

VILLAGE OF BOLIVAR

COUNCIL MEETING

September 3, 2019

The Bolivar Village Council met in regular session on **Tuesday, September 3, 2019**. The meeting was called to order by the Mayor at 7:01 pm. The Pledge of Allegiance was said. Lloyd opened the meeting with a prayer. Gettan, Lang, Lawver, Lebold, Lloyd and Vincent all answered to roll call.

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

The Fiscal Officer read the bills for the month of **August which totaled \$122,805.53**. Gettan moved, seconded by Lang, to approve the bills. In a roll call vote, all members present voted yes.

There were no corrections or additions to the agenda.

PUBLIC SPEAKS – Derek Despasquale, on Canal Street, stated he is still having a major water problem at his building; the drains aren't functional on the South side. The Mayor asked if they came down to bore under the concrete then hook up the drain, because that's what they told her they were going to do. Derek replied, "Absolutely not". Franks asked, "They didn't drill that bore hole on Nancy's side yet Derek"? Again, Derek's response was no. Franks proceeded to ask, "Did they pour the concrete over there yet"? "No". Derek added there is water coming down from Nancy's side against his North wall; continuing on into the basement. On the other side is where the drains aren't connected at all. When they fill up, then the floor drains in the building geyser up; filling the building up with water.

The Mayor asked when did all this change; with the downtown project? Derek said, "Yes". To clarify, the Mayor asked if the issue is on the Tuscarawas Street side; Derek replied, yes, it's where the main issue is; the main issue is the drain issue. Lloyd interjected that he went down to see this and the water is coming down Tuscarawas Avenue; coming against his garage. Lloyd said, "It's not only going over it, into the garage but the drains are all full. There are two drains in front his property on the garage door side". Lloyd said when those drains fill, they start filling up his garage. Derek interjected, "Because the two drains aren't connected".

The Mayor asked if they were connected before and Derek said, "Absolutely. Actually, once the water goes in the one end drain and fills up, it blows that one off. He said he has to chase after it every time it rains.

Lebold said, "I thought we discussed it with Dave that once the downtown project is finished then that storm drain that goes up alongside of Derek's is supposed to be replaced". Franks said he called the fire department down last week. He added that he got with Dan from ODOT and Todd from Central Allied. "We went to that drain with the green dye. The Fire Department brought their tanker truck; we dumped 1,200 gallons of water down that and it never came up. I'm not saying it doesn't come up, Derek, but we flooded that thing." Derek interjected, "I have

videos from the other night if you want them". Franks replied, "No, I'm not saying it didn't happen; I'm not saying that at all. When we dumped that 1,200 gallons out, it went someplace and we even put the green dye in there. We never saw where the green die came out". Derek replied, "That's not good then, right? If you can't see where the green dye's coming out..(Inaudible)". "Exactly, and that's why I'm talking to Todd and Dan from ODOT. This worked so now why isn't it working". Derek asked, "What did they say? I have had this place ten (10) years...(Inaudible)". Franks commented, "They're shrugging their shoulders". Derek said, "Where I think it goes is across over where the mailboxes are. Where not only there is no storm drain, it's been buried and the cover is still sitting over there. That's where I believe the water from the one drain went. When they did the sidewalk in the street, they disconnected the other one. It's done. They put their little side thing on it like I explained to you; they made a little flash weld when they put it in there and it didn't work. Robert came down and it was full of water after the rain; we were sitting there looking at it. It wasn't even draining". Franks said, "I'm going to tell you what Todd told me; words right out of his mouth, 'we go to them (?)'. I will talk to Todd and Dan tomorrow morning and say "you're going to solve this problem". The Mayor asked if Derek will be available or at work tomorrow. She said she would like for him to be available so he can explain to them. Derek said he did explain to the guy in charge of the project; he was the one who was connecting the drain to that basin. It's an old clay pipe. "He was explaining to me it's not enough as he was putting the dirt over it". Derek was in disbelief the pipe wasn't being replaced and that was the pipe being disconnected.

He proceeded to state, "At the North corner of the building where water is flooding the basement, there was a 6" pipe that came off of a storm drain pipe that came under the sidewalk that was connected to my storm drain on that side. As a matter of fact, Dick Lebold replaced the one piece of pipe the one year for me when they did the sidewalk last time. They have disconnected pretty much three (3) drains. Now there is no place for the water to go". The Mayor asked for Derek to send her the video.

The Mayor requested for Franks to contact Todd and Dan in the morning to have a meeting at 10a at Derek's property. She asked Franks to contact ODOT in the morning. "We are all going to go together as a group. We are all going to go down there and I'm going too".

Lebold interjected, "Derek, that new drain I put under the new sidewalk when we did the trail near Nancy's and your place..." Derek replied, "That crushed"! Lebold said, "They never replaced it; they tore out...that's where Nancy's flood problem is right there. That's where all the rain at the North side of his roof is all coming down to where that drain is when the trail was put in, the contractors took out. The water goes in to that low area at Nancy's". Derek suggested, "If you go down there and look right now at the corner, that last chunk of concrete... a lot of it is coming from Nancy's roof; against my building and from my storm drain that is landing right there has already washed all of the sand out from underneath the brand new sidewalk". (Inaudible)

Derek went on to reiterate that Robert came down and saw the water pouring into his basement.

The Mayor recapped they will meet tomorrow at 10:00. Franks said he would call them at 7a. The Mayor proceeded to provide Derek with her contact information and asked if he could send her the video footage he took during the rain.

MAYOR - none

FINANCE – Gettan announced the Star Ohio interest for the month of August, 2019 totaled \$759.50; \$6,259.63 to date.

Gettan moved, seconded by Lloyd to approve paying \$500.00 to Allen Keith Construction for the siding that was removing and the tarping at the library. In a roll call vote, all members present voted yes.

Gettan stated Liquivision was chosen as the dive team to clean the reservoirs in the amount of \$5240.00. That amount is subject to change depending on the levels of sediment. Gettan deferred to the Solicitor, Tara Wright-Timberlake to go over the ordinance for the project.

The Solicitor stated this would be Ordinance O-19-2019. **This is an Ordinance for the Village of Bolivar to enter into a contract with LiquiVision for dive team services; passing it as an emergency.** Lang moved, seconded by Gettan to suspend the rules. In a roll call vote, all members present voted yes. Lloyd moved, seconded by Vincent to approve **ORDINANCE O-19-2019 AS AN EMERGENCY.** In a roll call vote, all members present voted yes.

Gettan reported the village has received some quotes for risk management reviews and the finance committee recommends going with PFRM Solutions in the amount of \$19,000.00. The Solicitor stated this would be **Ordinance O-20-2019. This is an Ordinance for the Village of Bolivar to enter into a contract with PFRM Solutions for the purpose of providing a risk management assessment; as an emergency.** Gettan moved, seconded by Lloyd to suspend the rules. In a roll call vote, all members present voted yes. Gettan moved, seconded by Lawver to approve **ORDINANCE O-20-2019** as an emergency. In a roll call vote, all members present voted yes.

Gettan brought forth a **Resolution R-15-2019 to amend appropriations;** this was deferred to the Fiscal Officer for further discussion. App provided a detailed breakdown of each of the line items to be amended in the General, Street, Permissive and Water Funds. Gettan moved, seconded by Lang to amend the appropriations. In a roll call vote, all members present voted yes.

The next item is to approve a "**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**". Gettan proceeded to read the levy amounts before making a motion. Gettan moved, seconded by Lang to approve Resolution **R-16-2019.** In a roll call vote, all members present voted yes.

The Solicitor brought forth a couple additional ordinances to go over with Council. **The first is ORDINANCE O-21-2019; AN ORDINANCE TO HIRE MARIA APP AS AN INDEPENDENT CONTRACTOR AND DECLARING IT AS AN EMERGENCY.** The Village is in need of office and administrative consulting. This would permit the Village to enter into a contract with her. She will be an independent contractor for that service effective October 6, 2019 at a rate of 20.00 per hour, not to exceed 450 hours for all projects. The Solicitor clarified, App would not be holding dual roles; she would be stepping down as a Village employee and will be entering an Independent Contractor agreement with the Village.

Gettan moved, seconded by Lang to suspend the rules. In a roll call vote, all members present voted yes. Gettan moved, seconded by Lang to approve **ORDINANCE O-21-2019 AS AN EMERGENCY.** In a roll call vote, all members present voted yes.

The next ORDINANCE IS O-22-2019; **AN ORDINANCE TO HIRE PATRICIA SMITH AS AN INTERIM VILLAGE FISCAL OFFICER, DECLARING IT AS AN EMERGENCY.** The Village is in need of a part time fiscal officer. The Village believes that Patricia Smith is qualified for that position and wishes to hire her as a part time interim fiscal officer. She would be paid at a rate of \$14.50 per hour; effective October 1, 2019. The position would not exceed twenty (20) hours per week.

Gettan moved, seconded by Lloyd to suspend the rules. In a roll call vote, all members present voted yes. Lloyd moved, seconded by Gettan to approve **ORDINANCE O-22-2019 AS AN EMERGENCY.** In a roll call vote, all members present voted yes.

The Solicitor brought forth an ORDINANCE O-23-2019; **AN ORDINANCE TO REINSTATE MARIA APP AS FISCAL OFFICER AND DECLARING IT AS AN EMERGENCY.** The Village is in need of a fiscal officer. The Village passed the Ordinance for Patricia Smith to be part time via Ordinance 22-2019, passed today, September 3, 2019. The Village wishes to re-instate Maria December 15, 2019. She would be re-instated as the Fiscal Officer effective December 15, 2019; with no lapse in her accrual of vacation time, rate of pay or any other benefits she accrued prior to her re-instatement. Any probationary period for employment would be waived.

Lang moved, seconded by Lloyd to suspend the rules. In a roll call vote, all members present voted yes. Gettan moved, seconded by Lang to approve **Ordinance O-23-2019** as an emergency. In a roll call vote, all members present voted yes.

The Solicitor presented ORDINANCE O-24-2019; **an ORDINANCE TO RE-HIRE RACHEL TOLLEY AS A CROSSING GUARD; ESTABLISHING AN EMERGENCY.** The Village of Bolivar wishes to hire Rachel Tolley as a part time crossing guard for the Village. She is available to be a crossing guard; working as needed for the Village as a crossing guard at a rate of \$15.00 per day to perform the work.

Lang moved, seconded by Gettan to suspend the rules. In a roll call vote, all members present voted yes. Lang moved, seconded by Lloyd to approve **ORDINANCE O-24-2019**, hiring Rachel Tolley as a part time crossing guard, as an emergency. In a roll call vote, all members present voted yes.

Lastly, the Solicitor presented a first reading of a **proposed ORDINANCE, INCREASING THE RATE OF PAY FOR THE OFFICE OF MAYOR OF THE VILLAGE OF BOLIVAR FOR THE YEARS 2020-2023.** The State of Ohio has set the new minimum requirements under OPERS effective January 1, 2020. In order for the Mayor to qualify without interruptions, the Mayors salary must be raised to the new minimum standards. The new minimum standards would be \$673.08 per month for the year 2020; \$684.86 for the year 2021; \$696.84 for 2022 and \$709.03 per month for the year 2023. The Village Council wishes to raise the pay to meet these minimums. The Mayor is required to devote at least fifty (50) hours per month to the Village. This, if passed, would take effect on January 1, 2020. This is the first reading.

Gettan moved, seconded by Lloyd to approve an expense for \$995.00 for a five (5) day grant training seminar in Independence, Ohio for Tim Lang. In a roll call vote, Gettan, Lawver, Lebold, Lloyd and Vincent voted yes; Lang abstained.

PLANNING- Gettan reported they had ten (10) building permits since their last meeting. They have also had some property issues and Franks is sending some letters out. The Sept 6th planning meeting has been cancelled. The next planning meeting is scheduled for Thursday, October 3, 2019. App asked Gettan if that was ten additional permits since the last meeting. Franks interjected, there were ten (10) permits issued since January.

The Solicitor added in regards to zoning that she has been contacted by an attorney who represents a resident here. Her property is on Canal Street; they had some questions about the downtown project and some changes to her property. The Solicitor stated she will be following up with her attorney about that to get the specifics. The Solicitor said, "I will be getting back with Council with any recommendations that I have or request. I just wanted to bring that to your attention. Also, if you are contacted by any residents or anything regarding any potential pending legal issues or inquiries, please forward those calls to my office".

SAFETY- Lawver reported the Chief is moving ahead with Lexipol; he is about 70% complete. This will be an avenue for a state accredited department. Lawver added that Issue 15 will be on the ballot on November 5, 2019 which is the Police Levy. It is a 1.5 mil RENEWAL. Lawver said he feels very blessed to have a very good Police Department in the Village. He said this is something we may want to talk to people about to assure them this is money well spent.

CHIEF- The Chief would like for Barb to know the department would like to start looking for auxiliary members.

STREET & ALLEY – Lebold wanted to confirm they will be meeting with Derek on Canal Street tomorrow (Sept 4) at 10:00a.m. Lebold suggested to Derek until the problem is resolved with the water coming up through the drains in his building; they make a diaphragm (or plug) that can be put down into those drains that screw tight until this problem gets resolved. Lebold added that might help with some of the water coming into your building.

Lebold said at their regular committee meeting, they had a resident Dick Diehl talking about the fifteen (15) foot wide alley (Lovers Alley). It was told to Mr. Diehl that Council has no intentions of closing that public roadway. At this time, the committee came up with a solution to invite the public to a meeting on September 16th; a public hearing. The recommendation has come from Dick Diehl to make the alley one way from Yant to Bolivar Street; and to properly post it "one way - do not enter" Lebold also suggesting putting on a sign no trucks allowed or no delivery trucks. Lebold said that would be a solution. This is something they would like to talk about it again on the 16th then come back to Council. Lebold is hoping Council will go along with all this hard work to try and resolve this issue. Lebold said, he stands behind his position that this is a public roadway and we should not close it.

Lebold reiterated this will be brought up on the 16th and asked the Fiscal Officer to put a notice in the paper. The Solicitor interjected that she will get back with Lebold regarding this.

STREET SUPERINTENDANT/ADMINISTRATOR - Franks reported he has a sidewalk construction repair agreement from Derek Despasquale. Franks would like for Council to pass that. Franks stated he has talked to Derek and the cement contractor; they will be meeting so they can go over how they want to do this down there at his building that is in question. The Mayor added, the other thing we talked about is getting three (3) quotes for the concrete. Franks said he doesn't know what it's going to cost but he can contact another couple of contractors.

Lebold added, the money we spent on the drain down there by the Taylor's and Bolivar Service has worked very well. Franks added, "I talked to Mr. Taylor this morning while we were doing composting; with the rains Sunday he was curious on how this thing will work. He went down and said he could hear the water running through the drain line". Dave added, "With our meeting tomorrow, Central Allied does have their camera guys in for the storm sewers". Franks

suggested they go ahead and camera that area by Derek's building. This is something he can talk to Dan with ODOT about.

SHADE TREE – Franks reported he is working up some information to bring to the next Street & Alley committee meeting about the trees that have an infestation in them. He added he will call three (3) companies.

RECREATION – Vincent reported the committee meetings were held on Monday, August 19. The first item to report seems like old business but there wasn't a committee meeting in July. The Lion's Club annual chicken BBQ and Classic Car Show was held on Saturday, July 20th. Due to the downtown project construction zone, the event was moved to Ft. Laurens. Beautifully, Ft. Laurens lent the property for the day at no charge to the Village. The Lions Club sold out at 258 chicken halves; the car show had sixty two (62) entries and raised approximately \$400.00 profit for Christmas on the Canal.

Christmas on the Canal will be Saturday, November 30, 2019. It would also be an opportunity to celebrate a ribbon cutting celebration for the Canal Street Project. The Mayor stated she won't be in town on that day. Lebold said the ribbon cutting could be done late to middle of October.

Vincent also reported the Santa house is in need of roof repairs. Vincent added that Derek who was present at their committee meeting, volunteered to assist with the repair of that.

FISCAL OFFICER – none

LAW DIRECTOR – The Solicitor already reported earlier in the meeting.

Before adjourning, the Mayor announced there will be a public hearing on Monday, September 16, 2019 at 5:30 followed by regular committee meetings, a work session of finance for items coming up over the next year. If there are additional items that need taken care of in regards to the library, they may have a special session of Council to take care of those issues. The next regular Council meeting will be held on Monday, October 7, 2019 at 7p.m. Lebold wants to make sure there will be a ribbon cutting in October. The Mayor said they can discuss it at their next committee meeting.

There being no further business, Gettan motioned, seconded by Vincent, to adjourn. In a roll call vote, all members present voted yes. Council adjourned at 7:39 pm.

Mayor Rebecca S. Hubble

ATTEST: Maria A. App, Fiscal Officer

Approved: October 7, 2019