

VILLAGE OF BOLIVAR COUNCIL MEETING June 15, 2015

The Bolivar Village Council met in a special session on **Monday, June 15, 2015**. Mayor Hubble called the meeting to order at 5:31 p.m. The Pledge of Allegiance was said. Lloyd opened the meeting with a moment of prayer. Cochran, Lang, Lapp, Lloyd, Slutz & Vincent answered roll call.

Mayor Hubble announced the first item up for discussion, as previously advertised in the paper, is Rocky's. Attorney Richard Fox was present, representing Derek Depasquale, the owner of Rocky's. Fox reviewed with council the dimensions of the patio that Derek is requesting. The area is approximately 19' 11" x 7' 4". The patio would be used for the purpose of smoking.

Fox discussed the options of either vacating the alley or purchasing a piece of the property from the Village of Bolivar. If purchased, it would have to be advertised for bids.

Fox stated Derek would like the opportunity to purchase the property and if council is so inclined, while the process is going on, (advertising, soliciting bids and that sort of thing) they would like the ability to utilize it understanding if Derek is not the successful purchaser, any tables or chairs put out there would be removed. In addition, the area would need surveyed and it would be at Derek's expense.

Mayor Hubble acknowledged that there are a couple people from the public that would like to speak, but first asked if council had any questions or comments.

Vincent brought up the option of some form of lease vs. an outright purchase. Fox stated he has talked to his client about that, but wasn't sure why the Village would want to choose that option. He asked Attorney Armstrong her thoughts and she stated she didn't feel comfortable with that option.

Mayor Hubble opened the floor to public discussion. First up to speak from the public was Charles Hubble. Mr. Hubble opened by stating he is a member of the zoning board and wanted to express his opposition to any type of transfer of property to a business owner for a couple reasons. Mr. Hubble feels

the open green space is being utilized. He also posed the option of going vertical with his business space.

Mr. Hubble pointed out other negative factors in selling the property to Rocky's such as: What if another business buys the property down the road; What about plowing in the winter? With a fence up back there, the fence will be taken out.

Derek doesn't feel the back of the building is sound enough to build up.

Lang said, it's nothing personal but he doesn't think it's a good precedence to start.

Dick Lebold, president of planning and zoning spoke about the issue. He wanted to caution council, if they decide to sell, they will be setting precedence elsewhere. He feels the village would be starting something that they would have trouble stopping. He said, the section in question is not block to block, it's a small section between Water and Cherry Street. We like Derek and would love to see his business here, but in my opinion, it would be the wrong thing to do.

Vincent spoke up and said she understands Charlie and Dick's perspective regarding the precedence that would be set. I personally don't see where other businesses would want to do the same thing. Derek is trying to legally find a solution for the area out back. Vincent summarized the pros and cons for Derek's property.

Lebold interjected that Vincent is in the position of Village Council. He doesn't feel council should be considering the cost effectiveness for the business owner. Lebold reiterated council would be setting precedence if they proceeded forward with a sale.

Cochran questioned who owns the permanent fixture located along side of the post office building. She questioned who owns that piece of property, the Village or Post Office? Lebold expressed that piece of property is basically grandfathered. Cochran continued to question the piece of property. Lebold said just because we have one mistake doesn't mean we should have two.

Fox stated, "It's interesting we all talk about precedence. The problem you run into is, times change and circumstances change. If you sit and attempt to hang your hat always on precedence, then nothing can ever move forward."

Fox recapped the proposal on the table. In conclusion, Fox stated council has to make a determination. He said, "You know the request. You can talk to your police and ask them about any issues". Is this going to assist or help? If this is what's best for the Village of Bolivar, then you should do it."

Armstrong said, when considering the sale of any Village property, there are two questions:

- 1) Whether the property is necessary for Village purpose
- 2) Is there a reason why the Village would want to sell it?

Armstrong also wanted to clarify the definition of precedence. Lang interacted with Armstrong to clarify precedence verse a trend. He is concerned if council approves this, it would start a trend with other businesses, etc.

Lang points out there have been numerous complaints in the past about drinking in the alley and loud noise. He doesn't know if that is still an issue or not, but it previously was a problem.

Mayor Hubble refers back to the letter Derek presented to council through his legal counsel. She stated he would like to purchase a small portion of the alley from the Village. She questioned the purpose of the patio. The letter states it would be used for patrons to smoke; however, she wanted to know if people will be drinking out there as well. Derek stated yes.

The question for council is do they want to go further with the process? If you want to move further, it would need advertised for bid. Discussion occurred between Derek and council to clarify the intentions. Mr. Lapp asked Derek if there was an option to utilize the property next to his building.

Derek clarified, there wasn't any loud music in the past and the only people going out there drinking was the previous owners.

Mayor Hubble asked council again how they would like to proceed.

Vincent motioned, seconded by Cochran to suspend the rules for an Ordinance for the current owner of Rocky's to purchase a portion of the alley from the Village. Before roll call was taken, additional discussion took place as to the type of fence and guidelines. In a roll call vote, Cochran, Slutz and Vincent voted yes; Lloyd abstained; Lang and Lapp voted no. Since there wasn't a 2/3 vote, the Ordinance cannot be passed as an emergency.

There was a first reading by title only for an Ordinance to sell a portion of the Village property to Rocky's.

Harvey asked of Council has plans, maps and additional information about the property in question. Mayor Hubble answered yes.

The second reading will be on Monday, July 6, 2015.

The next item on the agenda is the water issue at Nancy McCartney's residence. Nancy stated she still has water pouring into her garage. She is very upset this problem has not been resolved yet.

Franks stated he stopped over to Nancy's today and showed her what he has attempted so far. Mayor Hubble said it has been long enough; we need to take care of this problem. We will need to do what we have to do. Lebold discussed the situation at Nancy's property and possible solutions. Discussion continued amongst council, the Mayor, Lebold and Nancy McCartney. Mayor Hubble wants this situation addressed immediately; it's been long enough.

Franks reported he interviewed three people for the opening in the street department and they went really well. All three gentlemen were good. Franks made a recommendation to hire Nathan Alexander 3 days per week. Nathan formerly worked for Lawrence Township for two years and prior to that, Action Now Landscaping and an excavating company. He also has a CDL. Council discussed the applicants with Dave. The position will be 3 days per week, April through November.

Lang motioned, seconded by Vincent to suspend the rules. In a roll call vote, all members present voted yes. Lang moved, seconded by Lloyd to approve an **Ordinance O-17-2015 TO HIRE NATHAN ALEXANDER AS PART-TIME LABORER FOR THE VILLAGE OF BOLIVAR; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes.

Vincent brought to council a recommendation per Chief Haugh to hire Cole Morris as an auxiliary officer. If he is brought on tonight, Cole would be able to work the Strawberry Festival. Vincent moved, seconded by Lang to suspend the rules. In a roll call vote, all members present voted yes. Lloyd moved, seconded by Lang to approve **AN ORDINANCE O-18-2015, TO ADD COLE MORRIS AS AUXILLARY POLICE OFFICER FOR THE VILLAGE OF BOLIVAR; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes.

The next item on the agenda is the employee evaluations and raises. Council discussed a few options of implementing raises that were based more on merit verses an automatic set raise. The Mayor announced she completed the performance reviews and they have been available in the Clerk's office to view. Discussion continued amongst council. An alternate method of rating each of the employees was introduced using a numbering system. The part time employees still need evaluated. As of now, the Sergeant is in charge of evaluating the part time officers. However, it's very difficult for him to evaluate them when he has not had direct contact with them. The issue of voting on raises for the part time officers will be tabled for the time being until they are completed.

Lloyd moved, seconded by Lang to approve .50 per hour for each of the full time employees, retroactive to April 1, 2015. In a roll call vote, all members present voted yes.

Lastly, the Clerk provided an update to council regarding the phone and internet systems. Time Warner Cable is currently supplying the internet and phones to the town hall. The Clerk is recommending that we keep Frontier as the service provider for the Police Department and the Pump House. Pros and cons were discussed. Council was in agreement with the Clerk's recommendations to keep the two separate providers as proposed.

There being no further business, Lapp moved, seconded by Vincent to adjourn until Monday, July 6, 2015. In a roll call vote, all members present voted yes.

Mayor Rebecca S. Hubble

ATTEST: _____
Maria A. App, Clerk Treasurer

Approved: _____