

# VILLAGE OF BOLIVAR

## COUNCIL MEETING

**November 4, 2019**

The Bolivar Village Council met in regular session on **Monday November 4, 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, Lawver, Lloyd and Vincent all answered to roll call. Lebold was absent.

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

The Fiscal Officer read the bills for the month of **September which totaled \$71,491.44**. Lloyd moved, seconded by Vincent, 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 –**

25 guests signed in and 13 elected to speak concerning the ordinance proposal to make Lovers Alley one-way. 100% of the residents attending, with the exception of Mr. Dick Diehl, overwhelmingly agreed this alley should not be made a one-way. Most who spoke explained they felt Mr. Diehl was a bully who intimidated, harassed, and threatened people walking on Lovers Alley. There was a common concern with re-bar sticking up off Mr. Diehl's property causing a tripping and safety hazard. Dave Franks will investigate the re-bar. Mr. Diehl spoke stating he feels the alley is a safety hazard for residents and children and the only resolution to make it safe is to make it a one-way alley. Listen to audio for detailed discussion.

An ordinance to make Lovers Alley one-way going North starting at Yant Street in the Village of Bolivar was given a second reading.

**MAYOR** – Mayor Hubble announced the Bolivar Lions Club annual rose sale. Sales will be in front of Town and Country Veterinary Clinic on November 22<sup>nd</sup>, from noon to 6pm and November 23<sup>rd</sup>, from 9am to 6pm. The cost is \$20.00 per dozen. Pre-sales are possible and this will allow a selection of color choice, otherwise the primary color will be red.

**FINANCE** – Gettan announced the Star Ohio interest for the month of October, 2019 totaled \$720.74; \$7,728.66 to date.

Motion from Gettan and seconded by Lloyd to approve \$177.20 for Garland and Lights for the downtown. In a roll call vote, all members present voted yes.

Gettan made a motion to approve \$239.84 for the purchase of finials to decorate the downtown area for Christmas. The motion was seconded by Lang. In a roll call vote, all members present voted yes.

Gettan asked the Fiscal Officer to brief council on the needed amendment of appropriations. Smith said the legal line item in the general fund will be reduced by \$2000 to allow for the re-allocation of funds needed to support the payment of the garland, lights and finials. Smith said that an additional \$908 will be re-allocated to professional services, and \$75.00 will go to bank fees. A supplemental appropriation in the amount of \$495.00 is needed for Independent Contractor Maria App to support her participation in the Village Aflac policies. Maria will pay the Village the amount of her premiums. The Village will then forward her payment to Aflac via EFT. Smith said this will be Resolution **R-21-2019**. Lang made a motion to re-allocate and appropriate the funds as directed by the Fiscal Officer. The motion was seconded by Vincent. In a roll call vote, all members present voted yes.

Gettan said unfortunately we have 11 dead ash trees in the Village that need to be removed. Gettan made a motion to allow for \$3500.00 to hire Anywhere Tree Care to remove these 11 dead ash trees. The motion was seconded by Lang. Lang specified this is both the removal and stump grinding. Franks stated he will get a copy of the estimate from Anywhere Tree Care to Smith. In a roll call vote, all members present voted yes.

Gettan made a motion to approve \$500.00 for 4 traffic signs that will direct people as to where the Village is offering public parking. 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 7<sup>th</sup>, 2019 but at this time there is no need to meet so this meeting will be cancelled. The next meeting will be scheduled December 5, 2019.

**SAFETY-** None.

**ADMINISTRATOR/CHIEF-** Chief Haugh said the contract for police protection with Zoar will go from \$25 per hour to \$28 per hour on the new contract. Smith will brief Zoar Council at the November 12<sup>th</sup> council meeting about the changes. Smith said if Bolivar wishes, the current contract can be extended to allow for 3 readings. This will be the first reading. Chief Haugh said there was concern of a stop sign missing at Poplar and Canal Street. Franks said he will install a barricade with a stop sign. Chief Haugh reported a total of 70 calls.

**STREET & ALLEY –** None.

**STREET SUPERINTENDENT-** Leaf pick-up for the season has begun. Franks said twelve loads have been picked up so far. Franks said there have been some problems with cars parked on the streets but in general all is going well. Franks said pickup will continue as weather allows. He said loose leaves only, the Village will not pickup bagged leaves. Franks said one resident at the corner of Park and Poplar bagged all the leaves. Franks may know a person who will accept bagged leaves and if he wants them, Franks will transport - otherwise these bagged leaves cannot be picked up. Mayor Hubble said they worked very hard and did a nice job bagging the leaves. Franks is hoping all the leaves will be down and cleaned up by the second week of December.

**SHADE TREE –** Replaced fir tree at Santa's House with Norway Spruce. See Recreation.

**RECREATION –** Vincent stated the Recreation Committee met Monday October 21, 2019. The committee continued discussion concerning the contract revision details for the Library. A discussion of Trick or Treat, October 31<sup>st</sup> from 5:30M to 7:00PM, followed by the Lions' club

party at 7PM at the school was also discussed. Everyone agreed Trick or Treat was a success. Mayor Hubble said the kids were given a lot of candy and had a really good time. Announced Christmas on the Canal will be held November 30, 2019 at the Santa Claus house with the parade at 4PM. Franks said the Christmas Fir tree at Santa's House was replaced with an 8' Norway Spruce. Franks stated the Norway Spruce is a disease resistant tree and will hopefully last a long time. Vincent asked Franks if the roof on the Santa House had been repaired. Franks said it is not done yet but he will see Derek in the morning and see if he is willing to volunteer the repairs.

**FISCAL OFFICER – None.**

**LAW DIRECTOR – The Solicitor stated the requirement of a second reading by title only for an Ordinance allowing the Mayor of Bolivar to enter into an agreement between the Village of Bolivar, Ohio and the Tuscarawas County Metropolitan Sewer and Water District for the reading of meters.**

The Solicitor stated the requirement of a **second reading by title only for an Ordinance to appoint Megan Gettan and Tim Lang to the Village of Bolivar's Volunteer Peace Officers Dependents Fund Board.** This is a second reading.

The Solicitor stated the requirement of a **second reading for an Ordinance providing for the contractual services of legal counsel for the Village of Bolivar as Solicitor** at the unchanged rate of \$60.00 per hour. This is a second reading.

The Solicitor stated the requirement of a **second reading for an Ordinance contracting with the Tuscarawas County Public Defender Commission to provide indigent defense services for the year 2020** that would take effect January 1, 2020 at an annual fee of \$2,500.00. This is a second reading.

The Solicitor stated the requirement of a **second reading on an Ordinance approving the 2020 Water Rates for the Village of Bolivar.** Residential flat rates of \$129 per quarter or \$43 per month, Non-Resident rate of \$150 per quarter or \$50 per month, and Homestead rate of \$108 per quarter or \$36 per month. This is a second reading.

The Solicitor stated council will need motions and votes on the passage of **Ordinance O-29-2019, an Ordinance increasing the rate of pay for the Office of Mayor of the Village of Bolivar for years 2020 through 2023.** The new minimums set by OPERS are: for the year 2020: \$673.08, 2021: \$684.86, 2022: \$696.84, and 2023: \$703.03. A motion to pass was made by Vincent and seconded by Lang. In a roll call vote all members present voted yes. Ordinance passed.

The Solicitor stated a **first reading is necessary for an Ordinance providing for the contractual services of legal counsel for the Village of Bolivar as Village Prosecutor (Fitzpatrick, Zimmerman, and Rose).** She stated the rate of \$80.00 remains the same as 2019. Mayor Hubble asked if it were ok to pass this with an effective date for the end of January and the Solicitor said yes as the rate will remain the same. This is the first reading.

The Solicitor stated the requirement for a **first reading on an Ordinance to approve a new contract with the Village of Zoar to provide police services for Zoar through the year 2022.** This is a first reading.

The Solicitor drafted a letter to the Prosecutors office concerning the library contract. She requested the increase in the utility reimbursement from \$2,500 to \$3000 and that the contract be for a period of 5 years. She asked that they provide an updated final contract draft that she will present to council for review when received.

Lloyd ask if it would be possible to extend the alley at Lover's Lane with additional pavement and if so would this help with the concerns on the alley. Franks said when Mr. Diehl moved to the area, a new storm sewer was installed on the Flickinger side. Franks will bring the aerial zoning maps to the Streets and Alley committee to determine if the pavement stops at the Diehl property line. If so, Franks stated any extension would have to be on the other side of the alley. Gettan said due to Mr. Diehl's safety concerns on the alley, he may be willing to give the land to the Village in the name of safety to extend the pavement. Franks suggested taking this matter up with the Streets and Alleys Committee after reviewing the zoning maps.

Vincent presented a procedural question to the Solicitor. She said given the overwhelming support to not change Lover's alley to a one-way alley at tonight's meeting, should she have introduced a motion to remove this from consideration. She further stated several of the residents at tonight's meeting asked council why this was even being entertained. She felt it would have been more productive to rescind this matter while all the residents were at this meeting. The Solicitor stated that it is not necessary to remove from consideration and it would be fair to give Mr. Diehl due process and allow the matter to go through 3 readings as he was told it would.

Vincent stated several people spoke tonight describing behaviors that are offensive occurring as they use Lover's alley. She asked what we should be telling these people to do. Chief Haugh said several reports of incidents have been given to the county prosecutor's office. The problem is no one wants to file charges, rather they just want to report the incident. Chief Haugh said the prosecutors' office needs residents to record the actions taken against them when using the alley and the prosecutors' can then take action.

Motion to adjourn made by Lang and seconded by Vincent. In a roll call vote, all member present voted yes.

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Mayor Rebecca S. Hubble

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ATTEST: Patty Smith, Interim Fiscal Officer

**Approved:**