

VILLAGE OF BOLIVAR

COUNCIL MEETING

August 3, 2020

(Teleconferenced as advertised in the Times Reporter due to COVID-19)

The Bolivar Village Council met in regular session via GoToMeeting teleconference on **Monday, August 3, 2020**. The meeting was called to order by the Mayor at 7:03 pm. The Pledge of Allegiance was said. Lloyd opened the meeting with a prayer. Gettan, Lang, Lawver, Lloyd, Oberlin and Vincent all answered to roll call.

Gettan moved, seconded by Lang, 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 **July which totaled \$55,369.10**. Oberlin moved, seconded by Vincent, to approve the bills. In a roll call vote, all members present voted yes.

There were no corrections and/or additions to the agenda.

PUBLIC SPEAKS – Resident Will Bellinger was present but had no comments.

OLD BUSINESS –

Valve Exercising Completion Status – The Mayor referred this status to Franks, who was on the teleconference, but audio was unable to be heard. The Mayor advised that the valves all have been exercised successfully.

Welcome packet status – The Mayor requested council to review the packets and provide input on them.

Strawberry Alley closure at the school – the project is on hold at this time. The Mayor spoke with Superintendent, Mark Murphy regarding several issues with the zoning and as of this meeting she has not heard back from Mr. Murphy. There are no problems with this project, but additional documentation needs to be reviewed with legal counsel before this project moves forward.

MAYOR – Met with George Ebby with the Ohio Erie Canal Coalition and the project is on pace to begin in September or October. There are a few complications with the right a way on some of the land. The EPA has strict regulations on when work can be done so new signatures on the right a way will need to be completed and notarized and then sent to the solicitor before the project can move forward without interruption.

The Mayor reported she attended a fire levy meeting noting the fire department will need to put a levy on the November 2020 ballot in order for the department to continue running efficiently. The Township is working on an increase to 7 mills. The Mayor believes there needs to be accountability for the funds and strongly believes a fire district with the Village of Bolivar, Lawrence Township and Zoar. Discussion with representatives from these municipalities and fire department officials will continue. This levy request needs to be certified this week. Barb Limbacher advised the Township passed a resolution in their meeting on July 30, 2020 to put a 3 mill additional levy on the November 2020 ballot.

The Mayor advised she attended a webinar on HB 481 and will call a special meeting to discuss how the COVID 19 relief funds will be spent. There is a deadline on the expenditure of this money by December 2020 or the funds will have to be returned to the government. The Mayor would like to see all of the funds disbursed to the Village be used wisely throughout the village.

The Mayor watched a webinar on cybersecurity by Irontech Security. She gave the information to the Fiscal Officer. This information along with quotes from companies on improved IT services will be discussed at a work session on Monday August 10, 2020.

Attended the Tuscarawas County Mayors Association - topic of conversation was the COVID-19 relief funds and how municipalities would be spending this money.

Advised she has had numerous correspondence with residents regarding masks and the police department. The Mayor has referred the mask questions to the County Health Department, and she has spoken with the police Chief regarding those questions.

The Mayor has also had conversations with both ODOT & EPA and Sarah Wallace and is very confident the Village will continue moving forward and being proactive during this time.

Ohio Erie Canal Monument – Oberlin wanted to discuss how the monument was going to look and wanted to confirm where the purchased bricks were. The Mayor confirmed the bricks are in the back building and believes this should be a topic of conversation with council. The Mayor advised that Dick Lebold was handling this project prior to his death, and now council needs to discuss the design of the monument. Fiscal Officer App suggested this project should start in recreation and the Mayor agreed.

FINANCE – committee Lawver deferred to App

App reported the combined interest for STAR Ohio & STAR Plus for the month of July was \$119.60 vs bank interest of \$5.38, she noted a substantial decline in past few months.

Purchase of 4 commercial grade illuminated emergency exit signs in the amount of \$145.00. Lloyd moved seconded by Oberlin to approve the expense. In a roll call vote, all members present voted yes.

Purchase of HVAC unit for police department. The current unit is 31 years old. Two quotes were received and discussed in committee with emphasis on a single stage or second stage unit. The Quote from Weathermakers Heating & Cooling was for \$5,956.00 for a single stage Carrier unit; \$6,656.00 for second stage unit. The second quote was from Moser Heating & Cooling for \$5600.00 for single stage Amana unit: \$6,600.00 for second stage unit. Lang believed the purchased should be for the second stage unit from Weathermakers costing \$6,656.00 and so moved, seconded by Lloyd. In a roll call vote Gettan=yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin – yes, Vincent – yes: motion passes.

An ionizer unit would be installed in both the police and municipal buildings which would cost \$850.00 each and could be purchased with COVID-19 relief funds. Lang moved to install the ionizer in the police and municipal building and ask Weathermakers to install an ionizer unit in the library, seconded by Vincent. In a roll call vote all members present voted yes.

Santa Claus house roof replacement – two quotes from John Zwick amounting to \$2900 for shingles and Noah's roofing for \$4,950.00. Gettan moved to accept the quote by John Zwick for shingles seconded by Lang. In a roll call vote Gettan -yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin - yes, Vincent – yes. Motion passes.

App recommended amending appropriations as a **Resolution** in the amount of \$5000 in the Capital Fund for the HVAC unit and the Santa Claus house roof replacement. Lang made the motion to increase the appropriations by \$5,000.00 in the Capital Fund for the HVAC unit and the Santa Claus house roof replacement, seconded by Vincent. In a roll call vote Gettan -yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin – yes, Vincent – yes. Motion passes. **Resolution R-9- 2020 was assigned.**

App recommended re-allocating the income tax split from 85% GF 10% CF 5% SF to 85% GF 14% CF 1% SF to generate approximately an additional \$7000 per year in the Capital fund. This re-allocation is a result of the increase in the motor fuel tax that went into effect July 2019 and has resulted in an approximate increase of \$24,500.00 in the Street Fund over last year. The tax splits can be amended in the future if needed. A Motion was made by Lang seconded by Vincent to suspend the rules. In a roll call vote all members present voted yes. A Motion to

accept **ORDINANCE O-32-2020** as emergency was made by Lang seconded by Vincent to **reallocate the income tax split from 85% GF 10% CF 5% SF to 85% GF 14% CF 1% SF** to generate an additional \$7000 per year in the Capital fund and can be amended in the future if needed. In a roll call vote all members present voted yes. Motion passes.

PLANNING- Gettan reported they will meet Wednesday, August 5th at 5:30pm instead of Thursday August 6, 2020.

SAFETY - Lloyd advised July was a busy month with a total of 69 calls.

Advised they are waiting on certifications through Lexipro and hopefully begin certifying the officers in September and getting the app downloaded on their phones.

CHIEF- nothing at this time.

STREET & ALLEY – Lang motioned to accept the quote from Levco Striping for \$1035.00 to complete striping in front of the bank, police department, cross walks at Park and Poplar Streets, post office, and Cherry Street seconded by Vincent. In a roll call vote all members present voted yes.

Lang motioned to purchase from Kleem 24 reflective stop signs costing \$948.56 and one 10' cross walk sign pole for \$ 37.79; total w/shipping \$1171.29; seconded by Vincent. In a roll call vote all members present voted yes.

Lang motioned to purchase ten (10) curb boxes for \$400 and ten (10) - 1" compression fittings for \$302.40 from Core & Main totaling \$702.40 seconded by Vincent. In a roll call vote all members present voted yes.

Lang motioned to purchase a decorative signpost from Barco Products for the parking lot adjacent to the Cherry Street Parking totaling \$288.00 plus shipping seconded by Lloyd. In a roll call vote all members present voted yes.

STREET SUPERINTENDENT- Franks is waiting on more quotes for the concrete work.

The valve exercising project was very educational on the system and technology and has been completed. Three valves will need to be replaced. Franks does not recommend the hand exercise tool at this time.

Need to enforce the sprinkling ban – hours are 8-9am and 7-9pm.

Waiting on quotes for tree removal.

SHADE TREE – The Mayor stated Tree City USA was cancelled for this month, however, Bolivar was once again named Tree City USA.

RECREATION – Gettan nothing at this time.

FISCAL OFFICER/ADMINISTRATOR –

App advised that Liquivision will performing the reservoir cleaning beginning approximately August 13, 2020. The PO has been opened and payment will be made when the project is completed.

A special Finance work session is scheduled for August 10, 2020 at 5:30pm to discuss the COVID-19 funds and how to spend them, banking services, ODOT project status, IT quotes, and the risk management study.

Levco is nearing completion stage one of the road striping project. The striping at the bank and police department has been completed, but the post office wasn't finished due to inclement weather. Completion will be as weather permits.

LAW DIRECTOR – Solicitor presented the following ordinances.

- **SECOND READING OF AN ORDINANCE FOR LOW SPEED SPECIALIZED VEHICLES IN THE VILLAGE OF BOLIVAR.** The Solicitor would like Council's input as to what roads in the Village would not be accessible to the low speed specialized vehicles referring to the Village of Strasburg's Ordinance. The Solicitor will formulize the language as necessary to include these restrictions. The language can also include who would provide the inspection of the vehicle in order to get the permit. Oberlin stated that State Route 212 (Popular Street) should be exempt from these vehicles. The Mayor advised that state law prohibits these types of vehicles from being on state routes, however they can cross over the state route. Oberlin suggested the rules and restrictions be in writing and given to the person when they receive their permit. Franks asked if these vehicles would not be allowed on the canal walkway and the Mayor advised these vehicles would not be allowed on the canal walkway. Oberlin asked if the vehicles could ride along the roadway to get to Fort Laurens, the Mayor advised these vehicles would not be permitted to ride along County Road 102 and could only be able to access CR 102 with specific permission from the township. App asked if this discussion could continue in the Street/Alley Committee meeting on August 17, 2020. The Solicitor advised she would have the language drafted for committee review on August 17, 2020.

EPA Ordinance

App advised that there would be three ordinances that need to be voted on in order for the meter project to continue. First, an ordinance to award the contract with Spano Bros for the amount of the contract and not the loan amount because the contract includes contingencies, OWDA fees and inspection services. The contract amount is \$868,335.00. The second ordinance would be for inspection services amounting to \$71,440.00. The third ordinance would be to accept the EPA loan in the amount of **\$1,047,708.50**. The Solicitor added these ordinances should be passed by emergency measure. Lang motioned to suspend the rules, seconded by Vincent. Roll call: Gettan – yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin – no, Vincent – yes. App advised that Council now is presented with a problem if the motion to suspend the rules dies on the floor for two reasons: One- the preliminary contract was awarded in May 2020 and two – the EPA has released the funds for the project that is over one year old and the acceptance of the award must be by majority vote. App asked who was going to contact EPA to explain this to them? Oberlin stated his reason for voting no was that he would like to review the bids and compare them because they were so close in cost.

The Mayor stated that everyone agreed at the time of opening bids and why are you waiting until now to ask to see the bids to review. Oberlin stated he has never seen the bids and he should have asked sooner. App advised that the difference between the bids of HM Miller and Spano Bros was minor and no one has asked to see the bids until now. The bid from Spano Bros was recommended by the engineering firm. App continued by stating this was not a good time to begin asking questions because it could kill the project or at the very least delay the start date for October 2020. The Mayor advised the EPA is expecting a completion date by the end of December 2020 and the funds have already been awarded. Lawver advised he voted no because he doesn't feel comfortable due to several issues with the bid and does not have to justify his reasons for voting no. When asked by the Mayor why he (Lawver) has not spoken with the Mayor or Fiscal Officer before this Lawver stated the bid is contradictory and confusing and wants the project killed on the floor. Oberlin asked if the vote could be tabled until the September meeting giving him more time to review the bids; the Mayor advised that if the EPA allows the delay again the project will not be completed in time as agreed between the Village and the EPA.

Oberlin stated the downtown project was filled with problems, so he wants to avoid this again by reviewing the bids. The Mayor advised the EPA has been in contact with the Village since June of 2017 regarding these issues and we planned on installing the water meters to get to the next phase of the project. Gettan stated that it is Council's responsibility to the residents to provide them with good, healthy water and be in compliance with the EPA. The Mayor advised in order to move forward with the county water system the meters have to be in place. Oberlin stated he would just like to review the plans and again was asked why he was waiting until now to ask to see a copy of the plans to review. App stated Resolution 06 in May was approved so why now

will the EPA award not be approved? There was no formal ordinance in May because the EPA award has to come first in the process. Oberlin asked if the award was accepted tonight can council adjust the plans going forward and the Mayor advised that the plans cannot be adjusted due to where the water lines are run, and the pit is in the ground.

Several times throughout this discussion the downtown project was referenced, and the Mayor stated that this water meter project is totally different from the downtown project, but anyone is welcome to review the plans at any time. Gettan stated that this project is not a beautification project but rather a necessity project to provide a better water service to the residents and be EPA compliant.

The Solicitor stated the downtown project left a bad taste in many people's mouth due to the problems with the project, this project is for the health and safety of the residents. The Solicitor added that these two projects should not be compared and if any lessons could be learned from the difficulties of the downtown project it would be to be more hands on with the water meter project and supervise the project more. The Mayor added that the Village is paying the engineering firm to oversee this project and council agreed to have the meters in place before water would be received from the county. The Mayor continued by saying the EPA has been after the Village for years to get this project completed, and we cannot stop the project at this point.

Gettan pointed out the residents have been paying higher water bills because of this project, the Mayor added that revenue loss cannot be tracked, and the EPA is requesting a completion date now. App questioned how the Village could be held liable at this point with the breach of contract with the EPA, and what sanctions could the EPA enforce on the Village as a result of this breach.

The Solicitor advised the motion to suspend the rules would need to be rescinded and a new motion made to suspend the rules. At this point a motion was made by Lang seconded by Vincent to rescind the initial motion to suspend the rules. Roll Call: Gettan – yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin – yes, Vincent – yes. Motion passes. A motion was made by Lang seconded by Gettan to suspend the rules, roll call; Gettan – yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin – yes, Vincent – yes, motion passes. A motion was made by Lang seconded by Lloyd to **accept Ordinance O-33-2020 as an emergency the contract with Spano Bros for the water meter installation project in the amount of \$868,335.00**; roll call, Gettan – yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin – yes, Vincent – yes. Motion passes.

A motion was made by Lang seconded by Vincent to suspend the rules; roll call, Gettan – yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin – yes, Vincent – yes. Motion passes. A motion was made by Lang seconded by Vincent to **accept Ordinance O-34-2020 as an emergency the contract with GDP Services to supervise the water meter installation project in the amount of \$71,440.00**; Roll call, Gettan – yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin – yes, Vincent – yes. Motion passes. Finally, a motion was made by Lang, seconded by Lloyd to suspend the rules; roll call, Gettan – yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin – yes, Vincent – yes. Motion passes.

A motion was made by Lang, seconded by Vincent to **accept Ordinance O-35-2020 as an emergency the loan award by the EPA to fund the water meter project in the amount of \$1,047,708.50**; roll call, Gettan – yes, Lang – yes, Lawver – no, Lloyd – yes, Oberlin – yes, Vincent – yes. Motion passes.

A special finance work session will be August 10, 2020 and a zoning committee meeting will be August 5, 2020.

The Mayor asked for a motion to adjourn until the next regularly scheduled council meeting on Tuesday, September 8, 2020 at 7:00 p.m. The day change is due to Labor Day being on September 7, 2020. The platform will be via teleconference. Lang moved, seconded by Gettan to adjourn until September 8, 2020. In a roll call vote, all members present voted yes. The meeting adjourned at 8:20 p.m.

Mayor Rebecca S. Hubble

ATTEST: Maria A. App, Fiscal Officer

Approved: September 8, 2020