

VILLAGE OF BOLIVAR COUNCIL MEETING December 4, 2017

The Bolivar Village Council met in regular session on **Monday December 4, 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.

Lang moved, seconded by Lapp 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 November totaling \$45,567.18. Lapp 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: Michela reported she attended the street and alley meeting a week ago. She was inquiring as to whether or not any progress was made in regards to a solution to all of our problems about the cats.

Michela reported, since the last committee meeting a new cat has been brought to her house by some people over by Robert Lloyd's house. Today she has learned of two new cats in Bolivar. She stated we all understand there's a cat problem in Bolivar; and went on to give specific examples. She said there's a new cat she hasn't seen before that's roaming behind Roberts's property. She added its way too close for comfort. She said she doesn't like seeing those cats so close to her because they are either coming to her or they are babies; she will either find them or their babies are going to come to her which she said will put her in a deeper financial situation than she already was before feeding all these cats. Michela went on to say there's a new cat she discovered over at a woman's house where she helped her trap some cats before. She noted about two years ago she trapped around six (6) cats at their house and found them homes. She said there's a new cat that is showing up at this ladies now that is friendly; that was possibly dumped off.

Michela asked if there has been any progress made on what Bolivar is going to do for help at least with her personal situation with cats that are coming to her property, constantly trespassing, that aren't her cats. Lang said council has not done anything or discussed anything since their last meeting. He went on to say that he thinks we are all in agreement to wait and talk about it again at the next street and alley meeting. Lang stated, "We have some commonalities

and some differences; we need to figure out a solution that works best for Bolivar but there's been nothing since". He followed up by asking Michela if that answered her question. She replied, "Yeah unfortunately it answered my question. My cats are still at my house and I have got new cats showing up that are slowly but surely under the law is going to become my cats because I'm feeding them and housing them and sheltering them but they are really not my cats. Now I'm looking at unfortunately five (5) new spay and neuters so it's not looking good for my finances." She said there's also a new cat up by Robert Lloyds house and another cat up there that Franks said at a committee meeting or a council meeting that there are cats all over that he saw while he was doing leaf pick up; all over Bolivar. Lang replied, "We can't meet together outside of committee nights or else it would be a violation of the Sunshine Law".

The solicitor added she has asked Heather our income tax administrator to help look into it. She's involved in the trap, neuter and returns charities so she's getting us some information from those places so we are looking to see if there are some organizations willing to help us. Michela acknowledged that's a step in the right direction. Gardner said she also got a copy of the City of Mentor's ordinance as well as Sebring and North Canton. Gardner added, "We are waiting to hear to see if some of these organizations are willing to come in and help with some of these things that might change what we want to do".

Michela said Tom may have a few ideas. It may not solve the initial cat problem that exists but it may solve the future reproduction of these cats. Tom Graef said he's looking for some feedback but they know of some people in town who have cats and really can't afford to get them neutered or spayed. He was thinking maybe work through some charity and get contributions from people and businesses around to sponsor a truck to come here, to spay and neuter animals for free. Maybe it's free or a donation if you're making some money and can afford to help. Michela added it would be for a Bolivar resident obviously and they would have to show proof they are a resident through a utility bill or something. Michela stated they believe they can maybe raise about \$3,000.00 and maybe have two separate...get the spay and neuter van in. She said she has contacts with that. She added it would also have to hook up here into the building, into our electricity. She went on to say the village would need to clear a bit of the garage out for recovery for a whole day while they are going in and for recovery. Michela said this is a skeleton sketch but it would have details like you can bring a cat and trap or in a carrier; if it's feral a trap; things like that. Michela added, "This is just a skeleton idea we are trying to throw around. It's not going to solve the existing cats right now. In the long run, I believe it will reduce Bolivar's population of stray cats".

Michela advised all of the feral cats must be ear tipped; that's gonna be a requirement. "That way the village can see my cats are ear tipped; that means they are fixed". Tom added that, "this goes in conjunction with whatever else we

can come up with". Tom went on to say if council thinks any variation of this has merit he said he would voluntarily try to raise money to make this happen.

Michela said there are still a lot of logistics that would still need to be worked out.

Lang interjected he thinks there's some merit to this idea but thinks its better if we talk about this at street and alley. He went on to say this wasn't going to happen overnight; there's a lot of detail...this isn't the appropriate place to be talking about this.

Michela stated she didn't agree with that. She said she believes what Tom just handed us is one piece of the many faceted solutions. "Therefore if city council is going to pass the ordinance; I think it's totally appropriate to discuss that here. I believe it's not a street and alley issue; that's a financing issue. I don't know if you have to take that... How about maybe I can come up with and Tom can come up with some more logistic details. Then that gives you more of a framework to go from, you know what I'm saying"?

The Mayor stated the next committee meeting is December 18th; after the special session of council. Michela said that she and Tom can come up with some more logistics details.

The Mayor said they would have to figure out the logistics of this and discuss it further. Gettan said she really appreciates this because it is a problem; what we need is people coming up with ideas so we can find a solution that works for everybody.

The solicitor said maybe by the 18th we will have more information from some of these other organizations that Heather is trying to reach out to. She added that way maybe they can come up with something in conjunction with whatever money you raise. That would give the village some time if we are going to talk about it at that meeting to get some more information.

Graef said perhaps another aspect for this level is whether it should be run through a charity or not. Are there encumbrances there? He said, "It's probably easier for me to get businesses to donate if it's a tax deduction if it comes under the auspices of a charity". He went on to state he didn't know if that would bring complications for the village. The Mayor stated we would have to find out the legalities of that. Michela responded by saying she didn't think there are any legalities technically; adding, the village can partnership with anyone they want. The Solicitor said the one thing obviously is if we had someone on village property they would have to sign a waiver.

MAYOR HUBBLE – The Mayor reported the Christmas decorating contest will be on Wednesday, December 13 from 7:00-9:00 p.m. You must be home to win. There will be a 25.00 gift for each of the following four categories: best porch, yard, door and overall.

The Mayor announced there will be two open council seats come January. For those interested, please submit a letter of intent by Friday, December 15. If anyone drops off after hours they can use the utility box out front. The Mayor went on to say they will try to get through those at 5:15 on the 18th; if that doesn't work out, they will do some more later in the month.

Before moving on to committee reports the Mayor wished everyone a Merry Christmas and Happy New Year.

FINANCE: - Lapp moved, seconded by Lloyd to approve a **RESOLUTION TO AMEND APPROPRIATIONS**. In a roll call vote, all members present voted yes to approve the amended appropriations as **RESOLUTION R-19-2017**.

Lapp reported there are some old equipment to dispose of; an old shredder, microwave stands, book shelf and old computer CRT screen. Lapp moved, seconded by Lang to dispose of some old office equipment/furniture declaring them unnecessary for any Village purpose. In a roll call vote all members present voted yes.

Lapp moved, seconded by Lang to approve the Ohio Municipal Leagues annual membership dues in the amount of \$345.00. In a roll call vote all members present voted yes.

Lapp moved, seconded by Vincent to approve paying the annual membership dues for the OMCA (Ohio Municipal Clerks Association) in the amount of \$55.00. This allows the fiscal officer to network with other peers and gain useful information. In a roll call vote, all members present voted yes.

Lapp moved, seconded by Lang to approve the BWC annual premium in the amount of \$3,254.00. By paying the premium in full by January 2nd, it will result in a discount of premium. In a roll call vote, all members present voted yes.

Lapp reported the income tax splits for 2018 were proposed at 80% general fund; 5% police, 5% street department, 10% capital. Lapp moved, seconded by Gettan to approve new income tax splits for 2018. In a roll call vote, all members present voted yes.

Lapp stated the Village received the insurance & liability package for 2018. The annual premium is \$14,033.00. Lapp moved, seconded by Lloyd to

approve the annual insurance renewal with Hammersmith Insurance. In a roll call vote, all members present voted yes.

The fiscal officer asked the solicitor about the village policy for bonding; currently the village pays for separate bonding policies but the insurance company stated to have our solicitor look at language to see if we could fall under an umbrella in our existing policy. The solicitor said there is a pending bill that would allow to basically change the framework of the bonding. She said it's not in effect yet. She recommended not changing it yet since the bill didn't pass. Basically it's a bill that would allow you to purchase a certain type of insurance in lieu of bonding. Gardner said we can always amend this next month or at a later date; to her knowledge the bill hasn't passed yet.

Lapp announced this is the third reading for employee contributions for the health insurance. Lang stated it needs to be in effect by January 1. App noted, when the premium is paid in the next couple of weeks, it would be for the 2018 premiums. Gardner said council would need to suspend the rules.

Lang moved, seconded by Lapp to suspend the rules. In a roll call vote, all members present voted yes. Lang moved for the employee share to be 3%, seconded by Vincent to approve **AN ORDINANCE, O-39-2017, TO ESTABLISH A SHARED PERCENTAGE FOR HEALTH INSURANCE COSTS FOR VILLAGE EMPLOYEES AND AMENDING SECTION 12.3 OF THE VILLAGE POLICIES AND PROCEDURES; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes.

Lapp brought forth the prisoner housing contract that we just received from the county. The rate is the same as last year. Since the current contract expires December 31, 2017, the new contract would need approved as an emergency to go into effect. Lapp moved, seconded by Lloyd to suspend the rules; in a roll call vote all members present voted yes except Lang who abstained. Lapp moved, seconded by Gettan to approve **AN ORDINANCE, O-40-2017, CONTRACTING WITH THE TUSCARAWAS COUNTY JAIL TO PROVIDE PRISONER HOUSING FOR THE YEAR 2018 AND DECLARING AN EMERGENCY.** In a roll call vote, all members present voted yes except Lang who abstained.

Gettan moved, seconded by Lloyd to suspend the rules. Before moving forward with a vote, Lapp wanted to clarify the Administrators rate of pay. He thought it was a little unclear the way it read in the proposed ordinance. Gardner said she could change the wording to reflect the following: The Village Administrator will receive a flat 2.00 per hour increase above their current rate of pay. The Fiscal Officer also pointed out the ordinance states an hourly rate of pay vs. salary. The fiscal officer positions rate of pay was corrected to reflect the annual salary vs. an hourly rate of pay. Another correction included the street laborer; it's listed on the ordinance as 11.25 per hour and it should be \$12.00 per

hour. Lang also asked about changes with labor relations regarding salaried employees making under \$75,000.00 that would allow for overtime. App said that got kicked back. It was supposed to go through last December but it failed. Lang said he just wanted to make sure. There was additional discussion regarding the street laborers starting rate and the current positions raise. In a roll call vote all members present voted yes.

Lapp moved, seconded by Lang to approve **AN ORDINANCE, O-41-2017, TO SET THE CURRENT RATES OF PAY FOR EMPLOYEES OF THE VILLAGE; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes

PLANNING – Lebold provided a brief year to date summary for the zoning commission for 2017; Twelve (12) permits were issued this year ranging from temporary signs, decks, fences and sheds. A total of \$380.00 was received for these permits. Zoning is currently working on improving the section on vehicles, trailers and utility trailers being parked in the village. He stated zoning is open to suggestions.

Learned the zoning inspector will not be available on December 7th for zoning, therefore there won't be a meeting until January. Lloyd interjected that Franks won't be available for the January 4th meeting either. Lebold said they can revisit scheduling a meeting date as the time gets closer.

Lebold noted Chris Carpenter resigned on zoning therefore they are now in need of two members to fill vacant seats on the board. Lebold suggested when the village is interviewing for council members to fill vacant seats we can consider the zoning as well. Gardner asked Limbacher if she could add something in the paper to announce the openings. Lebold added the zoning commission is not a paid position.

SAFETY - Lebold read the resignation of Joseph Williams; effective December 4, 2017. Lebold moved, seconded by Vincent to accept his resignation. In a roll call vote, all members present voted yes.

Lebold reported they have a gentleman who is applying to be an auxiliary officer; he deferred to the chief for discussion. Haugh stated Sergeant Hilty did his background and brought him in to interview him. Hilty said he was a good candidate for auxiliary with the potential to move up to part time. His name is Conner Bailey. Lebold moved, seconded by Vincent to suspend the rules. In a roll call vote, all members present voted yes. Lang moved, seconded by Gettan to approve **AN ORDINANCE, O-42-2017, TO ADD CONNER BAILEY AS AN AUXILIARY POLICE OFFICER FOR THE VILLAGE OF BOLIVAR; ESTABLISHING AN EMERGENCY**. In a roll call vote, all members present voted yes.

Lebold reported the police had 96 calls in the month of November.

CHIEF – The Chief wished everyone a Merry Christmas.

STREET & ALLEY - Lloyd reported the street committee had a lengthy discussion regarding the cat problem during their last committee meeting. He said they will continue to investigate; however at this point we are tabling the ordinance for additional discussion.

Lloyd reported the leaf vac is now running well; there was a small wire short. The new tires have been installed on the backhoe.

Lloyd reported they received three (3) quotes for the roof at the pump house. The committee is recommending Noah's Roofing. Lloyd moved, seconded by Lang to approve the bid submitted by Noah's roofing in the amount of \$3,825.00. In a roll call vote, all members present voted yes.

Lloyd stated it was previously announced the 30th of November was the last day for leaf pick up.

The Mayor added there was a total of 27 loads of leaves this year which was really down from last year; mainly because the weather has been warm. She added that the township will remain open until December 10. Please don't leave bags there when dropping off leaves.

The composting is also done for the year. It ended on November 27th. There was 39.5 tons of composting for the year which is up a little since last year.

Lloyd also reported the Christmas decorations are now up. In other news, the trees previously discussed are down and/or trimmed. There was also a little bit of stump grinding, which by now is probably done. Learned from ODOT the Route 212 paving project has been postponed until the spring.

The street committee had a short discussion about a digital sign option. They were considering doing some advertising that the Village of Bolivar would own and could lease out. Lloyd said they were also looking into a form for temporary sign permits; perhaps for \$20.00. We currently have a permit for signs; however, this would be more specific for realtors/auctioneers. Lebold added it would also need to go through zoning as well because it would have to come through their records first.

Lloyd reported the cost for water meters would run approximately \$375.00 for the device itself. He went on to report the cell service at the pump house is now up and running.

It was reported that Franks had contacted Millers Pipeline about inspecting the drain downtown on Canal Street with their camera to determine if it's debris or if a gas line accidentally went through a pipe.

Guests in attendance at the last street and alley meeting were Michela Huth and Tom Graef to discuss issues with cats.

Lastly, Lloyd reported that Franks will be absent December 7 for zoning, January 4th for zoning and January 15th for street and alley.

STREET SUPERINTENDANT / ADMINISTRATOR - The Mayor already gave updates on behalf of the Street Superintendent earlier in the meeting. Everything is going well at the moment so Franks is going to be working on some maintenance things in the garage. The Street Department is ready for snow removal.

SHADE TREE – The Mayor reported she completed the application for Tree City USA and submitted it today. She added it was a lengthy detailed process to report every detail of tree removals, plantings, mulching and leaf removal.

RECREATION - The Street Department put up all the Christmas decorations. Vincent also reported Christmas on the Canal was held on Saturday, November 25 from 4:30-7:00 P.M. It seemed to be well attended. Lebold said the new committee did very well taking over the event except they forgot to contact the Bolivar Police to arrange an escort for the hay wagon and to contact Franks to get cones to block off the road.

Learned there were some discussions for youth soccer perhaps in June 2018. In other news, Franks has already received and installed approximately 160 lineal feet of split rail fencing at the West end of the Trail. Lebold added the last section of the railing allowed us to close out the remaining grant with the Ohio Erie Canal Coalition. Lebold said the Fiscal Officer will need to file a final closing report to send to the OECC. App said she already sent the final check with receipts to the OECC. Lebold also said there is still a little extra money in the Trail Fund; he would like to order two (2) end posts. App said there is already a PO open for the purchase; no additional action needs taken at this time.

FISCAL OFFICER – Need to establish a special council meeting on December 18th at 5:30 p.m. to approve temporary appropriations and any year end clean up. A notice will be posted in the paper to advertise for the meeting. The regular committee meetings will immediately follow the special session.

LAW DIRECTOR – There was a **second reading by title only for AN ORDINANCE AMENDING ORDINANCE # O-90-2014, ESTABLISHING A**

CREDIT/DEBIT CARD POLICY FOR THE VILLAGE OF BOLIVAR. Since we don't have a January 1 deadline on this, council can wait until the January meeting to have a third reading.

The next item is in regards to the Village's tax review board. The board members will need reappointed for 2018-2019. It is for a two year term commencing on January 1, 2018. Gettan moved, seconded by Lang to suspend the rules. In a roll call vote, all members present voted yes. Gettan moved, seconded by Lang to approve **AN ORDINANCE, O-43-2017, and TO APPOINT DANTE MARIANI AND MARY LOCY AS TAX REVIEW BOARD MEMBERS; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes.

Gardner brought forth a renewal for the legal counsel contract with the same rates. Jillian Gardner is listed as the Law Director and Steve Anderson and the firm of Fitzpatrick, Zimmerman and Rose is the Prosecuting Attorney. The rate is 60.00 per hour. Our current agreement ends on December 31, 2017; this new contract would be effective January 1, 2018 for a period of one year. If council wants to pass that, you will need to make a motion to suspend the rules. Lang moved, seconded by Gettan to suspend the rules. In a roll call vote, all members present voted yes. Lang moved, seconded by Gettan to approve **AN ORDINANCE, O-44-2017, and PROVIDING FOR THE CONTRACTUAL SERVICES OF LEGAL COUNSEL FOR THE VILLAGE OF BOLIVAR AND DECLARING IT AS AN EMERGENCY.** In a roll call vote, all members present voted yes.

The next item is in regards to the tax ordinance. As everyone knows, the House Bill 49 made changes to the taxes; there is a pending lawsuit to try and get an injunction. However, the injunction has not been issued and the deadline for compliance is January 1. If the injunction is not in before that time and we don't pass this, we will not be in compliance. Gardner noted the way she has structured this ordinance is its set to take effect on January 1 unless there is an injunction or some other legislative or judicial method that prevents it from going into effect on that date. Lang asked when the tax law passed in the House. Gardner believes it was this past summer; she's not sure why they waited so long to file the lawsuit. What it does, is if you have a corporation that files in multiple jurisdictions you can file with the state now and the state takes over; they keep a percentage as an administration fee and remit the rest back to the village. There's a tax commissioner that basically takes over a lot of duties of the Tax Administrator. It doesn't apply to individuals or anything yet but that's the direction they are trying to move. Gardner's has a concern, and she has had several conversations with our Tax Administrator about this because a lot of

people aren't doing anything. Gardner said if they win the lawsuit at a later date, the village can go back to the ordinance we have now. This protects the village from not being in compliance. Lang recapped his understanding of what Gardner just explained. Gardner said she read the complaint that was filed in Franklin County; they do have very good arguments. I think they stand a good chance. This does present some serious constitutional issues. Lang said he is not opposed to the businesses making it easier for them; but he is opposed to the Village not having the ability to have access to those documents to know whether or not it's being taken care of appropriately. It's the lack of us being able to have some kind of observation as to what is going on. As far as the Village, it wouldn't affect us as much. Council went on to discuss the potential impact.

Gardner agrees with Lang; she doesn't think it's a good change. Her concern is if we don't do it then we wouldn't be in compliance. There are many municipalities that are choosing not to make the changes; they are relying on the fact that an injunction would be issued between now and December 31 and they just aren't making the changes. Gardner recapped, the way she structured the ordinance is to say, unless there is some action otherwise, it will go into effect. If there is an action that something prevents it from going into effect, a legal decision or whatever, we reserve the right in this ordinance to say we believe that that change was unconstitutional. She noted it's completely up to council what they decide. Her concern is she doesn't want the village to get into a situation later on where we wouldn't be compliant. Lang expressed his concern about not approving this ordinance. Lebold asked if it were three readings. Gardner added the reason we waited to present this ordinance was to see if the injunction would be filed; as well as searching language for a sample ordinance.

Lebold moved, seconded by Gettan to suspend the rules. In a roll call vote, all members present voted yes. Lebold moved, seconded by Lapp to approve **AN ORDINANCE, O-45-2017, TO REPLACE THE VILLAGE OF BOLIVAR'S MUNICIPAL INCOME TAX ORDINANCE; ESTABLISHING AN EMERGENCY.** In a roll call vote, all members present voted yes.

Lastly, there was a third reading by title only for **AN ORDINANCE TO APPOINT HEATHER LECCE AS VILLAGE OF BOLIVAR TAX ADMINISTRATOR, AS AN EMERGENCY.** Gettan moved, seconded by Vincent to suspend the rules. In a roll call vote, all members present voted yes. Gettan moved, seconded by Vincent to approve the **ORDINANCE, O-46-2017.** In a roll call vote, all members present voted yes.

The Mayor added the next meeting will be on Tuesday, January 2, 2018 due to New Years falling on Monday.

Lloyd made a motion, seconded by Lang to go into executive session for the purpose of personnel. Haugh was asked to stay; no action will be taken. In a roll call vote, all members present voted yes.

Came out of executive session at 8:46p.m.

There being no further business, Gettan moved, seconded by Lang to adjourn until **Monday, December 18, 2017** for a special session of council . In a roll call vote, all members present voted yes. The meeting adjourned at 8:47.

Mayor Rebecca S. Hubble

ATTEST:

Maria A. App, Fiscal Officer

Approved: January 2, 2018