

# VILLAGE OF BOLIVAR COUNCIL MEETING November 6, 2017

The Bolivar Village Council met in regular session on **Monday November 6, 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 October totaling \$133,440.00. Gettan moved, seconded by Lapp 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:** - A resident, John McClellan attended the meeting. Dick Lebold spoke on his behalf regarding a potential request for a lot split. McClellan would like to realign the property line between his and his neighbors house. Zoning doesn't have a problem with the request as long as it's stating in writing by his neighbors, the Ely's, that they are ok with it. Lebold presented and circulated the letter that was submitted to zoning by McClellan. It was also mentioned the zoning inspector, Dave Franks, doesn't have a problem with the request as well. Lloyd asked if they already have the measurements. It was noted McClellan will be absorbing the cost of the surveying. The purpose for the request stemmed from when he wanted to put in a shed this past summer.

Lebold motioned, seconded by Vincent to approve the lot split at no cost to the village. There was no additional discussion. In a roll call vote, all members present voted yes, except Gettan who abstained since she is related to McClellan.

The next person on the agenda to speak was Michela Huth. Ms. Huth stated she had a chance to look at the draft ordinance related to the cats in Bolivar and she would like to say it's "our problem"; that she also has a problem with cats. She has lived there for over 3.5 years; in the past two months she had three new cats show up on her property. She said these cats aren't her cats; they don't live on her property but when she feeds her cats they come to her property. Huth went on to provide a description as to the number and type of cats that have surfaced recently. She said this ordinance is going to criminalize her behavior. Michela stated she's feeding her cats on her property and these

other people's cats are coming to feed. She went on to overview the violation process. Michela went on to say she's the one that wants to help Bolivar with their cats; she doesn't want to feed them or fix them and I don't want to give them medical care. She wants Bolivar to help her with other people's cats that are coming to her property.

The Ordinance states that the Humane Society will take these cats; or impound them. "Impound my cats, I don't want them. Take my cats; trap them. I will help teach someone how to trap them." She noted she does T&R (trap & release). The majority of her cats are ear tipped which means they are fixed.

Michela went on to state if Bolivar is willing to help her vs criminalize her behavior which isn't her fault, "they aren't my cats". "If you want to claim because these cats are coming to my house and I'm feeding them for more than three days that now all of a sudden I'm harboring and owning them....you know me you guys; we're going to be in court the next ten years. Let's try and work this out. You're going to have me in criminal court; you're going to criminalize my behavior when they are not my cats. Yes I have cats on my property. I have a feral cat colony which you are going to criminalize. They are all fixed; they are ear tipped. I feed them. The cats that people are complaining about I guarantee you are not my feral cats; they don't like people....I can't blame them."

Michela continued by stated her feral cats are not the ones on the diner's tables; they aren't the ones peeing over there. Now the new one that just showed up may be peeing over there but he just showed up; she doesn't know where he came from.

Michela wanted to talk about the clause stating the cats would go to the humane society. First of all she asked if the humane society even knows we would be dumping cats on them for starters. There is a waiting list for "friendly cats" at the humane society so it's a pipe dream to believe that these cats would be able to go there. The feral ones would be euthanized which occurs on Thursdays between 9a-1p. You would have to call the day before and they will do it for \$5.00. The friendly cats won't be taken; there is a waiting list. They (the humane society) may give Bolivar an exception but who's going to trap these cats?

Michela wants someone to come on her property; she will give someone permission from Bolivar to trap my cats and take them to the humane society just so she's not charged. She stated she spends tons of money on cats; she's looking for a solution.

Lloyd asked how many cats are over there total that come to your property. Michela replied since she's been there approximately 15 cats have come onto her property. She went on to say, "people can say the cats exist because I'm feeding them. No those cats were somewhere in Bolivar". She

went on to state they are on her property because she feeds them but they came from somewhere. "They didn't come from me but I'm being criminalized for this".

Lang asked "if you don't feed them what would happen to them". Michela said they aren't going to die all of a sudden; they will get sick. These feral cats will reproduce and have sick babies. They will be all over the place; run over or freeze. She added that she shelters these cats; not the ones that show up and go away. She stated she has cat colonies; they are fixed, she shelters them and feeds them. Occasionally people are seeing cats on the road; three cats that have just shown up constantly go to the other property across the street. There are two cats that have been shot; one died and one disappeared. She said someone is shooting her cats.

Michela noted there's a 501c3 organization called CCFF, "Crippled Creek Feral Cats". Jill Kirsch is the director; she said they are working with the City of North Canton with their Ordinance.

Michela went on to describe what ear tipped means. In depth conversation continued regarding "CCFF", feral cats and possible solutions. (Refer to audio 16 min)

Michela said there are ways to enact this ordinance where we can all work together without criminalizing her for helping those cats. If Bolivar wants to get someone to help trap those cats that she doesn't want...that are illegally on her property then take them.

Lang said we do have too many cats; this ordinance would allow everyone to have two. The solicitor clarified the ordinance doesn't state a limitation on the number of cats. She went on to add the ordinance is a fine only, there's no jail included in this. The solicitor further clarified the definition of free roaming cats.

Michela believes every pet owner regardless of indoor or outdoor should be spayed or neutered.

Michela said if someone knows of a home for these cats; she's looking for solutions. She doesn't feel the ordinance addresses the solution.

The solicitor asked Michela if she feeds the cats outside. Michela responded that some of her cats are fed outside. Jillian asked what if you fed them all inside. Michela said that's unrealistic that she doesn't have cats inside her house.

Lebold asked, "So your two cats are outside". Michela said she has more than two cats; that's not the point. She said other peoples cats in Bolivar come to her house; they produce twice the population of cats on her property because

people are abandoning them. She asked "how am I to be criminally liable for other people's cats"? She wants to know how we will fix it. There was more in depth conversation regarding proposed solutions and additional challenges with how to resolve the cat problem. Michela expressed concern about whether council plans to pass the ordinance and not fix the problem.

App interjected they are just talking about the ordinance tonight so whatever input that anyone can come together with....Huth interjected, she strongly suggests that council look closely at exempting community cats in T&R cats which is what she does. Lang said that doesn't fix the problem. She stated that's Bolivar's problem at this point. "If I'm exempt under T&R, and I'm fixing my cats and I'm not liable, I'm happy". "I would rather you guys trap my cats and get rid of them but I don't think you're going to. I want someone to come take my cats which aren't my cats but they have been showing up for the last two months and I'm feeding them and all of a sudden under the ordinance I'm harboring them."

Michela stated these cats are coming from somewhere but they didn't come from her. The Mayor added that she has a black and white cat that comes across her property all the time; it lays at certain times on her front porch; adding that she has never fed the cat. Michela said it's someone's cat if it's not coming to you for food. Hubble said she doesn't know who it belongs to; Michela said it's not one she feeds... She went on to say there are also two neighbor's cats; a big fluffy one that wanders around that Michela had fixed. In addition she paid 300.00 because something happened to this cat's leg. She also got the cat groomed; he wanders the neighborhood and he's healthy.

The solicitor said the problem is.... Lang interjected not to feed the cats outside. Michela asked, "So I shouldn't feed my cats outside?" She went on to say, "Pass an ordinance that I can only feed my cats inside and I will have you in court for the next 15 years; you know I will. I'm begging you to not pass this ordinance".

The solicitor interjected this is just the second reading. Lang asked, "Are you threatening us to sue us is that what it is? Is that what you are doing?" Michela responded, "See it sounds like you have an issue with me. That's fine; if you want to pass the ordinance go ahead... (Inaudible)". Lang said, "You show up here and I'm happy that you showed up to put your input in but you say it's all about you but we have a problem all over Bolivar with excess cats...(inaudible)..." Michela responded that everything in here is going to make me criminally liable. I'm an attorney and if I have criminal offenses against me it's going to hurt my career".

The Mayor tried to interject...then Michela added, "I don't take this lightly". Hubble said, "let's have calm discussion here, I understand it's very close to you;

it's very close to your heart". Michela said, "Yeah because it's going to make me criminally liable".

The Mayor said let's look at this in a reasonable manner; let's look at the feral cats. The Solicitor added that she is happy to look at the CCFF. Michela said to call Jill Kirsch. Lang said the trap and release still doesn't fix our problem. The Mayor said this is a start; we can look at the Cripple Creek feral cats place and go from there. Michela proceeded to give the solicitor she will give her Jill's number.

(Inaudible...several people talking at once)

Michela said all she's asking is to think very seriously about passing an ordinance that is going to criminalize my behavior for the behavior of others that are not taking care of their cats.

Lebold asked Michela, "Did you say you had a solution"? Michela said "yes, Bolivar can come and trap my cats on my property and come take them to the humane society." Lebold responded, "What's wrong with the ordinance?"

Several people started talking at once; the Mayor racked her gavel and said one at a time; let Michela answer the question.

Michela said she doesn't believe the village is targeting her by this ordinance, she believes we are targeting the problem of cats in Bolivar which we all agree is a problem. "I'm in agreement. I'm simply asking you to help me fix the problem not criminalize my behavior for other peoples cats." Lebold told Michela he does agree with her that he believes part of the solution would be to trap them. She responded, "Who's going to trap them". The Mayor said there are agencies that trap for a living. Michela said there are nuisance officers but they are not licensed to trap cats just so everyone is aware. You would either have to do it yourself or hire someone like me (I'm not for hire, I'm just giving an example) someone who knows how to do it." "You can't just take them to the humane society; they have a waiting list for free cats". Michela added she wishes she would have gotten in on it but every time you call there's a waiting list. "Feral cats are going to be euthanized; whatever, I don't give a shit just get them off my property at this point. If I'm going to be criminally charged, take them, take them seriously".

Lang said we need to look at, at the next street and alley about a one time when putting the ordinance into place about Bolivar finding a way to find a home for these cats." Lang added to let's talk about this at street and alley, the appropriate place and talk about it. The solicitor also added the Village could reach out to the county animal control...Michela interjected, "I'm glad you brought that point up. In the spirit of full disclosure on how I'm going to sue you if you guys don't change this, is the animal control officer has no jurisdiction over cats

you guys; they are only dogs by statute". She also stated we couldn't place the legal burden on the humane society unless they accept it. Michela suggests if council is going to pass an ordinance with the humane society you need to bring someone in here like the director; and that she agrees to impound the animals. She added, "I'm not paying for them but you can impound them because I don't want them; but you better bring the humane society in here".

Lang reiterated this will need further discussed at street and alley. The Mayor asked if Tom Graef wanted to add anything. Mr. Graef said he feels council got the drift. He said the key is, to find a place for these cats to go; ideally to their home but he's open to any option. He went on to add it's not a onetime thing; about two a month have been the rate of these cats showing up. Half of them are not feral which means they won't euthanize them; they would have to go on the waiting list. One of the last four was feral; the others are either dropped off or something. Tom added it's an ongoing problem and we need a process.

Lang said he doesn't want Bolivar to become a dumping ground because everyone knows we are going to take care of their cats. Michela said people are not dumping cats from outside of Bolivar; they are coming from within Bolivar. Every cat that has showed up from within Bolivar; you can tell the difference between a dumped cat and one that is coming from somewhere.

Lang said if we start a two a month program, next thing we know everyone is going to be dumping cats in Bolivar and Bolivar can't be footing the bill for that. He added, "this is not to single you out; this is the whole village...."

Lloyd asked Michela how many cats have you personally neutered that you are looking for a home? She responded that she would be happy to take all the cats.

Lloyd specifically asked how many does she have. She said to take ten (10) of them plus the new four from the past four months plus there's one other that's sick and hasn't been fixed. She said when you fix cats they become less sick.

Michela said she's all for fixing the problem but she's doing it on her own dime.

The Mayor said her suggestion would be for this topic to be discussed further at street and alley and wait to see what the solicitor finds out. Huth asked if the Village can record the street and alley meeting and the Mayor answered yes. The Mayor suggested council hold off on the second reading while the issue is being explored.

Lang said we all just want to fix the issue.

The Mayor reiterated the second reading will be tabled at this time and it will be further discussed at the street and alley meeting on Monday, November 20.

Michela said she had one more thing to say. She asked, "Can Bolivar put a fence up or something around their little asphalt plant you guys got going over here; that pile of gravel and stuff out here?" She said it's an eye sore. Franks said that is the gas company's gravel; when they are done paving it will be gone.

Michela added if you're going to talk about things that are offensive in Bolivar, let's talk about Bolivar's own behavior. She said it looks like crap when people come down the road; it doesn't help the beautification. Vincent said Franks just explained why it's there. Michela thanked Dave before leaving.

**MAYOR HUBBLE** – Thanked the Bolivar Lions Club for putting on the costume party at the Intermediate School; it was well attended event. Hubble also extended a special thank you to some local businesses that helped contribute to that. The Village always provides the candy which is approximately \$200.00. This year, Wallace Insurance located in the Village, paid for the chips for the children. Bolivar McDonalds provided gift cards for free ice cream and the Texas Roadhouse in Canton donated free meals for the children. It was very nice. The Mayor also thanked the police department, Chief Haugh and Sergeant Hilty for handing out candy, patrolling and being present.

The Mayor also noted the Bolivar Lions Club is having their rose sale on November 17-18th. The cost will be \$20.00 per dozen; offering several colors. They will be sold in front of Town and Country Vet. If anyone would like to pre-sale them they can do so by Saturday, November 11. The money raised is used towards scholarships, eye glasses for children and diabetes. The Lions Club does a lot of good in our area so she encouraged everyone to support the event.

**FINANCE:** - Lapp moved, seconded by Lang to approve **A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF BOLIVAR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE APPALACHIAN REGIONAL COMMISSION AND/OR OHIO GOVERNOR'S OFFICE OF APPALACHIA PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED.** In a roll call vote all members present voted yes to approve **RESOLUTION R-16-2017.**

Lapp moved, seconded by Lang to approve a **Huntington Bank Depository Agreement for a period of two years as a resolution.** In a roll call vote, all members present voted yes to approve **RESOLUTION R-17-2017.**

There are three to four trees that need removed and others that need trimmed totaling \$6,350.00. Lloyd moved, seconded by Lang to approve the expense. In a roll call vote all members present voted yes.

The overage for the air conditioning and furnace at the library in which we received grant funding totaled \$816.00. Lapp moved, seconded by Vincent to approve a **RESOLUTION TO AMEND APPROPRIATIONS** in the library fund. In a roll call vote, all members present voted yes to approve **RESOLUTION R-18-2017**.

Lapp moved, seconded by Lang to approve using EDPS for the water utility billings at a special government rate. In a roll call vote all members present voted yes.

Lapp moved, seconded by Lang to approve the annual purchase agreement with Verizon Wireless for free equipment. In a roll call vote all members present voted yes.

Currently our phone and internet system for both all departments costs approximately \$400.00 per month. The Fiscal Officer has been looking at getting the best prices. Lapp moved, seconded by Gettan to authorize the Fiscal Officer to get pricing for new equipment. In a roll call vote, all members present voted yes.

Lapp reported the NEOPOST postage meter is set up; we need to authorize a payment to upload postage to the meter. Lapp moved, seconded by Gettan to authorize the expense. In a roll call vote all members present voted yes.

The Fiscal Officer revisited the phone system discussion. App said council gave her permission to get pricing on the actual monthly service, but we need to discuss the cost of the actual phone itself. If we went with Verizon Wireless the purchase price of the phone is \$155.00 per phone; totaling \$620.00. The Fiscal Officer asked if they were making that part of the initial motion or a separate motion. Council advised it was part of the first motion.

Lapp reported the annual dues for OACP was paid in the amount of 195.00; but there was a request with the invoice for a \$5.00 donation for the police survivor's fund. Lapp moved, seconded by Lang to approve the \$5.00 expense. In a roll call vote, all members present voted yes.

Lapp stated the Mayor provided information during the safety committee meeting regarding Mayors court that is coming up in January. Lapp moved, seconded by Gettan to approve pursuing attending. In a roll call vote all members present voted yes.

Lapp moved, seconded by Lloyd to replace two rear tires for the backhoe. Ziegler Tire can perform the work on location for \$1,454.30. In a roll call vote, all members present voted yes to approve the expense.

Next on the agenda was discussion on the 2018 raises. Lang brought up for discussion a rate of .50 across the board with the exception of Nathan at a rate of .75. The solicitor asked if council is approving it tonight or will this be a first reading. Lang said first reading. The solicitor clarified the rate of pay per hour. The Mayor asked if these rates included the part time police. It was recommended the patrol should be raised to \$13.00 per hour. The solicitor announced this will be a first reading by title only.

Lapp brought up the proposed shared health insurance premiums; this is the second reading since it was tabled last month. Lang feels 5% is too much for the first year; he doesn't feel it's fair to the employees. Lapp suggested 3% for the first year. Lang said this is a major change for the employees; they never had to pay and he doesn't want this to be too much of a shock. Lang went on to say he thinks it should be 3% for two years and revisit a rate for the third year. Gettan she understands and agrees with Lang, however, at what expense. Lang said if it weren't for the fact the premiums keep going up for the village he wouldn't ask them to pay. Gettan understands but said it's the people who are paying the taxes and paying for these premiums. She wants to be fair too but doesn't feel it should be two years. The solicitor suggested looking at it on a yearly basis vs. two years.

Lapp feels 3% is reasonable and Gettan agreed; for a term of one year. Since this is the second reading, council can revisit next month.

**PLANNING** – Lebold announced Chris Carpenter, a long time member of the zoning board has turned in a letter of resignation. Chris has been very good as a member and former zoning inspector. Lebold is sorry to see him resign. Lebold moved, seconded by Gettan to accept his resignation and thanked him for his service. In a roll call vote all members present voted yes.

This will leave two open seats on zoning; Lebold asked Barb to put an announcement of the vacancy in the paper.

Lebold reported the lot split with the McClellan property has already been addressed earlier in the meeting.

There are still some issues with the vehicles such as campers, trailers and car haulers. At the last zoning meeting they had a lengthy discussion, Lebold reported that Franks has contacted Lawrence Township since they just re-did their zoning book and he contacted Dover to see what their zoning states. Lebold said at the December meeting they will continue to discuss the issue.

They would like to open up the discussions to the public since the topic is extremely limited in nature.

Lebold went on to state this needs addressed to keep the front yards clean. Lebold said we don't want to tell someone they can't have something, but we can control where it's stored.

Lebold went on to report a lot of municipalities are requiring having these items parked either behind the property or along side of it. He said if the trailer is used for work they can park them in the driveway but they would have to be moved every 24 hours.

Christmas on the Canal is coming up on November 25. Lebold has talked to the ladies who own the Canal Street diner; they are pretty much going to be taking it over. The banners are up. Lebold made 700 color copies for the school.

Lebold went on to announce he has been able to step further away from the planning.

### **SAFETY -**

Lebold also reported the police had 83 calls in the month of October. This Sunday, the department will be qualifying at the range. The taser training has already been completed. The topic of Mayors court was discussed in safety. Lebold also gave a recap of the speed limits on multiple streets and alleys in the Village to remind residents of the limits to help control speeding.

### **CHIEF – none**

**STREET & ALLEY -** Lloyd noted he already discussed the tree removal in finance. He noted a guest came to the committee meeting requesting the village to take a look at his tree on Water Street. The street committee also discussed the issue with feral cats which was also discussed at the beginning of the meeting.

**STREET SUPERINTENDANT / ADMINISTRATOR -** Franks reported the leaf vac is currently out of service; he is trying to locate a leaf vac to rent in the meantime. He's not sure if it's an electrical issue or something different.

### **SHADE TREE –** The Mayor is working on the application for Tree City.

**RECREATION** - none

**FISCAL OFFICER** – none

**LAW DIRECTOR** – There was a **first reading by title only for AN ORDINANCE AMENDING ORDINANCE # O-90-2014, ESTABLISHING A CREDIT/DEBIT CARD POLICY FOR THE VILLAGE OF BOLIVAR.** The solicitor announced there are new regulations that are coming into effect for all local municipalities and government entities on requiring stricter credit/debit card policies. The Solicitor stated she has already talked to the Fiscal Officer; she's already doing most of these things anyhow. This is a first reading only.

The Solicitor announced Council already did the Resolution for the ARC funds earlier in the meeting and there isn't a second reading on the feral cats. In regards to the tax review board, the Mayor needs to reach out to the members.

Lastly, there was a second reading by title only for **AN ORDINANCE TO APPOINT HEATHER LECCE AS VILLAGE OF BOLIVAR TAX ADMINISTRATOR.**

Before adjourning, the Mayor brought forth one last item in regards to HB49. A company named Frost, Brown & Todd is filing a lawsuit challenging the collecting of taxes through the business gateway. As of January 1, local businesses can file on the business gateway. If people do that, it will forego local government. Once they file this, we will have no authority. The Mayor went on to review additional details of the House Bill. What it basically means is we would be giving all authority to the State of Ohio; this is not a good thing. The firm filing the injunction is asking for money to go forward with filing the injunction; they are asking villages to contribute 1,000.00 and cities to contribute 5,000.00. This was a topic discussed at the Ohio Municipal League conference. If this is something council approves, it would need passed by an ordinance and sent to the firm authorizing them to move forward.

The solicitor interjected this is something this firm is going to do either way and is not advising council to approve a payment. The Mayor agrees with the Solicitor. The Mayor wanted to make council aware of what is happening. The solicitor added she believes this is something that should be challenged but doesn't think the village should contribute; this is more relevant to a larger city. The Mayor added she has more information about the topic and will distribute copies to council so they can be better informed.

There being no further business, Lange moved, seconded by Gettan to adjourn until the next regularly scheduled meeting on Monday, December 4, 2017. In a roll call vote, all members present voted yes.

\_\_\_\_\_  
Mayor Rebecca S. Hubble

ATTEST: \_\_\_\_\_  
Maria A. App, Fiscal Officer

Approved: December 4, 2017