

VILLAGE OF BOLIVAR COUNCIL MEETING October 2, 2017

The Bolivar Village Council met in regular session on **Monday, October 2, 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 Vincent 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 September totaling \$40,240.95. Lapp moved, seconded by Lloyd to approve the bills. In a roll call vote, all members present voted yes.

The Fiscal officer had one correction from the previous month regarding the payment of the bills. App noted the September council meeting was held on August 28th; the bills read at that time were \$36,929.40 but the actual bills through August 31, 2017 totaled \$44,014.12. Lapp moved, seconded by Vincent to approve the correction. In a roll call vote, all members present voted yes.

PUBLIC SPEAKS: - Gerry Swigert wanted to make the issue with hydrant wasn't going to leak anymore. Franks said it's been fixed. She also asked about the status of the camera in the pipes; Franks stated he's still waiting on the county. Swigert also questioned if Canal Street was going to be blacktopped. The Mayor provided a brief timeline with the downtown project; at that time the road will be blacktopped. It was noted however, the black top would only run between Poplar and Tuscarawas Street.

She also asked if the Village had a noise ordinance for barking dogs. Haugh stated if two or more neighbors called and complained, that person with the dogs could be charged. She said they really didn't want to go that route; however they are tired of being woken up at 2:00a.m. She went on to say they will bark for almost an hour and all of her neighbors deal with it too. The Mayor asked if the resident who owns these dogs...are they inside or outside dogs. The response was an outside dog. It was recommended that if the problem continues to contact the police to report the noise complaint. Chief Haugh stated he has never received any complaints about this individual's dog.

Attorney John McLandrich was also in attendance to give council an update on the currently pending lawsuit. Lloyd stated, "I make a motion that the Village Council goes into executive session for the purposes of discussing currently pending litigation with the Village's legal counsel and to obtain legal advice regarding that pending litigation. I would ask that the Mayor, our Fiscal Officer, Attorney Armstrong and Attorney McLandrich stay in the executive session", seconded by Lapp. In a roll call vote, all members present voted yes.

(Went into executive session at 7:12 P.M; came out of executive session at 7:44)

Before proceeding with the meeting, the Mayor read a statement that included a timeline. (Refer to audio)

The Mayor proceeded to ask Council if anyone has any thoughts or questions or anything they want to bring up at this point. (No one had questions)

Lloyd moved, seconded by Vincent to suspend the rules. In a roll call vote, all members present voted yes. Lloyd moved, seconded by Lapp to approve an **ORDINANCE, O-33-2017, REPEALING ORDINANCE NO. 94-2014 AND DECLARING AN EMERGENCY**. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Lebold to suspend the rules. In a roll call vote, all members present voted yes. Lloyd moved, seconded by Lapp **TO APPROVE AN ORDINANCE, O-34-2017, ACCEPTING THE SETTLEMENT OFFER IN THE CASE OF LAKE REGION DEVELOPMENT CO., LTD., ET AL. V. VILLAGE OF BOLIVAR ET AL., NORTHERN DISTRICT OF OHIO EASTERN DIVISION CASE NO. 5:14-CV-00133; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes.

MAYOR HUBBLE – The Mayor read a letter received by Scott Gordan, Mayor of Zoar. On behalf of the Zoar Village council and all residents of Zoar, a heartfelt thank you was extended for the excellent support the Bolivar Police Department provided for the Zoar Community Association and the Civil War re-enactment. The event was very successful and above all very safe. Gordan went on to specifically thank Chief Haugh for coordinating the extra safety measures implemented this year. He also thanked all the officers for the traffic control at the pedestrian crossing.

Next there was a discussion about Halloween. It will be celebrated on October 31, but council needs to discuss the time. There have been several requests to expand the trick or trick time by 30 minutes. Formerly the times were from 6:00-7:00PM followed by the Bolivar Lions Club Halloween party at the intermediate school. The proposed new times would be from 5:30 to 7:00. Lapp moved, seconded by Gettan to change the time of trick or treat to 5:30 to 7:00 p.m. In a roll call vote, all members present voted yes. As a recap, trick or trick will be on October 31 from 5:30-7:00 with the Bolivar Lions Club Halloween party to immediately follow at Tusky Valley Intermediate School.

The Mayor announced she went to the Tusky Valley Middle School with State Representative Al Landis and Magistrate Wicus (sp) who does probate court. They talked to approximately 100 students in the 8th grade class for approximately two hours. She said they were very attentive. Representative Landis talked about what he does at the state level. It was like a mini government class. The magistrate discussed what happens once you go to court and the things that happen there. The Mayor reviewed with the students how government works locally as in council members, how they are elected and what's their term. She also discussed the role of the Mayor. The students were attentive and did ask several questions. They also discussed the drug issue with carfentanil and fentanyl and how that has come into play now instead of other illegal drugs. A visual demonstration of a small packet about the size of an equal packet was used to give an example of size; a packet that size of fentanyl is 100 times more potent and carfentanil is 1000 times stronger. This means an overdose could happen so easily. The speakers also talked about the use of Narcan and similar things.

FINANCE: - Lapp made a motion, seconded by Gettan to amend appropriations as a **RESOLUTION, R-14-2017** to accommodate for additional expenditures. In a roll call vote all members present voted yes.

Lapp made a motion, seconded by Lang to approve up to \$20,000.00 for well repairs payable to Ohio Drilling. In a roll call vote all members present voted yes.

Lapp made a motion, seconded by Lang to approve **A RESOLUTION, R-15-2017, ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.** In a roll call vote all members present voted yes.

Lapp reported the Village has a letter rejecting the invoice Quicksall sent to us; we do however have an outstanding balance of \$7,500.00 which council originally approved. Council needs to designate which fund they would like it paid from; the Fiscal Officer said there is money available in the Capital Fund. Lapp moved, seconded by Lang to pay Quicksall \$7,500.00 from the Capital Fund. In a roll call vote, all members present voted yes.

Lang made a motion, seconded by Vincent to approve the registration fees for the Mayor at \$220.00 and Fiscal Officer at \$175.00 for an upcoming Ohio Municipal League conference in Columbus on November 1 - 3; plus hotel, round trip mileage @ .535 per mile and meals. In a roll call vote, all members present voted yes.

Lang made a motion, seconded by Vincent to approve the 2018 Ohio EPA license to operate fee totaling \$831.36. In a roll call vote all members present voted yes.

Lapp made a motion, seconded by Lang to approve the 2018 Ohio Rural Water annual dues in the amount of \$135.00. In a roll call vote all members present voted yes.

Lapp reported Stephanie Long has been working on getting postage meter rates and deferred to the Fiscal Officer for input. App reiterated Long has been working on obtaining rates with Pitney Bowes and Neopost. Neopost was much less than its competitor. The final price with Neopost with a 24 month contract is 25.95 per month plus six (6) months free. Lapp moved, seconded by Gettan to approve the postage meter through Neopost. In a roll call vote, all members present voted yes.

Lapp moved, seconded by Vincent to approve purchasing candy up to \$200.00 from the general fund for the Lions Club Halloween party and \$100.00 from the police fund for the police department to hand out during trick or treat. In a roll call vote, all members present voted yes.

Lapp brought forth the 2018 Public Defenders contract for indigent services in the amount of \$2,420.00. Armstrong interjected it's the public defender renewal contract for another year. She also noted since it's a contract it

would need to be approved by an Ordinance. Lang moved, seconded by Lapp to suspend the rules. In a roll call vote, all members present voted yes. Lapp moved, seconded by Lang to approve an **ORDINANCE, O-35-2017, CONTRACTING WITH THE TUSCARWAS COUNTY PUBLIC DEFENDER COMMISSION TO PROVIDE INDIGENT DEFENSE SERVICES FOR THE YEAR 2018 AND DECLARING AN EMERGENCY**. In a roll call vote, all members present voted yes.

PLANNING – Lebold announced the next meeting will held on Thursday, October 5 at 5:30 p.m. to discuss an issue on Dale Avenue with trailers and campers.

SAFETY - Lebold read a resignation letter from an officer, James West. Lebold moved, seconded by Lloyd to accept the resignation effective October 2, 2017. In a roll call vote, all members present voted yes.

The next item on the agenda is a lady who applied for the crossing guard position at the school named Amber Fath. Lebold moved, seconded by Vincent to suspend the rules. In a roll call vote, all members present voted yes. Lebold moved, seconded by Lloyd to approve AN **ORDINANCE, O-36-2017, TO HIRE AMBER FATH AS A CROSSING GUARD; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes.

Lebold reported the police department has their annual firearms qualifications and taser training coming up at a rate of 150.00 per training / 300.00 total. The expense has already been appropriated in the budget earlier in the year.

Lebold brought forth the discussion of Chief Haugh's vacation balance that he needs to use by October 24. Haugh has three (3) week's vacation to use; instead of using all at once he is requesting an extension to use the three (3) days by the end of the year. Lebold moved, seconded by Lang to approve the extension of time. In a roll call vote, all members present voted yes.

Lebold also reported the police had 88 calls in the month of September.

CHIEF – Reported he has read the Police Policies that Armstrong sent to him. He and Hilty are continuing to review and make notes for changes. Armstrong said she would also like to send a copy to Lang as well to review.

STREET & ALLEY - Lloyd reported the street committee met on September 18th at 5:30. He reported Franks has been working with Protech to get the cell service installed at the pump house. Franks said he has a call into the rep Chris to get on the schedule.

In other news, Lloyd reported the number one pump loaner has been removed and ours is being put back in. (Ohio Drilling)

There is a leak on the roof of the pump house; reconsidering shingles vs. a metal roof. The new fall banners are installed along with the new brackets.

Reported Matt Ritterbeck contacted the Village regarding the composting grant that is beginning to dry up. It looks like there is still money for 2018. Ritterbeck is requesting the Mayor and Council to send a letter to the county

commissioners to salvage the composting bins. Lang moved, seconded by Gettan to authorize the Mayor to write a letter supporting the composting for the 2019 cycle to the county commissioners. In a roll call vote, all members present voted yes.

Lloyd reported the construction on Route 212 is underway; the crosswalks have now been put in.

STREET SUPERINTENDANT / ADMINISTRATOR - Franks announced the hydrant flushing will be this Friday (Oct 6). Leaf pick up will begin on October 17; Franks noted at the beginning of the season the pickup will be three (3) times per week; once busier it will be four (4) times per week.

SHADE TREE – Franks contacted Dave Cipar today to go around and review all the trees and get some pricing.

The Mayor said it's that time of year to start the report for Tree City USA.

RECREATION - Vincent reported the committee met on Monday, September 18th. She deferred to Franks regarding the Bolivar Baseball /Softball Association. Vincent stated they were looking to sponsor a 5k race. Franks said the race will be on October 14 in combination with the October fest. The race will begin at Canal Street at Sublime Smoke; heading towards Walnut Street and up; it will also finish at Sublime.

The Mayor asked if they wanted the streets closed for the race. Franks said they are supposed to coordinate with Haugh and the Fire Department about having people follow them. Sassafras Alley will be closed. The Mayor said it was recently brought to her attention about the race and it was the first she heard of it. She expressed a concern about safety. Franks stated the Police would lead the race and the Fire Department would trail the racers.

Lang asked if Sassafras needs closed for the fest. Vincent moved, seconded by Lang to close Sassafras Alley from 8 a.m. to midnight on October 14th. Franks will deliver the road block signs to Zach since he will be out of town. In a roll call vote, all members present voted yes.

Vincent reminded everyone the Longest Dam Race will be on October 21, 2017 at the Bolivar Dam. The Mayor recapped the registration for the race; the cut off is October 6 for pre-registration. You can still walk up and register the day of the event but there's no guarantee t-shirts will be available. The Mayor said it's a walk-fun-run type of event and encouraged people to sign up.

FISCAL OFFICER – none

LAW DIRECTOR – Armstrong brought forth the third reading of **AN ORDINANCE INCREASING THE FLAT WATER RATES FOR THE VILLAGE OF BOLIVAR AND SETTING POLICIES REGARDING PAYMENT.**

Armstrong stated council has been talking about this since August; we had the gentlemen here previously (RCAP) who discussed the rate increases. If

there's no further discussion, it does come up for a vote today. One item that was part of discussion was quarterly vs. monthly; for now it will stay at quarterly billing. Gettan moved, seconded by Lang to approve **ORDINANCE O-37-2017**. In a roll call vote, Gettan, Lang, Lapp, Lloyd and Vincent voted yes. Lebold voted no because he wants to see monthly billing. .

Next Armstrong presented the **second reading by title only of an ORDINANCE to establish a shared percentage for health insurance costs for Village employees and amending Section 12.3 of the Village Policies and Procedures**. It is Armstrong's understanding that council has a scheduled finance workshop in which council will be going into more depth and have ready for the next meeting.

Armstrong stated the two year terms for the Tax Review Board members are expiring on December 31. Currently Mariana and Locy are the Board members. We have not had any cases. If council wants to reappoint them they can do that. Lebold suggested contacting both parties to see if they want to continue on the board. **This will be a first reading for an Ordinance.**

Heather Lecce, our Income Tax Administrator, will need reappointed at the beginning of the year. **This will be a first reading for an Ordinance to reappoint Lecce.**

There was discussion about the Zoar Police Contract that is expiring at the end of December. App interjected that it had been a one year term but council rescinded it and approved it as a three year. Before moving ahead, Armstrong asked the Fiscal Officer to verify the Ordinance on file. This will be revisited next month if applicable.

The next item for discussion was brought forth by Tim Lang regarding a problem with feral and free roaming cats in the Village; this was also discussed at Street and Alley. The committee believes council should probably pursue the Painesville tri-fold; it's a feral and free roaming cats ordinance. Basically everyone would need to get their cat spayed or neutered; don't let your pet roam at large; don't feed animals (inaudible) ...in your neighborhood. There's that but there's also two ordinances we would want to combine into one.

Tim went on to say he'd like to make this a first reading if he could. For animals running at large, no owner of any animal, livestock, poultry, wild or exotic animal shall permit such animal, livestock, poultry, wild or exotic animal to run at large. For nuisance conditions prohibited, no person shall keep or harbor any animal, livestock, poultry, wild or exotic animal in the municipality so as to create offensive odors or unsanitary conditions.

Tim said it's been an issue; there was a person who came into the Mayor's office Friday who was quite upset dealing with a whole bunch of feral cats. I'd like to make this a first reading and continue to discuss the issue.

Gettan asked if they're feral cats they don't have a (inaudible).. The Mayor said there still could be residents feeding them; that's the issue we're having. Lang interjected, "no person shall keep or harbor. If you're feeding an animal you're harboring the animal." Gettan said their cat gets out. She went on to ask, "So my cat can't go outside is what you're saying"?

Armstrong said it's actually becoming more common to not permit cats to run at large. Gettan said she tries not to permit him but he runs out the door.

Armstrong said this ordinance in general is not for your cat or dog gets out once or you catch him right away or pursues them right away and no damage happens; is not intended for that. However, there are people who are habitually not caring. The Mayor stated, "The big issue is when cats are out roaming freely they do their business in peoples flower beds, mulch or somewhere". She went on to say she doesn't own a cat or have a pet period but has cat hair all over her (outdoor) furniture and cat poop in her backyard. The Mayor went on to state she doesn't want it regardless of whose animal it is.

Lang said we could talk about registering a pet but still a cat can't be at large; at large is off their property. Lang said it's the first reading which can be discussed further. Armstrong said the language can be worked up and discussed further. The Mayor said there have been several residents and this past Friday being the last straw; this gentleman was so upset. Armstrong said she had actually seen three (3) cats just hanging out in the Army Navy parking lot. She said one of the cats was digging in the gravel parking lot. Lloyd said there is a problem down here. Franks referenced our sand pile.

The Mayor recapped by saying this is the first reading and we'll work on what we need to do to make it a good ordinance for people in our village.

Before adjourning, Lloyd said he would like to make a motion to call an executive session for personnel; Dave and Randy can leave, all else can stay. (The recorder was turned off error prior to completing the motion.) Lang seconded the motion. In a roll call vote all members present voted yes.

(Went into exec session at 8:41; came out of executive session at 9:30)

There being no further business, Gettan moved, seconded by Lapp to adjourn until the next regularly scheduled meeting on Monday, November 6, 2017. In a roll call vote, all members present voted yes. Meeting adjourned at 9:31 p.m.

Mayor Rebecca S. Hubble

ATTEST:

Maria A. App, Fiscal Officer

Approved: November 6, 2017