

VILLAGE OF BOLIVAR COUNCIL MEETING August 1, 2017

The Bolivar Village Council met in regular session on **Tuesday, August 1, 2017**. 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. Gettan, Lang, Lapp, Lebold, Lloyd & Vincent answered roll call.

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

The Fiscal Officer was absent; Mayor Hubble read the bills for the month of July totaling \$57,735.11 (through July 28th, 2017). Gettan moved, seconded by Vincent to approve the bills. In a roll call vote, all members present voted yes.

PUBLIC SPEAKS: - none

MAYOR HUBBLE – none

FINANCE: - Lapp reported finance discussed purchasing decorative banners and fixtures, 45" x 18" Lapp moved, seconded by Lloyd to approve the purchase of approximately \$1100.00. In a roll call vote all members present voted yes.

Lapp said the finance committee had their third discussion on the 2018 health insurance premiums. They had a consensus to establish a shared expense with the employee. The Solicitor stated if there is to be a change, there would have to be a first reading of an ordinance. Lapp said they could have a first reading pursuing a shared percentage between the village and the employees. The fiscal officer will supply some percents to consider by the next meeting.

The Solicitor said this would be the first reading by title only for an Ordinance to establish a shared percentage for the employees of the Village of Bolivar for health insurance purposes.

Lapp stated other items discussed in committee were in regards to the water rate fees such as; late water & trash fees, disconnect and reconnect fees. Lapp said we would need a first reading for the following: \$15.00 for the late water fee; \$10.00 for late trash fees; \$25.00 for a reconnect fee and \$25.00 for a disconnect fee. The solicitor's recommendation is that Council includes that in the Ordinance of increasing the regular water rates so it's all done together. She said this would be the first reading by title only for increasing the fees as well as the regular water rates.

Lebold added, in the police committee meeting, it was requested to purchase a printer for use in the cruiser. They got a price from an HP that Hilty could install. Lebold moved, seconded by Lang to purchase the printer for approximately \$150.00. In a roll call vote, all members present voted yes.

The Mayor asked Lebold if he had anything else for safety since we are on the topic of police. He noted the police had 178 calls in the month of July. (See discussion of correction below. actual was 78 calls) Lebold said other items discussed in safety were in regards to the permit fees for solicitors. The solicitor said when we had initial discussions it was articulated to have as high of restrictions as possible. There are some Supreme Court rulings that solicitors have free speech rights so we can't outright prohibit them from going door to door in the village as it would be a violation of a constitutional right. However, what the Village can do is make regulations which are reasonable for health and safety purposes. The ordinance that had she drafted was based upon variance ordinances that have been tested and OK'd by the courts. It is her understanding there has been some discussion that the permit fee is not high enough. The Solicitor said Council could amend that ordinance to raise the permit fee if that's something council wants to do. It would need to be done by an emergency if that's something council wants to do today; but someone would need to make a motion to amend the ordinance.

The Mayor added there was talk on the table that safety would like to amend that fee. Lang stated he would like to see the fee raised to \$500.00. The Mayor said, what we have before council is a raise increase from \$75.00 to \$500.00 as an emergency amendment to the door-to-door solicitation for commercial solicitors only. The solicitor said the ordinance is already for commercial purposes only. Lang wanted to make sure it does not include schools, churches, non-profits, youth or anything like that. The solicitor confirmed it would only be for commercial uses.

Lang moved, seconded by Gettan to suspend the rules. Lebold interjected that he feels \$500.00 is too much. No other discussion or objection. In a roll call vote, all members present voted yes.

Lang moved, seconded by Gettan to approve **AN ORDINANCE TO AMEND ORDINANCE # O-25-2017 REGARDING DOOR TO DOOR SOLICITATION IN THE VILLAGE; ESTABLISHING AN EMERGENCY**. In a roll call vote, Gettan, Lang, Lapp, Lloyd and Vincent voted yes; Lebold voted no. The Mayor stated that would be **ORDINANCE O-30-2017**.

The solicitor clarified, this is a new Ordinance that amends the old ordinance. It still needs assigned a number so it can be indexed. The old ordinance remains standing; the new ordinance re-establishes the permit fee.

Lebold said he didn't have anything else for safety. The Mayor said before moving on to planning, there is one correction in regards to the number of callouts. Lebold clarified it was actually 78, not 178.

PLANNING – Lebold asked if Franks had anything for a zoning meeting this week; Franks stated he didn't have anything. Zoning meeting will be cancelled this month.

SAFETY - (Lebold already reported under finance section)

CHIEF – Chief Haugh said to the solicitor, the only issue he has with the ordinance is the police doesn't go to a service for backgrounds checks. So if someone comes in and pays their \$500.00 fee; they would also have to pay for their background check as well? He was told yes. The Chief asked where would she like them to go to get their background done? She said those seeking a background could just go to Buckeye to have it done. Additional discussion took place regarding the process of background checks. There was also discussion as to whether the police should get a subscription to do their own backgrounds. The Solicitor said she can resend an email to the chief regarding where solicitors can get their background checks done; and it was reiterated they would pay for their own background check.

STREET & ALLEY - Lloyd reported they are continuing to work on drainage problem on Canal Street. They are waiting on use of the camera before pursuing trying to enlarge the pipe. The Mayor added the Village did receive a thank you letter from the couple in front of the hydrant that has been fixed; Bob and Emmabelle also said thank you.

STREET SUPERINTENDANT / ADMINISTRATOR - Reported they did jet the one line. He said the valve is done and it's been jettted. For some odd reason it stopped leaking; perhaps a stone was stuck in there. They hydrant on Yant Street near Lapps has been replaced. It took a couple days because the T had to be cut out. It's up and running; everything is done.

SHADE TREE – Still working on the Ash trees; is also working with the schools regarding some hazardous trees. He also called Dave Cipar to come look at them. Franks said he told the school he still has money in his budget to help. The school will pay \$2,000.00 and he will use 500.00 from his budget for the safety of the children.

RECREATION - Vincent reported they met on Monday, July 17. The classic car show and chicken BBQ was a great success. There were 107 cars and cycles in the show. There were 352 chicken halves were sold.

Youth soccer is still a topic; Lang met with Pat Eddy to find a field location solution. Lang suggested the topic will need further discussed at the next recreation meeting.

FISCAL OFFICER – absent

LAW DIRECTOR – Armstrong said the other Ordinance she has for tonight is to approve entering into the promissory note and project agreement with OPWC for the Canal Street Improvement Project. At the last session discussing that, there were a couple changes to be made to the documents. Armstrong spoke with OPWC directly and they got those changes made. However, in order to get the documents in by the deadline, this would need to be approved by an emergency.

Lang moved, seconded by Vincent to suspend the rules. In a roll call vote, all members present voted yes. Lang moved, seconded by Vincent to approve **AN ORDINANCE O-31-2017 TO APPROVE ENTERING INTO A PROMISSORY NOTE AND PROJECT AGREEMENT WITH OPWC FOR THE CANAL STREET IMPROVEMENT PROJECT; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes.

Armstrong said she was just notified today, about the tax foreclosure on the adjacent property. The heirs of the former owner are suing to reopen the tax foreclosure and try to take the property back. The County did the tax foreclosure, but we are a named party. Armstrong stated she did talk to the County Prosecutor briefly; they will probably need some documents from the Village. It's been a long time since the tax foreclosure was completed; in excess of a year. Armstrong explained there is a back tax debt that is still owed on the property.

The solicitor reiterated she does not have all the information about this yet; but will be talking to the prosecutor tomorrow to get more details. Council members asked questions about the property; there have been discussions previously about wanting to make the property a parking lot.

Armstrong said the property was originally in the mother's name. In prior years, the structure was falling down; there were all kinds of issues with it and the village had some assessments to the property. Now her heirs are claiming they had some kind of right to it and they should have been named in the suit. Armstrong added that the Village has tried making contact with these people multiple times through various avenues and could not find them. Armstrong also reported the Prosecutor did find them and served them in the original tax foreclosure. The heirs were named parties to the original tax foreclosure. Now they are trying to say they didn't know about it, which is incorrect because they were served.

Armstrong said she will be in communication with the prosecutor and coordinate with him whatever help he needs. She just wanted to keep council informed with what is going on.

In other news, the Mayor brought to council's attention they will need to decide the date of the next council meeting since it currently falls on Labor Day. Options could include Monday, August 28 or Tuesday, September 5. The Mayor prefers September 5 but that's up to council. After lengthy discussion amongst council, they agreed on Monday, August 28, 2017 for the next regular council meeting.

The Mayor said she has been invited by Congressman Gibbs to go with him to some schools and speak to 7th and 8th graders about Opioid addictions. She will be talking to the Police Chief; she would like for him to accompany her to add a higher level of importance.

Before adjourning, the Mayor recapped with the Solicitor that council completed the scoring sheets of the engineers in finance. The procedures for ratings and weights were reviewed with the Solicitor before proceeding with each of the engineers that were scored. The results of the scoring were reviewed and discussed one by one starting with Hammontree. Next the scoring for Quicksall was reviewed. The Mayor explained the reasoning for a couple of their scores. The Solicitor stated the point of these evaluations is to take all of the information that you know and to seriously consider all the criteria and to assign to it what council believes to be an appropriate rating; there's no "correct" answer. It's based upon your experiences and your review of the materials. Armstrong concluded with, "Whatever you have to base it on, you base it on". Mayor Hubble moved on to discuss GPD, who was scored the highest.

Lebold asked for the total scores for each of the engineers. The Mayor started with Hammontree; they received four 5's and a 1. Quicksall received a 4, 5, 4, 2 and 2; GPD received five 5's. The Mayor asked if we can invite all three back to ask more questions. The Solicitor said council could invite them back for

a presentation. Vincent suggested inviting the engineers back on the evening of August 14, prior to committee meetings. The Mayor stated they would have to call a special session of council since all of council would be in attendance. The Mayor said she can contact all three engineers to provide a fifteen minute presentation, followed by a fifteen minute window for questions and answers. Council was in agreement to invite the engineers individually in half hour increments. Hammontree would begin at 5:30; Quicksall to follow at 6:00 then GPD at 6:30.

The Solicitor reviewed some guidelines when contacting the three engineering firms to invite them to present material. Once all three have presented, council could then rank them in order of 1, 2 and 3 and then council can enter into negotiations with the top ranked firm.

The Mayor recapped, council could have a special session of council starting at 5:30 on August 14, 2017. Lebold added that he thinks council should be able to make an informed decision on the 14th. The Mayor added council is welcome to make calls, check references and ask questions of the engineers, etc.

Since the Fiscal Officer is on vacation, the Solicitor will handle drafting and submitting the advertising of the special meeting. Council continued to work out the language and purpose of the special meeting.

Before adjourning, Franks added on August 10, 2017 he will be attending an RCAP class in Carrollton for valve exercising, hydrant flushing per EPA standards and water meter topics. The class is free of charge. Franks also said Noah Carpenter will begin painting fire hydrants.

There being no further business, Vincent moved, seconded by Lebold to adjourn until Monday, August 14, 2017, for a special session of council. In a roll call vote, all members present voted yes.

Mayor Rebecca S. Hubble

ATTEST:

Maria A. App, Fiscal Officer

Approved: August 28, 2017