

# VILLAGE OF BOLIVAR

## COUNCIL MEETING

December 3, 2018

The Bolivar Village Council met in regular session on **Monday, December 3, 2018**. Mayor Hubble called the meeting to order at 7:00 pm. The Pledge of Allegiance was said. Robert Lloyd opened the meeting with a prayer. Gettan, Lawver, Lebold, Lloyd, and Vincent all answered to roll call. Lang was absent.

Gettan moved, seconded by Lawver 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 **November totaling \$46,149.77**. 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** – none

**MAYOR HUBBLE** – Mayor Hubble thanked the downtown businesses that were in charge of Christmas on the Canal. It was held the Saturday after Thanksgiving. It was a great time and well received. The Mayor was unfortunately not in town, but she has heard great things about it. They worked in partnership with the businesses of the Bolivar Mainstreet Associate and it was very nice.

On December 11, between 7:00-9:00 there will be a Christmas decorating contest in the Village. The categories are Best Door, Best Porch, Best Yard, and Best Overall. The winners of each category will receive \$25 each. If you want to participate in it, have your porch light on and be home. They will go to all streets in the Village.

Mayor Hubble stated that she needs someone from Council to do the records training. Mr. Lebold and Ms. Gettan have already taken it, and Mr. Lawver is in the process of taking it. That leaves three individuals who can take it. Gettan nominated Lang to take the records training. Lloyd made a motion; seconded by Vincent to designate Tim Lang to take the public records training. In a roll call vote, all members present voted yes.

**FINANCE** – Vincent reported the finance committee met at 6:00 pm this evening. A variety of things were addressed. One was the payment of the November bills in the amount of \$46,149.77.

Vincent stated that appropriations needed amended. The Fiscal officer has the details in her office. Vincent made a motion **to amend appropriations as Resolution, R-15-2018**. Lloyd seconded the motion. In a roll call vote, all members present voted yes.

Vincent stated as an update, since Maria has been moving money in Star Ohio in order to gain interest, in November alone, we have gained \$553.36 in interest. She told the Fiscal Officer that she had done a good job and thanked her.

Vincent stated we need an ordinance to accept the TSCO prisoner housing contract. The rates have not changed. This needs to be passed as an emergency. Vincent made a motion, seconded by Lebold to suspend the rules. In a roll call vote, all members present voted yes. Vincent moved, seconded by Lebold to

approve the **TUSCARAWAS COUNTY SHERIFFS OFFICE PRISONER HOUSING CONTRACT at a rate of \$60 per night; establishing an emergency.** In a roll call vote, all members present voted yes. It was assigned **ORDINANCE #O-28-2018.**

Vincent stated that the Fiscal Officer has received the insurance quote for 2019 from Hammersmith Insurance. There is only a \$75.10 increase from the previous year. The quote for the year is \$14,037. Vincent made a motion, seconded by Lebold, to **accept the quote from Hammersmith Insurance for 2019 insurance for the Village in the amount of \$14,037.** In a roll call vote, all members present voted yes.

Vincent stated that the Village needs to set up a **finance work session** for the entire council before the year ends. Vincent made a motion, seconded by Lloyd, for the work session to be **Monday, December 17 directly after the committee meetings.** In a roll call vote, all members present voted yes. One item to be discussed will be reviewing 2019 health insurance premiums that were received from the County last Thursday. Committees will meet at 5:30 and immediately afterward, the work session will begin. The temporary 2019 appropriations will also be discussed.

Vincent stated that Dave Franks solicited quotes to replace the furnace in the garage. There was only one quote submitted from Weathermakers in the amount of \$ 1,542.00. Vincent made a motion, seconded by Lloyd to **accept the quote from Weathermaker's.** In a roll call vote, all members present voted yes.

Vincent stated the Street Superintendent solicited quotes for work that needs completed at the pump house. There were two quotes received. The lowest bid was submitted by Mission System for \$15,694. Not only was the quote the lowest quote, but it will also work within some of the parameters of the current system. Vincent made a motion, seconded by Lebold to **accept the quote from Mission System for \$15,694.** In a roll call vote, all members present voted yes.

**PLANNING-** There was some discussion in regards to the Wesleyan Church. It was determined that the survey should be completed before the ordinance. Cindy Lawver will be asked to come to the next zoning meeting to go over this and then they can bring it to council in January to get this moving on. The zoning meeting is Thursday, December 6 at 5:30pm.

**SAFETY-** Gettan reported, "Unfortunately, Officer Hilty, who has been a wonderful Officer for the Village has given us his letter of resignation". Gettan stated that they don't want to accept it, but they probably should. Mayor Hubble read the resignation letter as follows:

This is to be taken as my two-week notice. I regret to say that I am leaving the Village of Bolivar and I have taken another full-time job. I want to thank the Village for all they have done for me over the years, and will miss the department and the residents. From this date, two weeks from today would be December 3 and would put me one day into the next pay period. I will end on December 2 leaving November 30 as my last scheduled shift to make things easier with payroll.

The Mayor then stated that he asked if it causes any types of inconvenience to let him know. The letter was signed Sincerely, Sgt. Chad Hilty. Mayor Hubble stated that she wanted to take this time to say thank you. She also told him that she appreciates his service. He will be greatly missed and she hates that he has to go out to the wild blue, but she knows that all good things must come to an end. She thanked him again for his service. She asked for a motion to accept his resignation. Gettan made a motion, seconded by Vincent to **accept the resignation of Sgt. Chad Hilty.** In a roll call vote, all members present voted yes.

Gettan stated that they are now accepting letters intent for a full-time officer position for Safety.

Gettan reported they had 125 department calls for the month of November.

Gettan stated that they need two people to be nominated to the volunteer Police Dependents Board. Vincent nominated Megan Gettan. The board is in the event there is a death of police officer, the members would work with their dependents. Gettan nominated Bruce Lawver. Vincent made a motion to suspend the rules so this could be passed as an emergency. Lloyd seconded the motion. In a roll call vote, all members present voted yes. Vincent made a motion, seconded by Lloyd, to appoint Gettan and Lawver to work with the Police Chief via the POLICE DEPENDENTS BOARD. In a roll call vote, all members present voted yes to approve **ORDINANCE O-29-2018** establishing an emergency.

Gettan stated that although there was an organizational meeting tonight, the board has never had to meet in regards to a severe injury or death of an officer.

Mayor Hubble wants to make clear that we need letters of intent for any officer that would be interested for a full-time position with the Village. The starting rate of pay would be around \$15.50 from her understanding from Council. The Chief will be putting out feelers for that. The Mayor added she would also like it to be put in the paper that we are interested. We really need those letters to come in or submit their applications as soon as possible.

The Mayor went on to ask the Chief if he had anything to say about that. He responded, "Not about that, I was referencing the committee board. Does one have to be a resident"?

**CHIEF-** Chief questioned if one of the members of the Police Dependents Board needed to be a resident. Solicitor Anderson reviewed the ordinance and stated that two members need to be elected by council and the third member needs to be an elector of the Village, but not a public employee, member of village council, or village peace officer. The two board members will select the third person who is a resident but not a public employee, not a police officer, or not a member of council. The selection of the third person **needs to be appointed before the end of the year.**

**STREET & ALLEY** – none (Lang was absent)

**STREET SUPERINTENDANT/ADMINISTRATOR** – Mayor Hubble will speak for Dave. He will be going around tomorrow picking up leaves. He had removed the leaf vac to get ready for the salt spreader. He is going to take it back off and put the leaf vac back on. The Mayor and Dave spoke, and they decided that the leaves needed picked up. It was a beautiful day on Sunday, so there are a lot of leaves out. The composting site at the township will be staying open until December 17.

**SHADE TREE** – Mayor Hubble stated it was due December 7. She stated the biggest issues they have is the load of leaves. All of this information has to be in the application. Her goal it to have it in by December 7<sup>th</sup>. It's almost complete.

**RECREATION** – Lebold stated that last month they really didn't have a recreation meeting. He does have something to report, however. He was informed that the Ohio Erie Canal Coalition has been awarded \$380,600. That will finish the hook up under the trail and the north end of Bolivar under the railroad bridge to finally make that connection. The bike hike traffic will come from Cleveland through Bolivar and help them to stay off of 212. This will be done next year. Our match was \$180,000, and that was already met. The other thing is that the Village Downtown project is on schedule. Lebold asked the Mayor when it would start. The Mayor stated it will have to go to bid and we are working with ODOT. ODOT plans to go to bid in January, February, or March. It has to go to central office and finish up everything. Once it goes to bid, their plans are to begin as soon as the weather breaks. It should be completed by October as long as the weather

and everything else works out. Lebold said that's super because the downtown project and now the connection to Stark County. He went on to state this has been one of the missions he started back in 1997 of getting this canal through and down to Dover. He is really happy about this. He thinks its remarkable how they did it. He thanks council for all of the support. Vincent thanked him for all of his work.

**FISCAL OFFICER** – none.

**LAW DIRECTOR** – Anderson stated there was a special meeting last month where there was a 1<sup>st</sup> reading of an ordinance requested by Massillon Materials to provide for the rezoning of parcels 37-00726.000 and 37-00728.000 to transfer from agricultural zoning to a business commercial district and declaring an emergency. We did not have a sufficient number of votes last month to pass this as an emergency, so we did a first reading. He said there are two options tonight. Option number one, would be if someone makes a motion to pass this as an emergency now that there has been a sufficient amount of time to consider it as long as everyone here is in agreement with it. He noted there we have five (5) people here tonight so it would require all five people to vote for the ordinance to pass it as an emergency. If we don't get all five, then it becomes a second reading.

Anderson clarified that the ordinance that was passed out to everyone will have some additional language that he will be putting in section 3 which is the reason for the emergency measure. Anderson said he will be adding that this is also to effectuate the settlement of any litigation with Massillon Materials Inc. "This will be included in what you do not currently have in front of you".

Lebold made a motion to suspend the rules; seconded by Lloyd. In a roll call vote, all members present voted yes. Lebold made a motion, seconded by Lloyd to approve **AN ORDINANCE, O-30-2018, PROVIDING FOR THE REZONING OF PARCELS 37-00726.000 AND 37-00728.000 OWNED BY MASSILLON MATERIALS, INC. FROM AGRICULTURAL ZONING TO BUSINESS/COMMERCIAL DISTRICT AND DECLARING AN EMERGENCY.** In a roll call vote, all members present voted yes.

Attorney Brian Barger thanked the council for working with him and has enjoyed working with everyone over the course of several years.

Anderson presented a second 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.** It was set up for three readings.

Anderson noted at the November 5 Council meeting there was a second reading for **AN ORDINANCE TO SET THE CURRENT RATES OF PAY FOR EMPLOYEES OF THE VILLAGE FOR THE CALENDAR YEAR 2019; ESTABLISHING AN EMERGENCY.** If it is not to be passed by emergency, it would need a third reading and then would take 30 days to go into effect. It would need to be passed by emergency if council wants the rates of pay effective January 1. Gettan made a motion to suspend the rules; seconded by Vincent. In a roll call vote, all members present voted yes. Gettan made a motion, seconded by Lloyd to **approve AN ORDINANCE, O-31-2018, TO SET THE CURRENT RATES OF PAY FOR EMPLOYEES OF THE VILLAGE FOR THE CALENDAR YEAR 2019; ESTABLISHING AN EMERGENCY .** In a roll call vote, all members present voted yes.

Anderson reported that Tara Wright-Timblerville has indicated an interest in being Bolivar's next Solicitor. He felt she would do a great job. He went on to express, instead of having him stay on until the end of the year, that it would be in the best interest of the Village for Tara to take over effective immediately instead of starting cold in January. He prepared an ordinance **PROVIDING FOR THE CONTRACTUAL SERVICES OF LEGAL COUNSEL FOR THE VILLAGE OF BOLIVAR AS VILLAGE SOLICITOR AND DECLARING IT AS AN**

EMERGENCY. He needs to correct a typo as he reversed her last name. Other than that, Tara would be compensated at the rate of \$60 per hour for all work performed on behalf of the Village, and will be required to attend all council meetings.

Gettan made a motion to suspend the rules. Lawver seconded the motion. In a roll call vote, all members present voted yes. Gettan moved, seconded by Lawver to approve **AN ORDINANCE, O-32-2018, PROVIDING FOR THE 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. Mayor Hubble congratulated Ms. Wright-Timberlake.

Anderson stated, at the last meeting, there was a question in regards to FMLA and if an employee had to take all of their compensatory time off when using FMLA. Solicitor Anderson stated that that can absolutely be done. He has prepared an ordinance to edit **to edit section 10.12 of the Policies and Procedures Manual CAPTIONED FAMILY MEDICAL LEAVE ACT AND DECLARING IT AN EMERGENCY. EMPLOYEES SHALL EXHAUST ALL ACCRUED SICK, VACATION, PERSONAL LEAVE, COMPENSATORY TIME BALANCES AS APPROPRIATE PRIOR TO GOING TO ON UNPAID LEAVE THE PAID LEAVE SHALL COUNT CONCURRENTLY AS LEAVE UNDER THE FAMILY MEDICAL LEAVE ACT.** They will have a maximum of the time allowed under the FMLA but whatever time they have that is paid will apply towards that.

Lloyd made a motion to suspend the rules. Gettan seconded the motion. In a roll call vote, all members present voted yes. Lloyd made a motion, seconded by Gettan to approve **AN ORDINANCE, O-33-2018, TO EDIT SECTION 10.12 OF THE POLICIES AND PROCEDURES MANUAL CAPTIONED FAMILY AND MEDICAL LEAVE AND DECLARING IT AS AN EMERGENCY.** In a roll call vote, all members present voted yes.

Mr. Steve Anderson stated that it has been a pleasure working short term as the Village's Solicitor. He submitted his resignation as Solicitor for the Village of Bolivar based on Tara coming on tonight. Gettan made a motion, seconded by Vincent to **accept Attorney Anderson's resignation.** In a roll call vote, all members present voted yes. Mayor Hubble thanked Anderson and told him that he has helped out so much. Anderson stated that he has always loved the Village, and loves working with everyone here. He stated it has been his pleasure. Mayor Hubble again thanked him, and told him that we appreciated his help.

Mayor Hubble wished everyone a Merry Christmas and Happy New Year. The Mayor wanted to say thank you to all Council for their service here at the Village this past year.

There being no further business, Lloyd moved, seconded by Gettan to adjourn until the next regularly scheduled council meeting on Monday, January 7, 2019. In a roll call vote, all members present voted yes. Council adjourned at 7:42 pm.

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Mayor Rebecca S. Hubble

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ATTEST: Maria A. App, Fiscal Officer  
Approved: January 7, 2019