

VILLAGE OF BOLIVAR COUNCIL MEETING Special Session November 18, 2015

The Bolivar Village Council met in a special session on **Wednesday, November 18, 2015** as advertised in the Times Reporter on November 17, 2015. Mayor Hubble called the meeting to order at 5:31 p.m. The Pledge of Allegiance was said. Lloyd opened the meeting with a moment of prayer. Cochran, Lang, Lebold, Lloyd & Vincent all answered roll call. (Lapp arrived at 6:35p)

At the start of the meeting, the clerk distributed an agenda to each of the council members, listing the items to be discussed as advertised.

Mayor Hubble brought forth the first item on the agenda; the 2nd reading by title only for the petition of the Sheila Wolfe lot split. Attorney Armstrong read the title of, "An ordinance to approve the petition of Sheila Wolfe for a lot split". This is located at 356 Park Avenue SW.

Mayor Hubble said the second item on the agenda is the 2nd reading for an ordinance to edit section 15 of the Village of Bolivar Income Tax. Attorney Armstrong read the Ordinance title, "An Ordinance to edit section 15 of Village Ordinance 1996-615, titled Bolivar Income Tax".

Hubble stated the next item is the 3rd reading by title only of Phase Three of the Towpath Trail Project. Armstrong stated the title of this ordinance is, "An Ordinance to approve Phase Three of the Towpath Trail Project", related to the attached plans. Hubble said there will be discussion once she gets the sign in sheet from the public.

Lebold provided a thorough history about the trail, getting everyone up to speed, prior to turning it over to the public for questions. He explained the original plans were dissolved because a few property owners wouldn't allow the trail on their property. Lebold explained the Village of Bolivar doesn't have any money in this trail; it has been funded solely on grants.

Lebold showed on the map the location of Bolivar Street and the Haddie House (Hennis). He outlined the proposal to extend Bolivar Street and go North through the Wenger property to the North side of Delaware Street.

Everything has been discussed with Mr. Wenger as to how the trail will come across his property. Once the trail clears Mr. Wengers property, it will connect back through Village property along 212, up to the bridge.

We cannot get through a lot of the Canal land; plus it would have been more expensive to run it through the canal. There is still 85,000.00 plus remaining from the grant money allocated for the trail. The trail itself is set on a 20' right-of-way and will be 8' wide in the middle of the right-of-way. Once the trail is finished, it should be a black top surface. In addition, there would be a white, split rail vinyl fence along Route 212 down by the bridge.

We will actually be passing through the Hennis property; which Lebold has talked to Mr. Hennis. It will also be beneficial for the Hennis residents.

Mr. Wenger has also given his blessing. Lebold also mentioned how it will approach Joe Rhinehart's property (who was also in attendance).

Mr. Addington asked some specific questions as to where the trail would be located; Lebold provided a detailed answer explaining the location of the trail. Mr. Addington also asked some questions regarding vegetation; Lebold thought it would continue to be planted to the best of his knowledge. Lebold was also specific that utility vehicles, etc. would not be able to access the trail, but bikes and strollers could.

Mr. Rhinehart asked about horses. Lebold stated the money being used is not federal money anymore, therefore the Village has the opportunity to state whether or not to allow horses. When using federal money, it must be open to all people, but this is not federal money.

Mayor Hubble stated we don't currently have horses coming through the village on the trail. Lebold stated there is a "blue" trail through Bolivar, however, horses aren't to be on the actual sidewalk trail, but on the state route.

Hubble added, that Bolivar Street will be a shared use roadway and won't change. Lebold stated that the trail will exit Bolivar Street, then come across the Wenger property at an angle until it approaches the north side of Delaware Street.

A resident asked which side of the power lines will the trail be on; north or south side of lines? Lebold said it would be on the north side, then ultimately cross under the lines once the trail is west of the proposed Delaware lots and enters the village property again. The right of way is 20' and grass will be planted. Residents were asking if there will be trees and a fence. Lebold stated if the money holds out they could look at some trees. As for a fence, there will be one along Route 212. If there is additional funding, possibly extend the fence.

Lebold announced if the trail would have stayed the course of the original plan to go through the canal, it would have cost approximately 1 million dollars. In order to add more to the trail fund, it would require more grants; Lebold said he is trying to stay away from federal grant money.

Lebold added the new proposed trail is approximately 2,020 feet whereas the original plans would have been about a mile plus. After answering questions, Lebold asked the audience if they had any questions thus far that they would like clarified.

One of the biggest concerns heard from the residents is the planting of trees. They would like to have something to shelter the view of people walking.

Mr. Rhinehart had some concerns about privacy and his property. Lebold stated, since it would impact his property, something would be in place to maintain his level of privacy.

Lebold stated, the trees along Phase 1 and Phase 2 were not designed to provide screening.

Mr. Buchanan also spoke in regards to the proposed trail. He wanted to let council know that he and his wife Kathy are in support of the trail coming through Bolivar. His only concern is, although there is a public meeting and they received a nice letter regarding the meeting, there may be a vote tonight. Although input was given, he wanted to know if there is any way the vote can be delayed even a week or so to digest what was heard tonight. Mayor Hubble

interjected, this is the 3rd reading by title only which means tonight council would or could bring it up for a vote. However, Mayor Hubble asked if the vote could be tabled to the next meeting. The solicitor provided advice on the structure of 3rd readings. Lebold stated he talked to the Mayor; however the only issue he has is a grant deadline for a matching grant to pay for all the surveying, right-of-ways, etc. that has to be done by December 31. If the deadline is missed, they would not get the match which would have approximately an 8,000.00-9,000.00 impact. Hubble asked if anyone had an objection to waiting until November 30. Lebold said he didn't have an issue waiting until the November 30th meeting to vote on the trail project.

Vincent added, the reason council is meeting on November 30 verses the regular scheduled meeting on December 7th is due to a couple council members having a schedule conflict therefore, the council meeting was moved back to November 30. Mr. Buchanan stated he wouldn't want to put the grant money at risk by jeopardizing not having a quorum at the next meeting. Vincent explained that's why the council meeting was moved because there wouldn't have been a quorum for any vote on December 7.

Mayor Hubble asked if anyone else wished to speak before moving on to the next item on the agenda. The question was asked regarding Hennis' if the motorized handicapped vehicles would be allowed on the trail. Lebold said electric wheelchairs (and hoverrounds) would be allowed on the trail.

The Mayor also explained the existing 85,000.00 in dedicated trail money can also be used as leverage when applying for other matching grants.

Next up on the agenda is the discussion of the income tax budget. However, since Mr. Despaquale is present tonight, council can discuss the issues arising from the proposed sale of a portion of Sassafras Alley first. Attorney Armstrong stated although a minimum bid has been previously established, the cost of advertising submitted from the Times Reporter are astronomical and exceeds the minimum bid. The Village would ultimately take a loss. At the last meeting, additional items were discussed such as the deed and transfer fees. The question proposed is whether council wants to establish a minimum bid plus costs. Some sort of cap on the cost needs to be established, although it's hard to estimate these things. The other question becomes, is it even economical to sell the property in light of the costs and bid price.

Lloyd stated the minimum of \$500.00 was previously established, but not we have the additional costs. Lang added the \$500.00 doesn't even cover the advertising, much less the additional costs. Mr. Despaquale asked that the village try to go easy on him based on what he already has wrapped up in legal expenses and surveying, etc.

Cochran asked if we could state 500.00 minimum bid, plus advertising, plus all costs involved in the closing. Armstrong stated we could state it like that to include the types of costs associated with the sale.

Lloyd would like to get this wrapped up tonight. Armstrong stated she could edit the ad and submit it to the clerk to send to the Times Reporter. Lloyd moved, seconded by Lang to authorize advertising for sale a portion of Sassafras Alley at a minimum bid of \$500.00; to include all advertising fees, deed, transfers, and any closing costs involved in the sale. In a roll call vote, all members present voted yes. Lapp was absent for this portion of the meeting.

It was advertised to amend appropriations and approve expenditures, however, the clerk stated there was nothing to approve at this time.

The final item on the agenda is to discuss the income tax budget and policies. Mayor Hubble stated House Bill 5 was passed and Council will need to approve the new Municipal Income Tax Ordinance by December 31, 2015 in order to be in place by January 1, 2016. Hubble went on to state Mr. Varney with Varney Fink and Associates is here this evening to go over with council the number of changes that will be taking effect. The Mayor asked if council received the email with the list of questions presented by Mr. Varney. Varney said he is not going to make decisions for council; he has several questions to go over with council for them to decide.

Varney stated there would need to be another meeting to approve the ordinance, however, he wanted to go over some key points with council first then type it up within the next couple of days. He also wants to be sure the solicitor has an opportunity to review first prior to approving. He said he already inserted language in the ordinance for council to review. Varney stated the purpose in the ordinance and said if council is ok with it, that's what he will put in the ordinance. Lebold stated, as long as the money can be used anywhere in our budget. Varney stated right now it's pretty encompassing.

The allocation of the funds; right now we are currently putting a certain percentage in the general, street and capital improvements. It's his understanding that council will be changing those percents year after year by Ordinance. Therefore, the first thing that comes out of deposits is the operating expense, supplies and refunds in the income tax fund. After that, you would determine the split for each of the funds (general, capital, street) at the end of each year for distribution.

Discussion continued with council and Mr. Varney, clarifying specific changes and/or situations specific to the village. He also reviewed some procedures that will affect how taxes are collected and when.

(Don Lapp arrived at 6:35)

Other items discussed included: monthly and quarterly deposits, electronic funds transfers, direct deposits, video gambling/casinos and tax credits.

Regarding credit for tax payments, Varney said there will be some new language coming up for the tax credit so this is the language I think you're using for the credit so that's what I'm inserting in there. Eric Kendall asked if there is still debate or not as to whether the income tax credit will be there or not? It was clarified there is currently an ordinance that is up for discussion. Armstrong stated it's a reduction of credit. Mayor Hubble stated you would still get credit but not a full credit. Kendall asked if there was anything else we could do. He feels the income tax is already complicated.

Hubble stated the biggest issue this village faces is, for those who are retired, we do not receive any tax. Kendall suggested the Village raise the income tax in the village. Lebold stated if you work outside the village, the village still wouldn't benefit from the increase. Kendall said his employer is willing to withhold, but is the village willing to reciprocate with them? Mayor Hubble said we would definitely accept the payment. (Too many talking at once; inaudible).

The Clerk interjected and told Kendall the 3rd reading would be at the end of the month(November 30th) where there would be more discussion. In the meantime, the consultant present is in the middle of a draft to discuss with council regarding several changes for the 2016 ordinance.

Varney stated he would have two separate ordinances prepared for the 30th; one with the 1% credit and one with the proposed 1/2% credit. More discussion continued amongst council; Varney asked if council was ok with the language proposed for the credit?

Varney continued to ask questions of council and fact find so he could finish the new income tax ordinance for 2016 prior to the next meeting. Included in the conversation was qualified verses non-qualified; local board of tax review with 3 options. Varney read the 3 options to council. The Clerk and Mayor simultaneously added input that they both liked option 2 which doesn't require the review board to be a resident of the village. Since the village is small in nature, option 2 provides more flexibility in selecting interested people.

Another consideration to council is whether or not the village wants to compensate the tax review board. The board only meets when someone appeals the decision of the tax administrator. The solicitor asked if the village needs to establish the compensation level to be placed in the ordinance that outlines the duties in advance? The solicitor stated council needs to decide if they are going to pay the board per session or per case. After much discussion, it was decided to add a nominal fee for the time being and increase it at a later point in time once council has a better idea as to what is involved. The Clerk thinks it's premature to set a rate higher than 25.00 until it's tested.

Varney stated the Village ordinance currently allows the tax administrator the authority to enforce the income tax. Option 1 allows the income tax administrator to enforce, Option 2 places the responsibility on the legislative authority. It was recommended to continue using Option 1 as council would not want that responsibility.

In conclusion, Varney reviewed his next steps in preparing the Ordinance and spelled out the responsibility of the income tax administrator. Varney directed some questions to Armstrong regarding fees; she will discuss with prosecutor and get back with Varney.

Lastly, Varney asked how we would like the Ordinance coded? Since the village does not use codified ordinances, he would like to know how we would like it numbered. For example, our next ordinance is O-27-2015, so the sections of the income tax ordinance would 27-2015.012.

Varney said he will get the new ordinance typed up and sent to the Clerk by Monday with all the changes.

There being no further business, Vincent motioned, seconded by Cochran to adjourn until Monday, November 30, 2015 at 7:00 p.m. In a roll call vote, all members present voted yes.

Meeting adjourned at 7:09 p.m.

Mayor Rebecca S. Hubble

ATTEST: _____
Maria A. App, Clerk Treasurer

Approved: _____