

VILLAGE OF BOLIVAR

COUNCIL MEETING

October 7, 2019

The Bolivar Village Council met in regular session on **Monday October 7, 2019**. The meeting was called to order by the Mayor at 7:00 pm. The Pledge of Allegiance was said. Lloyd opened the meeting with a prayer. Gettan, Lang, Lebold, Lloyd and Vincent all answered to roll call. Lawver was absent.

Lloyd moved, seconded by Lebold, 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 **September which totaled \$58,532.37**. 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 – Matt Ritterbeck, Township Trustee applauded the Village on the Downtown ODOT TAP funded project. He asked if council had any questions concerning the township. Lebold asked that Matt explain the trail project. Matt said it is a 10' wide asphalted trail with a total length of 2.155 miles with 3 new parking areas along the trail. He said the trail is already being used but is not yet officially open. Currently there is a committee working on the connection from Hess Mill through the Village of Zoar. Dan Rice, Scott Gordon, Matt Ritterbeck and Mike Hauter are all on this committee which is brainstorming and going after funding sources to define the connection route. Matt said it is a slow process but the connection will occur.

Vincent asked about the new community off of Kerns Drive. Matt said this is Holly Heights and building has been on-going in that area for some time. Matt said Ron Weekly, Zoning Inspector for the township has issued approximately 10 new housing permits in the last year. He also said Mike Durban of Regional Planning is in the process of approving 9 building lots off of Old Orchard for development.

Lloyd asked Matt if there is any thought of putting a sidewalk through the Industrial Park. Matt said no because there is not income tax assessed in the township to pay for this. He said many seek to live in the township because there is no income tax. Matt said the township is looking to possibly seek TIF (Tax Increment Financing) monies for the Industrial Park and the new development Mike Durban is working on to fund the water and sewer lines. He said it costs about \$15,000 to complete a TIF and the township is researching to see if this would generate enough money to cover the lawyer fees and the water and sewer costs. State legislature created the TIF program to support the high costs of infrastructure, water, sewer, lighting etc. The funds can be used for both commercial and residential areas but must be tied to the specific development area.

The Mayor said she is very happy with the townships new hiking trail and looks forward to walking on it soon. She said the township has done a very nice job.

Richard Diehl asked council to make "cowpath" alley a one-way alley. He said he would like to see signs prohibiting trucks on the alley to protect the kids playing in the alley.

MAYOR – Halloween will be celebrated on October 31st between 5:30PM and 7:00PM. Immediately following trick or treat the Lions Club will have their annual Halloween party at the Intermediate school gym with the traditional costume contest.

The Mayor invited everyone to participate and dress in costume.

The Mayor said the Police Department will hold a safety day event at the Bolivar Wesleyan Church where the police will hand out special safety bags and wrist bracelets that glow in the dark. This is funded by the Mayor, Lang, and Lloyd with no cost to the Village. Anything left will be taken to the intermediate school for the Lions' Halloween party.

FINANCE – Gettan announced the Star Ohio interest for the month of September, 2019 totaled \$748.29; \$7,007.92 to date.

Motion from Gettan and seconded by Lang for **R-18-2019** to amend appropriations. Increase and decreasing appropriations in the General, Tax and Water Funds. Taking monies out of wages and adding to Contractual Services. In a roll call vote, all members present voted yes.

Gettan introduced a water exemption request from Dan Behringer 273 Fox alley. Gettan made a motion to accept the exemption, Lloyd seconded. In a roll call vote, all members present voted yes.

The Solicitor ask for a 1st reading, by title only, for an Ordinance contracting with the Tuscarawas County Water & Sewer District for meter readings. Set-up fee will be \$5.67 per meter with an additional annual fee of \$1.40 per year per customer. The Village will maintain the meters. Any additional services requested will be billed at \$35.00 per hour. Lloyd asked if this will need to pass at tonight's meeting as an emergency. The Mayor will talk with Mike Jones but feels a first reading tonight will suffice.

The Solicitor stated the State House has introduced a bill stating how credit cards are to be used, maintained, and recorded. This House Bill requires the Village's credit card policy to be updated as **Ordinance 0-26-2019** that will need to pass with emergency measures at this meeting. Gettan moved to suspend rules and regulations and Lang seconded. In a roll call vote, all members present voted yes. Gettan moved to pass as an emergency and Lang seconded. In a roll call vote, all members present voted yes.

Gettan made a motion to approve \$300.00 to the Lions Club and the Police to support the Halloween party activities. \$200.00 for the Lions Club and \$100 to the Police department. Vincent seconded the motion. In a roll call vote, all members present voted yes.

Gettan made a motion to approve a not to exceed \$400.00 expenditure for the purchase of 2 office chairs. Lloyd seconded the motion. In a roll call vote, all members present voted yes.

Gettan made a motion to accept a bid proposal from Reidl Construction for concrete installation necessary at Canal and Tuscarawas Streets. A bid total amount is \$8,985.00. Lang seconded the motion. In a roll call vote, all members present voted yes.

Gettan made a motion to approve \$250.00 for tree trimming through D&N tree services. Lloyd seconded the motion. In a roll call vote, all members present voted yes.

PLANNING- Gettan said there was no October meeting. The next planning meeting is scheduled for November 7th, 2019.

SAFETY- Lloyd reported a total of 71 calls. He asked for an Ordinance for the Volunteer Board which Lang and Gettan agreed to be a part of. The Mayor stated the Board is needed to address any incidences of someone getting hurt while on the job. The Mayor said this is 1st reading by title only.

Matt Ritterbeck asked the solicitor Tara Wright-Timberlake if it would be possible for the township to engage the Village for Police Protection Services. The township currently has a contract with the County Sheriff's Department. Matt explained the funding for police is currently through a millage set in 1992 and thought the Village may be able to save some costs. Law Director Wright-Timberlake said she would look into the matter.

CHIEF- None.

STREET & ALLEY – Lebold explained a concern from Dick Diehl proposing Lover's alley be made a one way to provide safety for the properties, residents, and children playing on the alley. Lebold said this is a 15' wide alley that runs between Yant NW toward the nursing home and Bolivar Street going towards the Hattie House. Street and Alley met and would like this alley to be made a one way with possibly having a sign posted with "no commercial vehicles". Lloyd asked if this is what all the residents want for the alley. Lebold stated yes- that's what the resident's want. Lang said, "That's what one resident wants". Lebold said yes, one but he has checked with the other ones and it didn't make much difference. Lebold said he has worked with Dick Diehl on it because he is the one having the biggest problems. This is actually his idea. Lebold said, "It makes sense and the committee feels the same way". Lang stated he wasn't sure the committee feels the same way. Lebold asked for a 1st reading by title only to make it a one-way. Vincent asked if there will be any language regarding carriers such as UPS and Fedex; they should not be prohibited. Lebold said it's one-way unless we put on the signs, no commercial vehicles. Both Vincent and Lang said no to that idea. The Mayor said there are service vehicles that use this alley for the nursing home. Franks said Mr. Diehl's primary concern was the large landscaping tanker truck from B&H using the alley. Lloyd asked if we could have each resident possibly sign a form that this is what they are wanting. The Mayor said this Ordinance will have 3 readings which will give all residents the opportunity to express their concerns by coming to the council meeting. The Mayor said this is a 1st reading by title only.

Lebold talked about Christmas on the Canal for this year scheduled for November 30th, 2019. Lebold said volunteers and donations are needed to help with the event. Gettan agreed to volunteer. Lebold requested use of the Santa Clause house, 30' of the parking lot, and a police escort presence for the hay ride and parade. The Mayor asked if there is any need for street closure and Lebold responded that no street closure will be necessary. Lebold asked that Barb put in the newspaper the need of volunteer help and donations for the event. He said have

anyone willing to help to call him directly at 330-575-3889. Lebold said signs/banners will also be put up advertising the event. The Christmas on the Canal committee will need to register with Franks to allow the banners but the fee will be waived due to their not-for-profit status. Lebold said the event will also be posted on the Main Street Facebook page.

A motion to allow for the use of the Santa Clause house, the parking lot, and police escort assistance for the parade was made by Gettan and seconded by Lloyd. In a roll call vote, all members present voted yes. Lebold invited all to attend promising a good time.

ADMINISTRATOR/STREET SUPERINTENDENT- Franks said he and the Mayor walked the downtown project with AEP to define the street lighting needs. He and the Mayor stated blacktop with begin this week.

SHADE TREE – Franks reported he has 3 quotes to bring to the committee concerning the 11 trees in the Village damaged by the Emerald Ash Bore.

RECREATION – Vincent stated the Recreation Committee met Monday September 16, 2019. Tim Lang has volunteered to attend a grant workshop in Independence on November 4th. Tim brought a list of the types of grants he intends to explore. Vincent thanked Tim for volunteering to work on grants.

Canal Street downtown project completion date is scheduled for the middle of October.

FISCAL OFFICER – None.

LAW DIRECTOR – The Solicitor stated she has been contacted by the attorney from the Wesleyan church concerning a .2- acre tract of land just off their parking lot and cemetery. They are asking if the Village would be willing to sell this to them. The recorded documents are not clear on ownership. Franks stated that this was discussed by zoning and the conclusion was that if the Wesleyan church pays to have the property surveyed and recorded they would own it but the Village will not sell it to them. Council gave permission for the solicitor to work with the church's attorney for resolution.

The Solicitor asked for a 2nd reading on the 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 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 a second reading.

The Solicitor presented the annual Public Defenders Commission Contract for passage as an emergency. Lang asked if there was a need for emergency or did council have enough time for 3 readings. The Solicitor said the contract will be effective on January 1, 2020 so 3 readings are possible. The Contract is with the Tuscarawas County Public Defenders Commission and details the State Appointed Fee Schedule of \$2,500 annually for full and complete payment of services. This is a first reading.

The Solicitor stated her contract with the Village will require a first reading. The contract is for a one-year period commencing January 1, 2020 through December 31, 2020 at a rate of \$60.00

per hour for all work and services performed for the Village. The Solicitor stated all prosecution will remain with the Fitzpatrick, Zimmerman, Rose firm. This is a first reading.

The Mayor requested a first reading on a proposed water rate increase to be established. The Mayor said it was discovered in the recent rate study and asset management plan that the rates need to be increased as they are some of the lowest in the State of Ohio. The proposed ordinance will increase rates to \$43.00 per month within the Village, \$46.00 per month outside the Village, and the rate for Homestead users will require additional discussion. This is a first reading.

The Solicitor stated the attorney for the Library, Robert Stephenson, has asked for a counter offer concerning the contract renewal. The solicitor asked for clear language of council's wishes with the new contract. Lang stated the Village would like a 5- year contract instead of a 20 year and would like the utility rate increased. The Mayor stated that council will discuss this matter in depth at the October 21, 2019 meeting and she will provide the Solicitor with the necessary language.

The Mayor asked council if they would like to take action on the repairs at the library. She stated several bids have been reviewed and one from Keith Allen was well received. She asked if council required more discussion or would like to take action at this meeting. Lang moved to take action. Council was told appropriations in the Capital Fund would have to be increased if they were to take action to approve a contract. Lang made a motion to increase appropriations in the Capital Fund by \$20,000 to support the work needed at the Library. The motion was seconded by Gettan. **R-19-2019 established the Capital Fund increase account 2906-800-500.**

A motion to suspend the rules and regulations to accept the contract bid proposal of Allen Keith Construction was made by Lang and seconded by Gettan. In a roll call vote, all members present voted yes. A motion to pass as an emergency the contract bid proposal of Allen Keith Construction was made by Lang and seconded by Gettan. In a roll call vote, all members present voted yes.

The Mayor stated where will be an annual work session of the Finance Committee on October 21st following the Committee meetings. The discussion will involve wage summary, health insurance quotes, and raises comparing caps and minimums.

Lang made a motion to go into Executive Session to discuss personnel, employment, compensation, promotion, and demotion of a public employee stating action may be taken. The motion was seconded by Lloyd. Council went into Executive Session at 7:51pm.

Council adjourned Executive session and came back into regular session at 8:14pm. Lang made a motion, seconded by Gettan to establish Chief Randall Haugh as the Village administrator. All present voted yes.

Meeting adjourned at 8:15pm with a motion made by Lang and seconded by Lebold. In a roll call vote, all members present voted yes.

Mayor Rebecca S. Hubble

ATTEST: Patty Smith, Interim Fiscal Officer

Approved: