Zack Salapack (owner of Sublime Smoke) and Josh Hoy (resident). Zack asked about the design sheet; the items in yellow. Nathan reported those were markings for the property lines. Nathan stated once the survey is complete, the actual markings will be the most accurate.

Another question from the public was, "what is the timeline to start the project". Nathan stated it would be a couple years out, once the funding is in place. It was also asked if the funds was all grant funding. Erin replied, "539,600.00 is all grant" as part of the 95/5% funding. The remaining money would come from grant requests with ARC and OPWC which is a loan/grant combination. Erin stated they are trying to do their best to get as much money as possible to reduce the amount paid by the village. Lang clarified approximately \$68,000-88,000 would be part of the OPWC loan at 0% for 20 years if all goes well.

Salapack summarized if all goes according to plan, it would be a couple years to get the grants worked out and on the ODOT schedule. The village would have an answer on ODOT and OPWC funding by the end of this year and ARC funding sources by next summer. Salapack asked if the village didn't get any of the ARC or OPWC funding, what happens next? Nathan responded that there's always time to go for a second round of funding with grant sources. ODOT funding doesn't go away; from what they have experienced from doing these types of projects for years and years, they don't pull the funding due to a lack of funds. Instead, additional attempts would be taken to secure funding in the future or through other sources. Salapack stated, without the secondary funds, the village basically doesn't have a project. Is that correct? Lang stated, unfortunately, but these are our experts and they are saying our outlook is good.

Salapack asked about how long would the construction phase take. Nathan said it would take approximately 4-6 months tops; depending on weather. Unfortunately due to the paving, the project would have to take place during the summer months. Erin said they could try to work with ODOT to work around the festival and hurting the businesses during the peak season. Parking is a major issue downtown. Nathan said they could perhaps do block by block or one side at a time to lessen the impact on businesses and parking. They will do their best to work the schedule around to make it as painless as possible.

Lang interjected, if council votes to submit the application for ODOT funds, it doesn't guarantee the village is pursuing the project; it's to see if we have an opportunity to receive the funding.

Josh Hoy asked about the ODOT funding, if the other grant monies don't come through; can the money be used for anything else such as water lines, etc. It was explained that the ODOT funds do not cover the water line portion of the project; ODOT funds can only be used for the downtown project itself that are TAP eligible which would be sidewalks, lighting, landscape and pedestrian cross walks. It was also asked if part of the ODOT funds could be used to start those projects. Unfortunately no, due to the buried electrical lines and sidewalks that would need to be done at the same time as the water lines. Vincent explained the village does not want to start the downtown project, then tear up the sidewalks a couple years later to install the water lines. The intent is to do everything at once. Josh said he thought the water lines are much more important than new trees and was hoping we could start something if all the money isn't there. Nathan stated it would be difficult to make it into two projects because we would be impacted twice; it's not practical to start a project and leave it incomplete and come back to it later. It might be an eye sore and safety issues; plus going through the process of bringing in contractors twice. Erin reiterated the ODOT funds and what they are eligible to include.

Nathan stated they just put together the best scenario. Lang asked Salapack and the Tsantis' if they are in support of the project and they most definitely are. Lebold stated once the project is done it will be a beautiful end result. In addition to helping those in attendance, it will also help attract more

traffic and additional businesses. Perhaps some of the older buildings will be fixed up. Lebold stated, according to the other firm in Akron, the village would not be losing any parking spaces; although it seems like you would be when looking at the plan. Lebold said Navarre is looking at doing the same thing to improve their downtown. Salapack asked if this project would ultimately come together with the completion of the Towpath Trail. Lebold reported the last phase of the Trail is staked out. They are in the process of discussing the bidding process for the next phase. Lebold went on to explain the path of the trail and how it would look once completed; to include how it would tie into the downtown area.

Vincent reported the village had to do a preliminary application before we could get approval to move on to the actual application. Lebold stated it looks very positive, the fact the village was invited to apply for the funds.

The fiscal officer stated, "Nate (Nathan) it's no surprise I have several financial concerns. All along through the whole process, council is very well aware of it; I have expressed concerns in finance meetings and in council meetings. Looking long term...ok I'm going out of order here but I'm seeing on the packet you provided us on April 4th, one option included ODOT TAP funds and the other option is without ODOT TAP funds where the village or Quicksall would have to seek out additional funding." App's concern is whether or not it would hurt the village when applying for funds for water line projects, a water tower and pump house down the road if we utilize the grant funding for this project. Erin stated there are several different grant funds that could be used for those projects. Again, App expressed that is a major concern, securing funding for projects of necessity.

The fiscal officer went on to state, "I'm looking more at the needs versus wants, so I am more skeptical with it". In regards to the parking spaces, App questioned if Quicksall knew beyond a shadow of a doubt whether or not the village would lose parking spaces. In looking at the photos, it appears the village would lose at least eight (8) or more parking spaces. Nathan stated he could not confirm if we would lose parking spaces. He said from what he has been told...Lebold interjected that according to the Akron group, GPD, that the number of parking spaces should not be effected. Nathan asked App if she knew how many spaces there are now. App stated she's never taken inventory of the spaces as it isn't her department. App went on to point out the photo in front of the jukebox building, and showed where the turnout visibly eliminates the spot on the corner. Across the street, by the bank, the photo doesn't show the hydrant that currently sits on the corner. Although that area isn't being used for parking, it appears the hydrant is eliminated. Will the hydrant be relocated? Nathan stated once the water line project begins, there is a good chance the hydrant would be moved or relocated because we are changing the pedestrian ramp there.

App asked once this goes to the application process, if council votes on it, is there an opportunity for council to have the ability to make changes to the current design. For example, what if council doesn't want all the turnouts currently proposed or if they find out from within the maintenance of the landscaping expenses or extra costs in labor; will they have the ability to modify the plans once the application is submitted? Nathan said, "once it's submitted, not for final construction, but yes the design could certainly be changed".

Another question is whether or not there is any firm commitment that the village can get with business owners to upgrade or maintain their properties because it seems like the village is considering investing a substantial amount of money into the downtown project, to include grant funding, and several businesses take away from the overall appearance of the project. There was

discussion amongst council regarding this topic. Franks interjected that he believes there is already an ordinance that addresses property upkeep but he would have to look it up. The Mayor stated there is an individual that is very willing to do the labor and have volunteers to help fix up the property, but the property owner would have to agree and pay for the materials.

Erin stated, typically once someone does something nice to their property, others take the initiative to want their property to look nice as well and make improvements.

App had two more concerns in regards to the initial presentation given on January 18th compared to now. Previously, it was presented to council that we could apply for ARC funding in the amount of 250,000.00 and the remaining balance would be applied towards OPWC which would have reduced the villages out of pocket. The current funding option shows 150,000.00 through ARC instead of 250,000 which has an impact on the villages share. It seems the funding structure has changed. Erin explained, when she puts a funding scenario together she does a best case scenario as to what we would most likely get. She said we can shoot for 250,000.00 but if we only get approved for 150,000, that's what she already has on paper; anything more than that is a bonus. App said that's been her big concern all along, it's a huge "if"...the big question mark..it just seems like...." Erin interjected, "it depends on how much money the funding sources have and that comes from the state and federal government". App said, "That's correct. It's just I have a different interest than the other six that are actually our voting authority. I'm always looking at the finances and working on that plan. If this were a project we were applying for in a year from now, I would probably feel a lot better about it. However, on this given day, and council is already aware of it, I do not feel good about it because there is no definite plan as to what else the village needs to have done. That's my take on it, but I don't have a vote, which is probably a good thing." Erin stated, if the village doesn't move forward with the TAP, we would not have the leverage to do the other funding...which is kind of a catch 22". Discussion continued between the fiscal officer and Erin about how the process would work and how the TAP funds would be used as leverage to apply for other grants.

App closed by clarifying how the 7500.00 would be paid out for the application fee if council votes to move forward with the project. In other words, the money would not be payable if the village is not awarded the funds. If the village is approved for the TAP funds, whether they choose to accept or reject the funding for the project, the \$7,500.00 would then be payable, correct? Nathan confirmed that is correct. App asked if the \$7,500.00 is already part of the quoted 60,000 and 70,000 in engineering fees and the answer was yes it is.

Hoy asked if the village can financially take on this project? He is concerned since the village has reduced the income tax credit to a 1/2% that the village is in need of more operating money. Does the village have the ability to come up with funds if there is a shortfall with this project? Lang stated, how will we increase revenue if we don't invest in our infrastructure? How do we seek out businesses to move into us if we aren't investing into our own infrastructure that is conducive to more growth. Unfortunately we have to spend money to make money in an effort for growth. Lang also said it's the best offer we can get with a 95/5 match. There is no guarantee it will be 95/5 next year; more than likely it will be back to a 80/20 match".

The Mayor said we have tried very hard to manage our money well. At one time, we had a monumental debt which resulted in the sale of the Burfield property to relieve the debt. At this time, the village is currently debt free. When we have made larger purchases, we have been able to pay for them in cash,

without having to secure loans. The Mayor went on to provide a an overview of the progress made within the village in the past couple years and the proactive measures to keep a balanced budget. It was also explained that the 1/2% tax credit is not necessarily for this year or the next, but a measure for planning five years down the road. The Mayor stated the bottom line is, we have to build our tax structure and revenue. We want to bring businesses to the downtown and not lose businesses. Previously there were talks of potentially losing the school; which would be a horrible effect on the village. Having the DairyQueen / Bellstores come in has been wonderful. You have to understand, our community consists of a thousand people in a limited square foot area. We have limited business here and many of the residents work somewhere else resulting in taxes paid somewhere else. Yet services in the village are still being provided to all our residents. The village works with the trash contractor to help the community; we offer composting and leaf pick up which are both perks provided by the village. It's difficult continuing to offer services to the village on the revenue we bring in and that's one of the reasons for looking at the 1/2% credit. Again the purpose for the 1/2% credit is to look at long term and we have to look at infrastructure needs. Our water line replacement is going to be a major project; most likely into the millions of dollars to replace all the lines in this village. The main reason this was brought up at this time is because of the opportunity with the ODOT TAP funding. That was the main thought process. Hoy expressed concern asking if we (the village) are going to strap ourselves securing financing for this project; then down the road when it's time to secure funding for water lines, will we have to tell the residents the village is too strapped with this project to replace the water lines for the rest of the village? Lang interjected that the water lines would have to be paid out of its own fund. Lebold added the water lines come from the water fund. App stated "the water line project will never get paid from our water fund because we only have about \$150,000.00 in reserves in that fund; Our water lines will have to come from grants, loans and alternative sources".

The Mayor stated the loan source, from the amount of money left to take care of this project is approximately 20 years; one source was a little over \$3,000.00 per year to pay back and the other source was over \$4,000.00 per year as a village to pay off that project. When it comes to the water line replacement, that will not be the scenario. It will be a bigger chunk that we will have to pay back on a yearly basis. We are looking at a water line replacement but it's a process we have to go through. The Mayor stated, she is currently working with RCAP and trying to work on a water rate study to see where we stand. At this time, and I know probably everyone here doesn't feel this way, but we are paying close to the lowest rates in the state. Our water rate is at the bottom; we were going to raise it. However, before council did that, they felt it was best to get a good understanding of our rates, and that's why we are currently do a water rate study. When it's time to go for grant monies for the water line replacement, we want to make sure we have our ducks in a row and that's why the water study is so important. The other thing is, we got a grant to do our GIS mapping. With the grant we received a laptop/smart book that would allow us to digitally locate our water lines. We are trying to do things in the right manner. To be honest, the water lines should have been looked at years ago, but it wasn't. It's a process to get in order; to have all the ducks in a row to make sure everything is done in a sequence.

The Mayor went on say, "I understand and I appreciate Maria. I think she is doing a great job; a fantastic job as the Fiscal Officer. She is trying to keep us balanced, straight and on the right path, but there again, I'm trying to help our businesses. I want to see them flourish. I want to see other businesses come in because that's going to help us meet those needs that we have to do what we need to do with our tax money." Hoy stated he wishes the best for our businesses as well. "I want for them to expand like crazy and make all kinds of

money". He is still concerned about our finances moving forward. When we get notified about an income tax code change; instead of voting on it, he feels council was desperate enough and afraid that people were going to vote no and just go ahead and do it anyway. It's just the perception I have and some other people have it." App responded, "I can probably clarify that. You're referring to the vote in the November for the 1/2% credit?" Hoy said, "yes, I'm just asking why the taxpayers..." (unaudible). App said the reason that happened then was due to the House Bill 5; the new reform that took place effective January 1, 2016. Everything the village needed to do had to happen before December 31. So it wasn't a wish of councils to say let's hurry up and try to do this. Council was just trying to get their ducks in a row in order to be in compliance with the new HB5 reform. The timing was unfortunate; but it did go through three readings. Hoy thought the credit change would have to go through the ballot. App clarified, it was not an increase to the income tax rate, which would have required it to be on the ballot; it was a reduction in credit which requires the vote of council. App went on to say, an income tax credit does not affect every resident in the village; it affects those who live in the village and either work in a township or pay taxes elsewhere. Many of our residents are retired, which reduces our income base. Lebold added, before making a decision on the tax credit, App has worked hard on reviewing all the funding sources for Bolivar. He went on to say the village can't live off of reserve monies. Lebold went on to tie in the potential opportunity with the ODOT TAP funds and the ability to leverage monies for future projects.

Hoy said, if the other funding doesn't come through for the downtown project, the village would have to abort the project. Vincent said the village would have to re-apply for funding since the ODOT funds do not have a time limit. Lebold said if the whole thing falls through, the whole project would need to be re-evaluated. We are trying not to use any of the monies from the general fund if at all possible. Similar to the Towpath Trail project; no monies from Bolivar have been used to fund that project. Lebold secured all the funding for that project to date.

Kayla and Ashley would love to have the downtown cleaned up and have spent a lot of money improving their business. They also love the Trail!

The Mayor went on to say, the public portion is now complete. The problem is, we do not have a quorum tonight to vote on the project. Two of our council members are not here tonight due to personal reasons. What that means is, the vote would have to take place at our next council meeting. With that said, we will skip down to item "F" on the agenda to discuss the issue of our next meeting date.

At our last meeting, council approved the first portion of the excavating portion of the Towpath Trail. Based on what the engineer stated, these were two separate projects; the excavating and the paving. However, after doing more research, the Mayor found out the excavating and paving is considered one project. Other communities have completed similar work as two separate projects. However, the Mayor stated the village is going to follow the law, and is asking council to rescind their previous vote on April 4th, approving the excavating only portion of the project. In addition, the Mayor is requesting this project to be bid out because the two combined prices for excavating and paving would exceed the threshold of 50,000.00 that require the project to be advertised for bidding. It would need advertised in the paper for two consecutive weeks before the bids could be opened. With that said, the soonest date to open bids would be May 9th which would require a special meeting. The Mayor also noted, council has been on pace with having a special meeting every month for the 7th consecutive month. To avoid having to hold another special meeting that the regular meeting on May 2 be moved to May 9. The timeline for the ODOT TAP

application tied into the decision for the next proposed council meeting. Discussion took place amongst council and Quicksall, identifying when they need to submit the application. Unfortunately the bids need opened in a timely manner so the Trail doesn't get delayed into June or later as well as the time sensitive deadline for the TAP application. Council asked Quicksall if the deadline can be extended to the 9th or not. Erin with Quicksall stated May 2nd would be best. She went on to state if they were certain of the direction council was taking they could wait until the 9th. However, with the number of unknowns, it would be best have a decision on the 2nd so they have time to prepare the application. The Fiscal Officer interjected the monthly cost to continue having special meetings is approximately 263.00.

It was concluded the regular council meeting will remain the same on May 2, 2016 at 7:00p.m. and there would need to be a brief special meeting on May 9th at 5:30 to open and award the bids for the trail project.

Lebold motioned, seconded by Lang to rescind the previous vote of council on April 4, 2016 approving the excavating phase of the Trail. In a roll call vote, all members present voted yes. Cochran and Lapp were absent.

The Mayor stated there will need to be a motion of council approving the village to advertise the Towpath Trail Project for bid. Lebold motioned, seconded by Vincent to approve the advertising of the bid specs. In a roll call vote, Lang, Lebold, Lloyd and Vincent vote yes. Cochran and Lapp were absent.

Quicksall stated they will come back on May 2nd at 7:00pm for the pending approval of the Ordinance to apply for the TAP funds.

The next item on the agenda is to amend appropriations. The Fiscal Officer presented appropriations to be amended within the Towpath Trail Fund. App passed around the proposed resolution which added line items within the fund to include Personnel services, Medicare and OPERS to properly reflect expenditures for wages. Lebold asked what's going on with the fund?. The Fiscal Officer explained the past and present expenses and why line items are being added to the appropriation budget. Currently the fund only lists capital outlay and legal services. The appropriation request is to transfer \$1905.85 from capital outlay and add \$982.25 for legal services; 800.00 for Personnel wages, 11.60 for Medicare and 112.00 towards OPERS. The Fiscal Officer added, the wage related expenses that were previously approved at the April 4th council meeting, however, the line items needed established and formally approved as a resolution. She also noted the amount being transferred into legal services includes the previously approved legal expense plus an outstanding balance of 193.00 for recording fees. Vincent moved, seconded by Lloyd to approve **RESOLUTION R-10-2016** to amend appropriations. In a roll call vote, those present, Lang, Lebold, Lloyd and Vincent answered yes. (Cochran & Lapp were absent)

The second amendment to the appropriations was also presented by the Fiscal Officer. Initially \$2,400.00 was budgeted for road salt but due to the light winter, we didn't spend as much as anticipated. The request is to transfer \$937.05 from line item 2011-630-420 (operating supplies for salt) into 2011-620-420 (regular operating supplies). Prior to approving, the proposed resolution was passed around to council. Lang moved, seconded by Lloyd to approve **RESOLUTION R-11-2016** to amend appropriations. In a roll call vote, those present, Lang, Lebold, Lloyd and Vincent answered yes. (Cochran & Lapp were absent)

The third item on the agenda is to discuss and approve the Tuscarawas County Health Department to provide seasonal mosquito spraying for 2016 in the amount of 3.50 per minute. Lang moved, seconded by Vincent to approve mosquito spraying as needed in the amount of 3.50 per minute. Vincent asked if the mosquito spraying will specifically cover the Zika virus? App responded there was no mention of a specific type of spray. Vincent asked if there is a proposed schedule from the county. App stated, it is based on when mosquito problems are reported; however, it's always on the planner at the beginning of June each year to contact the health department to tentatively get on the schedule; especially in advance of the festival. Again, if problems develop sooner than May, the office needs contacted so it can be reported to the health department. All members present voted yes. Cochran and Lapp were absent.

The Fiscal Officer reported there were no additional expenditures to approve as previously advertised as it all fell under the Towpath Trail discussion previously.

Before adjourning, App presented the draft for the 5 year plan which has been completed through the year 2020. The proof reading stage is underway. Several capital purchases still need mapped out. Once complete, council will receive a copy for review.

There being no further business, Lang motioned, seconded by Vincent to adjourn until Monday, May 2, 2016 at 7:00 p.m. In a roll call vote, all members present voted yes.

Meeting adjourned at 6:46 p.m.

Mayor Rebecca S. Hubble

ATTEST:

Maria A. App, Fiscal Officer

Approved: May 9, 2016 (as advertised in the special meeting)

- There was one typo detected by council and corrected for approval