

VILLAGE OF BOLIVAR COUNCIL MEETING August 6, 2018

The Bolivar Village Council met in regular session on **Monday, August 6, 2018**. Mayor Hubble called the meeting to order at 7:01 p.m. The Pledge of Allegiance was said. Lapp opened the meeting with a moment of prayer. Gettan, Lang, Lapp, Lebold and Vincent answered to roll call; Lloyd was absent.

The Fiscal Officer stated there is a correction to the previous meeting minutes. It was previously reported the chicken BBQ was \$12.00 and \$10.00 for the car show. The actual totals were \$12.00 for the BBQ and \$9.00 to register for the car show. Lang moved, seconded by Vincent to approve the correction to the July meeting minutes.

Lang moved, seconded by Lapp 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 **July totaling \$58,861.49**. Lapp moved, seconded by Vincent to approve the bills. In a roll call vote, all members present voted yes.

PUBLIC SPEAKS: - none

MAYOR HUBBLE – The Mayor brought forth the curbside recycling program which is part of our Kimble agreement. For 2017-2018 contract year, Bolivar residents recycled a total of 80.72 tons; Kimble paid at \$13.00 per ton which totaled \$1049.36. The Village can now present to a local non-profit. She made a recommendation for the Bolivar Lion's Club. They do a lot in our Village that provide glasses to adults and children who cannot afford them. The Lion's Club also pays for eye examinations through a program with Lens Crafters at New Town Mall. In addition they take care of eye examinations for the pre-kindergarten that come in. The Lion's Club also does a lot for diabetes and diabetes research. They help other organizations within the community to include offering a scholarship.

The Mayor concluded, "There are many things the Lion's Club does to include seeing-eye dogs and "Wags for Warriors". Lebold moved, seconded by Vincent

to approve giving the recycling rebate in the amount of \$1,049.36 to the Bolivar Lion's Club. In a roll call vote, all members present voted yes.

The Mayor also announced the recycling industry as a whole is seeing a major downturn. As a result of that, the amount of money we will get paid for next year will decrease considerably. This past year we were paid on 82 tons; the payout for 70-85 tons was \$13.00. Next year it will be reduced to \$7.00 per ton. That's a considerable decrease. However, Kimble said if there is an increase in recycling, they will pass it on to us. The Mayor added it's a wonderful service; it helps our residents and encourages us to recycle. She noted that she's glad that we are able to do that and would like the residents to continue to recycle because it's a good thing.

For the second quarter, YTD, we are at 24.5 tons which isn't too bad but would like for us to do better.

The next item for discussion which will require action is from the Stark, Tuscarawas and Wayne Solid Waste Management District. All of Council already has a plan summary to include the recycle programs within those areas. Residential, commercial education and awareness programs are also being discussed. As a result, they are wanting the Village to pass a Resolution, which needs done by September 14. If they do not receive a copy of this, they will consider it as a no vote. Council has all had an opportunity to review this; the Mayor said she will need a vote from council; either for or against it.

Lebold moved, seconded by Vincent to approve as a **Resolution, the Stark-Tuscarawas-Wayne Joint Waste Management District's Amended Draft Solid Waste Management Plan**. In a roll call vote, all members present voted yes. **Resolution R-6-2018**.

Hubble reported The Health Department has stated there's been a case of rabies in a raccoon which they have captured. They contacted us since we are an outlier in the county. The Mayor gave them permission to begin trapping within the Village of Bolivar for raccoons. The deceased raccoon was near Echo Lake Road in Goshen Township on August 1, 2018. It tested positive for rabies. It's the first confirmed case in Tuscarawas County. This is RRV which is a strain of rabies that's found in the Eastern United States. It has been identified in parts of Stark County but not in Tuscarawas County until this time.

The Mayor added, we all need to be aware of things and be careful; be careful with your children when you are out and about. If you see an animal out during the day that is normally a nocturnal animal, do not go near it.

The Mayor reported there has been talk among our committees in regards to possibly doing a civil offense; having some type of way of doing codified ordinances in our Village. In other words, it wouldn't be a misdemeanor or have

to go to court to pay for fines. As a result of that, this would be a **first reading by title only**. She advised council that within the next two months they will need to modify this by specifying exactly which items they would like to include. The Mayor added that zoning will have some items in it; as well as other ordinances within the village such as the grass ordinance and trash will be included in that.

This will be a good approach where the money will not only come directly to us but it would be through a civil offense. The Mayor noted other municipalities who utilize a similar civil offense system and feels it's the best way to approach it. Franks added that the tree permit should be added to the language. The Mayor agreed and said the committees will need to look at what they would like to include.

Vincent asked the name for this system. The Mayor stated it is called a Civil Enforcement System; within the system there will be codified ordinances placed in it which is where the fines will be assessed through that. As of right now we really don't have a lot of recourse other than issuing a citation for a misdemeanor. The Civil Enforcement will be better for the Village in the long run.

The Mayor read a resignation letter submitted by Councilman Donald Lapp addressing the Mayor, Bolivar Council members, Fiscal Officer, Solicitor, Bolivar employees and Bolivar Village residents. The letter stated, *"As my future is with a lovely woman that God has brought into my life to be married October 19 2018, and as such, my residence will be in Wilkshire Hills, and no longer be in the Bolivar Village limits. I must resign my seat on Bolivar Council effective October 1, 2018. This should allow the replacement process to proceed so that there will not be a vacancy on Council after the effective date of resignation"*.

"It has been a very good experience that I have enjoyed, being a member of Bolivar Council, and working for the residents of Bolivar since January 1, 2015. I am very thankful and Council and the Mayor believed I had something to offer and benefit the Village and residents. I have learned a lot. I welcome the opportunity of being able to serve residents of Lawrence Township if it is in the Lord's will. I appreciate greatly that Council says the pledge of allegiance, and seeks wisdom and guidance from the Lord at each meeting."

"I am so thankful for your empathy and condolences at my wife's passing two years ago".

The Mayor went on to thank Don for being a valuable Council member and we do appreciate it. (Council applauded) His last meeting will be on Monday, October 1, 2018. Council will need to vote on whether or not to accept the resignation; thereafter there will need to be an announcement in the paper seeking a resident who would be interested in filling a seat on council. Those interested will need to submit a letter of intent to the Village office; to the Mayor's attention. In addition, there's a nominating committee that is formed that helps with that decision. The

Mayor said if there's anyone on Council that would like to be part of that committee to let her know. First there needs to motion to accept Lapps resignation effective October 1, 2018. Gettan moved, seconded by Vincent to accept the resignation of Don Lapp. In a roll call vote, Lang, Lebold, Gettan and Vincent voted yes; Lapp abstained and Lloyd was absent.

Mayor Hubble asked Lang and Lebold if they would like to be on the interview committee. They both agreed. Letters will need to be submitted by September 14, 2018 to allow enough time to interview prior to the October Council meeting. The Mayor asked Limbacher to put an announcement in the paper. Limbacher asked to clarify the term date; it was noted the term for the appointed council position will end on December 31, 2019.

FINANCE: - Vincent reported the finance committee met at 6pm this evening. The first item brought forth was a Resolution to amend the appropriations for three (3) separate funds. Vincent proceeded to read the details of request to amend appropriations.

Vincent moved, seconded by Lang to approve a **Resolution to amend the appropriations as a Resolution, R-7-2018**. In a roll call vote, all members present voted yes.

Vincent stated the Fiscal Officer reviewed with the finance committee the status of three properties with delinquent water account balances. App is making headway in getting this cleaned up.

Vincent stated there will be a special work session of council at 5:30 on August 20th; the regular committees will immediately follow.

Vincent brought forth the continued discussion of creating a part time clerical assistant position; to work a maximum up to ten (10) hours per month. A current part time Village employee, Heather Lecce, has shown interest. There was a point in time she could not take on additional hours; however she is now available up to ten hours.

Vincent made the recommendation to hire Heather Lecce, up to ten (10) hours per MONTH at a rate of \$12.00 per hour as a clerical assistant; in addition and separate from her other employment with the Village. Vincent moved, seconded by Gettan to suspend the rules. In a roll call vote, all members present voted yes. Vincent moved, seconded by Gettan to approve **AN ORDINANCE, O-18-2018, TO HIRE HEATHER LECCE FOR THE POSITION OF CLERICAL ASSISTANT FOR THE VILLAGE OF BOLIVAR; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes.

(Vincent recapped the items from the finance committee meeting that were already discussed under the Mayor's section of the meeting.)

Vincent reported the finance committee had a discussion regarding the Uniform Allowance for part time employees. Currently there are a couple employees who receive 0.15 per hour who only work around ten (10) hours in a year's time. The committee is currently looking at amending the Policies Manual to reflect the allowance of the 0.15 per hour to be paid out to those part time employees upon working a minimum of 120 hours per year. This is not an emergency scenario; **Vincent would like to consider this a first reading by title only.**

Last but not least, the Village by law, requires a records commission. That committee consists of the Fiscal Officer, Mayor, Solicitor and a volunteer resident from the community. The Mayor stated she will check with Dante to see if he is willing to continue on the committee.

PLANNING – Gettan reported the committee met on Thursday, August 2, 2018. She noted the only item she has is that Massillon Materials Inc. submitted their “application for amendment of Village of Bolivar Zoning Code”. Gettan went on to read the requirement procedures so it's very clear. *"The filing and acceptance of an application, six (6) copies of a completed application shall be filed with the planning commission at least thirty-five (35) days prior to a regularly scheduled meeting of the Planning Commission. Prior to accepting such application the Zoning Inspector shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Zoning Inspector, shall result in refusal of acceptance."*

Gettan reported that they did come to us within the necessary time frame; everything was followed correctly. The next step is to have a public hearing because the application was accepted. That public hearing will be held at the next regularly scheduled meeting which is September 6, 2018. The Mayor added, "at this public hearing before zoning, the public has the right to come and express their desire or not. From that zoning will present to council either a yay or nay; once they present to Council, then Council will further take action to have another public hearing. It will need to be advertised in the paper as well as a written notification to the residents at least ten (10) days prior to the hearing. The Mayor reminded, it's a ten (10) day requirement for the zoning public hearing; the public hearing before council is a thirty (30) day requirement.

SAFETY - Gettan reported the department had a 151 calls for the month of July which was up quite a bit. She added, the Police Policies and Procedures are complete and has been submitted to the members of the committee. Gettan would like to have a **first reading by title only for accepting the Police Policies and Procedures.**

CHIEF – none

STREET & ALLEY - Lapp reported the committee met on Monday, July 16, 2018 at its regular time. They had a lot of discussion and input from Michela Huth as well as Tom Graef regarding the cat spaying/neutering program. Lapp mentioned we got an agreement that our Solicitor brought up; so we need to find out Councils opinion. The Mayor interjected Council basically needs to vote as to whether or not they are going to allow them to have the spaying and neutering clinic on Village property. There was some discussion at the street and alley meeting; a decision needs made.

The Mayor noted that she personally isn't against it. There are other places they could do it but they specifically asked to use the Village property. She added that Council needs to make a decision; if you are going to allow them to do it then yes there is this agreement that would need agreed to; that they would also need to agree to. Having said that, the Mayor stated that they have a copy of the agreement. She added that she didn't know if Michela had a copy but Tom Graef does. She added that she has talked to Tom Graef and he has a copy of the agreement. He will be out of the area but said he would make sure everyone who needs a copy would get a copy of the agreement. She explained to him that Council will need to vote on it at this Council meeting as to whether or not they will allow it on Village Property. With that said, this is just a vote stating whether or not Council will allow the clinic on Village property.

Gettan asked Lapp how the committee felt and if they have a recommendation. Lapp said there was discussion that it shouldn't be on Village property because of situations that have happened before. Some of the committee agreed; some did not. Lebold added, "In this vote, if we vote not to have it on Village property that it needs to be made clear that we don't really want it on our Village property but we aren't against it". Lang interjected, "I think we should do one as a trial run to see how it works. They have been trying to work with us; let's try to work with them".

Gettan said to put it up for a vote. The Mayor added, before voting that Council needs to realize it is going to take an employee of the Village to be here; to open and close it at the end. Lang asked if he could do it. The Mayor stated we will have to check with the solicitor liability wise; but as long as you're volunteering to do it and you are on council...Franks interjected, "I'm willing to do it; I'll take flex time. I'm not expecting overtime." Franks said let's see how long this will take; he countered with Tim that he could come in for the first half and Lang could come in for the second half. Lang said "we could do something like that". Lang reiterated, one time as a trial run. We will see how this works".

Lang moved, seconded by Lapp to allow them to have a spay and neutering clinic on Village property. In a roll call vote, Lang, Lapp, Lebold and Gettan voted yes; Lloyd was absent and Vincent voted no.

Vincent stated she wants it on record, "I agree with the concept of the project but I do not think the Village should be involved."

The Mayor stated, before this can take place, now that the Village has voted to allow this, the agreement will have to be signed by the parties. Hubble added that Graef has a copy of the agreement and she can let him know councils decision; but this will need agreed upon by them.

Franks specifically asked if the agreement contained a liability clause. The Mayor read section #9 (No Village Liability for Event Holder Property Damage) and part of #10 (Insurance) and #11 (Property Damage - Hold Harmless) of the proposed "Event and Site Use Agreement".

Lebold stated what council just voted on was only to allow them to use the Village property. However, he would like another vote stating in order for the clinic to take place on Village property, the "event site use agreement" would have to be signed by those performing the services before they can start using the property. Lebold moved, seconded by Lang to require the Event Site Use Agreement to be signed prior to using Village property. In a roll call vote, Lang, Lapp, Lebold and Gettan voted yes; Lloyd was absent and Vincent voted no.

Lang asked the Mayor to check with the solicitor after she gets back from vacation if its "legal" for him to be here for the clinic as previously mentioned during discussion.

Lapp reported he also had a complaint by a resident in regards to Tom Graef's property over the hill from their property. Lapp said he actually went down to check into it. He said there are some old vehicles and what appears to be some trash. Franks said he has already talked to both Tom and Jon and they are working on getting it cleaned up.

STREET SUPERINTENDANT / ADMINISTRATOR - Franks wanted to let Council and residents know they will be doing some line locates for the meter project so there will be blue on the road and in the yards. There will also be some stakes coming up from GPD. Line locates have to happen before anything can go in the ground.

SHADE TREE – He discussed a tree quote he provided to council in their mailboxes. There are some trees in the school zone that need trimmed up for the buses. There is also a dead maple tree in front of Randy Levengood's house. There's also one on South Park Avenue that's really bad. He will bring this up at the next Street & Alley committee on August 20; then it can go to the finance committee in September.

RECREATION - Reported the Zimmerman Foundation awarded the full amount of the grant in which he applied for the Towpath Trail fence.

Lebold also reported he has been getting some flyers regarding park equipment. He is hopeful there will still be time for discussion at street & alley regarding park equipment. He would like to look at park equipment for the kids; and to compare material types.

FISCAL OFFICER – none

LAW DIRECTOR – absent

There being no further business, Gettan moved, seconded by Lang to adjourn until the next regularly scheduled council meeting on **Tuesday, September 4, 2018**. (Labor Day falls on Monday September 3) In a roll call vote, all members present voted yes. Council adjourned at 7:43 p.m.

Mayor Rebecca S. Hubble

ATTEST:

Maria A. App, Fiscal Officer

Approved: September 4, 2018