

# VILLAGE OF BOLIVAR

## COUNCIL MEETING

November 5, 2018

The Bolivar Village Council met in regular session on Monday, November 5, 2018. Mayor Hubble called the meeting to order at 7:00pm. The Pledge of Allegiance was said. Robert Lloyd opened the meeting with a prayer. Gettan, Lang, Lawver, Lebold, Lloyd, and Vincent all answered to roll call

Gettan moved, seconded by Lebold 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 October totaling **\$72,354.16**. 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** – Tom Graef wanted to give an update on the spay and neuter clinic that is going to be held on November 17<sup>th</sup>. It has not had a lot of response so far. He hopes that it will be hitting Facebook and social media the next few days. He has to pay the vet regardless of how many cats are done; the minimum is 30 cats. He stated when someone calls they can make an appointment. They need to be there at 9:00 am for the first round, but if they have a job, they can drop off earlier. He thinks it will run until 3:00 pm, but he isn't certain.

Mayor Hubble stated that Saturday, November 17<sup>th</sup>, there will be a free, low cost cat spay/neuter for your cat in the neighborhood. There is a number to call to get an appointment and to register. They will give you further information when you do that.

Mr. Graef stated there were a number of calls from outside the town, but very little from inside the town. They are taking numbers of the outside people in case they don't get enough. When you make an appointment, the location of the event will be given. The event is in town and is close to the meeting location.

**MAYOR HUBBLE** – She read the following resignation letter from Jillian Gardner:

“To all of the wonderful officials of the Village of Bolivar: It is with bittersweet feelings that I resign from my position as solicitor for the Village of Bolivar. I have accepted a position as in-house attorney for The Timken Company, effective October 22<sup>nd</sup>, and will therefore no longer have a private legal practice.

I have learned so much over the past eight years acting as your solicitor. I remain continually impressed by the true dedication of all of Bolivar's officials and employees to make the Village a better place, and we have accomplished some amazing things together. I know that Bolivar is left in the best possible hands with all of you.

Thank you for your guidance, support, and friendship. I will miss all of you terribly and will cherish all of the memories we have made. Don't be surprised if you see a familiar guest on the other side of the table sometime."

Mayor Hubble stated she was really good and will be sadly missed. Gettan made the motion to accept Gardner's resignation; seconded by Lawver. In a roll call, all members present voted yes.

The Mayor announced we will need another solicitor. At the time our Prosecutor, Steve Anderson is here with us tonight. The Mayor went on to read a proposed ordinance. As it stands it would be effective until the end of the year. The rate of pay would remain the same as it was for Jillian. The rules would need suspended to pass as an emergency.

Lebold moved to suspend the rules; seconded by Lloyd . In a roll call vote, all members present voted yes. Lebold moved, seconded by Vincent to approve **AN ORDINANCE PROVIDING FOR THE TEMPORARY CONTRACTUAL SERVICES OF LEGAL COUNSEL FOR THE VILLAGE OF BOLIVAR AS VILLAGE SOLICITOR AND DECLARING IT AS AN EMERGENCY**. In a roll call vote, all members present voted yes. The Fiscal Officer provided the Ordinance number as **O-25-2018**.

Mayor Hubble stated "Christmas on the Canal" will be on November 24th. Please take a moment to come out for it. It is a very nice occasion with hot chocolate and cookies. Santa and Mrs. Claus, and their elves will be there. You can make an ornament and put it on the tree. Mayor Hubble stated that it is a lot of fun. Our local merchants are in charge of it and do a really good job. Lebold stated they are having a parade. The ladies at the Canal Street Diner are taking over the Christmas on the Canal and they are doing a great job. Any inquires should be directed to the Canal Street Diner in regards to it. Lebold stated the parade starts at 5:00pm. Lebold asked the reporter to verify the time with the Diner in regards to the start time.

**FINANCE** – Vincent reported the finance committee met at 6:00 pm this evening. All members were present. A variety of things were addressed. One was the payment of the October bills in the amount of \$72,364.16, which Maria had already addressed.

Vincent stated that appropriations need amended in the General Fund. The Fiscal Officer has a detailed breakdown available. Vincent moved, seconded by Lloyd **to amend appropriations as Resolution, R-14-2018**. In a roll call, all members present voted yes.

Vincent said there was no action to be taken but just piece of great news. Since the Fiscal Officer has been moving funds into Star Ohio to generate interest, in September and October alone, we have gained \$1,064.70 in interest that would not have been realized prior to this move.

In light of Jillian's letter of resignation, Vincent took a moment to introduce two new applicants for solicitor. Vincent welcomed Tara Wright-Timberlake and Andrew R. Floor. Andrew is associated with Steve Anderson's firm and Tara's office is in Strasburg with Dick Fox. Both are providing solicitor services to other small communities.

Vincent noted that Council needs to approve an Ordinance for the 2019 Prosecutor at a rate of \$80.00 per hour. Vincent made a motion to suspend the rules; seconded by Gettan. In a roll call, all members present voted yes. Vincent made a motion, seconded by Lloyd to approve **AN ORDINANCE PROVIDING**

**FOR THE CONTRACTUAL SERVICES OF LEGAL COUNSEL FOR THE VILLAGE OF BOLIVAR AS VILLAGE PROSECUTOR AND DECLARING IT AS AN EMERGENCY.** In a roll call, all members present voted yes. The Fiscal Officer assigned the Ordinance number as **O-26-2018**.

Vincent stated raises have been discussed for the year 2019. We had a first reading of 25 cents per hour. That applies directly to hourly; however, the verbiage needs amended so that it can apply to the salaried position as well. Anderson broke down the impact of .25 per hour for the salaried position which would increase it by \$520.00 for the year. The ordinance will need to be amended and given a third reading with the change and pass it then.

Lang added he would like to amend the raises further to reflect a 50 cent per hour raise vs. 25 cents per hour. Anderson stated it could be amended up to the third reading as long as it's been discussed and approved by everyone. Anderson took a few moments consult with the Fiscal Officer to make the adjustments to each of the employees for the additional 25 cents per hour being proposed. While calculations were being updated, the Mayor announced the third reading for the Ordinance would be at the December meeting.

Vincent reported that Huntington Bank requested a reversal of the \$15 late fee for their third quarter water bill. The late fee has been paid but they wanted it credited back to their account. Finance rejected their proposal. Lebold stated he would make a motion that the request be denied; seconded by Gettan. There is no need for any motions to be made as the reversal was denied.

The Mayor added, before moving forward, there needs to be a **second reading** by title only for raises. In regards to the employee rates for 2019, Anderson read by title only **AN ORDINANCE TO SET THE CURRENT RATES OF PAY FOR EMPLOYEES OF THE VILLAGE FOR THE CALENDAR YEAR 2019; ESTABLISHING AN EMERGENCY.** Instead of a 25 cent per hour raise, it would be a 50 cent per hour raise. And for the Fiscal Officer, which is the only salaried position, the number would change to \$36,400.00 per year based on the additional quarter.

**PLANNING-** Gettan reported the committee did not meet in November.

**SAFETY-** Gettan reported the department had 141 calls for the month of October. It's higher than it was in previous months. The new camera and laptop have been installed in the cruiser.

**CHIEF-** none

**STREET & ALLEY** – none

**STREET SUPERINTENDANT/ADMINISTRATOR** – Franks reported since the leaves have been falling about two weeks late, we are going to pick up leaves until we have to put the salt spreader on. He added, November 30 was the cut-off date, but since it's late we're going to pick up until the snow flies. We've been getting calls that we aren't picking up leaves. If the leaves are around vehicles, posts, or mailboxes, we are not picking them up. Get them out to the blacktop. We are not raking your yard for you. It's hard enough with two guys. Mayor Hubble will send an update to the webmaster for the rules of picking up the leaves. There have been new residents and they may not know the rules.

**SHADE TREE** – Already included with Street Superintendent/Administrator report in regards to leaves.

**RECREATION** – Lebold stated that he was informed by Dave Franks that 110 more feet of fence was put in place. There is also a balance that has already been purchased and will be put in next year. If you have not gone out to see what this fence has done for the ballfields, ride by. It is very nice. Lebold will be taking pictures and sending them to the Zimmerman Foundation to show them what has happened.

**FISCAL OFFICER** – none.

**LAW DIRECTOR** – He has the first reading by title only for **AN ORDINANCE TO AMEND THE CIVIL CITATION PROCEDURES TO INCLUDE ADDITIONAL OFFENSES UNDER THE VILLAGE OF BOLIVAR CIVIL CITATION SYSTEM**. The changes are adding cutting, trimming, or abusing Village Trees, Ordinance 1985-368 and professional tree services without permit, Ordinance 1985-368. These were omitted when the first ordinance was passed, so they are being added into the existing ordinance as an amendment.

Anderson stated the options are to either have three readings or to pass it as an emergency which would require adding the language to the ordinance. Lang suggested having a first reading then discussing it further at the Street and Alley committee.

Anderson presented a **third reading by title only of an ordinance to edit sections 10.2 and 10.3 of the Policies and Procedures Manual**. Anderson asked the Mayor for clarification regarding the Family & Medical Leave Act not being addressed in this Ordinance. This is the third reading to edit sections 10.2 and 10.3 and there would need to be a second reading for the other section pertaining to the FMLA and sick leave. Anderson reviewed the language to verify it wasn't already included in the current section being discussed. Anderson clarified that the Family & Medical Leave still needs addressed. He added, the issue is whether or not a person would be able to take sick leave up to the number of hours they have available. He went on to ask what's the cap. The Mayor said it would be subject to the number of hours someone has for sick leave. She added there has been a request to take two weeks of sick leave in lieu of taking the FMLA which allows for 12 weeks but without pay. The request was to take two weeks of their sick time. There was additional conversation in regards to sick hours accrued and how much could be paid out upon retirement.

Discussions continued as to how sick time could be used and run concurrently with the FMLA. Anderson advised Council the topic regarding FMLA is not included in the ordinance being discussed for the third reading.

Anderson recapped there was a third reading for sections 10.2 and 10.3. However, he wants to look into the other issue because he feels there's a reason why you have to take all these other things first before you can get Family Medical Leave. He said he would be surprised if you could run them concurrently because it kind of defeats the statute. Anderson reiterated he would have to look at it because this is all just now coming to him right now.

Lebold asked if they could still amend this. Anderson said at the December meeting Council can amend it or pass it as an emergency; we will know at that point if the Family Medical Leave can run concurrent with sick leave or vacation time. He said he will get an answer before then.

After lengthy discussion, Anderson restated there is a **third reading for an ORDINANCE TO EDIT SECTIONS 10.2 AND 10.3 OF THE POLICIES AND PROCEDURES MANUAL**. Lang asked if this ordinance allows them to use sick leave for whatever comes up. The Mayor said no, this addresses the holiday

leave. The Mayor told Lang what he's talking about will be addressed at the meeting in December; which could be passed as an emergency if needed and if it's permitted.

The Mayor added, once again, this is a third reading by title only for this particular ordinance. Lang asked, "What's the holiday leave"? The Mayor replied, "If you read the ordinance it says the Village recently had at least one employee who has moved to an alternate schedule meaning they are not on a standard workweek so we had to adjust the holiday leave. That's what this is about so this would be the third reading." Gettan moved, seconded by Lang to approve **AN ORDINANCE TO EDIT SECTION 10.2 AND SECTION 10.3 OF THE POLICIES AND PROCEDURES MANUAL** (for the holiday leave for a non-traditional employee). In a roll call, all members present voted yes. The **Ordinance number is O-27-2018.**

Anderson concluded by saying he will research further as to whether or not you can run the leaves concurrently with the FMLA. He will look at it and get back to Council.

Mayor Hubble said the last thing we have is **AN ORDINANCE PROVIDING FOR THE CONTRACTUAL SERVICES OF LEGAL COUNSEL FOR THE VILLAGE OF BOLIVAR AS VILLAGE SOLICITOR. Two individuals presented in finance this evening; they both presented what they could offer and their expertise. The question is, does Council want to table this till next month and take time to think about what you would like to do?** It was decided to table it until next month.

The Mayor asked if anyone had anything else. Chief Haugh added, "Staley's was supposed to come and they didn't show. So if anybody has anything you want to write down for me, I will hand deliver it as to the camera system." Gettan asked if there are other companies we should look at? Haugh responded that Staley's was the main one but he can look. Gettan advised he should do that.

In closing, Mayor Hubble stated there will be a public hearing of Council in regards to zoning changes. It will take place on November 12 at the fire station. It will start at 6:00 pm.

There being no further business, Gettan moved, seconded by Vincent to adjourn until the next regularly scheduled council meeting on Monday, December 3, 2018. In a roll call, all members present voted yes. Council adjourned at 7:42pm.

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Mayor Rebecca S. Hubble

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ATTEST: Maria A. App, Fiscal Officer

Approved: December 3, 2018