

Accepted in
7.5.22
meeting

VILLAGE OF BOLIVAR

COUNCIL MEETING

June 4, 2022

The Bolivar Village Council met in regular session at Village Hall on Monday, April 4, 2022. The meeting was called to order by the mayor at 7:00 pm.

The Pledge of Allegiance was said. White opened the meeting with a prayer. Bellinger, Finlayson, Lawver, White, Oberlin, and Diveley all answered yes to roll call.

The mayor noted that he currently did not have a copy of the May 2nd meeting minutes at this time so we would have to put them off until the July meeting for council to review and vote on acceptance of both the May and June council meeting minutes.

Lang asked for a motion to approve the bills for May totaled \$55,022.57. Oberlin moved, seconded by White to approve the bills. In a roll call vote, Lawver, White, Oberlin, Bellinger, Finlayson, and Diveley all voted yes.

The mayor asked if there were any corrections to the agenda. There were no corrections.

Public Speaks - Chris Berins noted that she understood that the Finance Committee had determined prior to the council meeting that they did not feel the TAP sculpture project was an appropriate use of government funds and were unwilling to help fund the project. Chris said that funds would be used to not only create the TAP sculpture but also create a park next to the village Hall and that she had submitted a grant application requesting \$10,000 to form the park, but the project desperately needed financial support from council. She noted that similar TAP sculptures are being pursued by 20 villages throughout Tuscarawas County. The mayor noted that a few members of council had suggested in the finance meeting that we approach Bolivar Main Street as a potential funding avenue. Michela Huth, who was one of several members of the public in attendance, suggested she did not think the project was an appropriate use of government recourses, but said that she would have Tom Graff, who was also in attendance, fund the project. The Mayor noted that Tom had a very surprised look on his face so wasn't sure that was a reasonable avenue to pursue, but we

would just have to keep looking and see if we could find someone other way to fund the TAP sculpture project.

Mark Goudy spoke on behalf of St John United Church of Christ. He noted that there are two service lines going into the church and both lines are metered. He said that the one meter only used 700 gallons last month and the other used 200 gallons. He noted that it was a busy month last month due to them hosting a mother daughter banquet and several funerals. He said the church was requesting that both meters be combined into one bill and only billed for the one service connection. The Mayor noted that he hasn't gotten through all the details that need to be ironed out for the updated water rules and regulations. He suggested that we have a work session of council after the upcoming street and ally meeting to finalize the details on the water rules and that we could address the concerns Mark has reference getting two bills and having them combined into one bill.

Anne Straus spoke next that ODOT has noted they are doing studies on the petition that was circulated reference a noise wall. She noted this was the ideal time for them to do a study and she just wanted everyone to know that ODOT was continuing to address the issue.

OLD BUSINESS – None

MAYOR – Lang requested permission from Council for Main Street Association to put up signage at the three-way stop advertising for the Strawberry Festival and the Car Show on July 24th, and to allow them to put the signs up a week ahead. Motion to allow Main Street to put up signs made by Diveley and seconded by White. Roll Call: All yes.

Mayor noted that Ragon House had requested to post signs to advertise through June 12th and again later this fall at the 3 way intersection. Oberlin asked why it had to come to Council. Bellinger noted that it was because they were wanting to post signs on government property. Mayor noted that he believes the request was made based on the way zoning language for signs on village property reads, only council can authorize the signs to be placed there. He noted that Ragon

House will have to complete a sign permit. Motion to allow Ragon House to post signs made by White and seconded by Diveley. Roll Call: All yes.

Lang noted that Kristal had been offered a director job with the Ohio National Guard and for this reason she had resigned. Mayor asked for a motion to accept her resignation effective May 20th, 2022. Her resignation letter was read. Motion to accept Kristal Christinson's resignation was made by Finlayson and seconded by Bellinger. Roll Call: All yes.

Mayor then read Patty Smith's resignation letter and asked for a motion to accept her resignation effective June 15th 2022. Motion to accept Patty Smith's resignation was made by Bellinger and seconded by Lawver. Roll Call: All yes.

Lang noted that Jeffery Stearns has been given an offer to join Sugarcreek PD and has also tenured his resignation. The Mayor read his letter and requested a motion to accept Jeffery Stearns' resignation. Motion to accept Jeffery Stearns' resignation was made by Lawver and seconded by White. Roll Call: All yes.

Mayor then stated that he wanted to temporarily appoint Matt Judy as Fiscal Officer, because the Village is required to have one under state statute. He requested that his hours be expanded to 30hrs a week in the interim and stated that he anticipated it to take a month and a half or so, until we can find a new fiscal officer.

Motion to suspend rules and regulations was made by White and seconded by Findlayson. Roll Call: All yes. Motion to pass as an emergency was made by Diveley and seconded by Bellinger. Roll Call: All yes. Ordinance O-19-2022 passed.

The mayor noted that he wanted to repost the position of fiscal officer until the end of the month and that he was requesting permission from council to spend up to \$1,000 to advertise with Indeed, Bargain Hunter & Times Reporter. Motion made by White and seconded by Bellinger. Roll Call: All yes.

The mayor requested Council approve the hiring of Wyatt Jones at a rate of pay of \$12 an hour for 24hrs a week. Motion to suspend the rules was made by Bellinger and seconded by Findlayson. Roll Call: All yes. Motion to pass as an emergency was made by Findlayson and seconded by White. Roll Call: All yes. Ordinance O-20-2022 passed.

COMMITTEE REPORTS

FINANCE – The Mayor reported StarOhio interest was \$254.14 and Huntington interest was \$8.03.

Bellinger reported the Ford Explore cruiser needed new tires and that we would be purchasing tires through Capital Tire in Dover and the Chief would get some quotes for repairs needed. Motion to approve up to \$1,000 to make the necessary repairs was made by Bellinger and seconded by White. Roll Call: All yes.

Bellinger said we needed to authorize up to \$750 to rent the lift to fix the light pole in the Cherry Street parking lot. Motion to approve up to \$750 to rent the lift was made by White and seconded by Bellinger. Roll Call: All yes.

Bellinger asked for a motion to approve the purchase of \$2,800 for gravel used in Canal Street rear parking lot. Motion to approve was made by Findlayson and seconded by Diveley. Roll Call: All yes.

Bellinger made a motion to accept the donation of a \$1,000 from Rich Dotts for gravel on the Canal Street rear parking area was made by Bellinger and seconded by Diveley. Roll Call: All yes.

Bellinger noted tonight would be the second reading of an ordinance to raise Village Administrator Judy's rate of pay by \$.50.

Bellinger made a motion to contract with the traveling clerk or Stacy Spillman to assist Matt Judy with his fiscal officer duties as he assumes the role for the next month and a half. Noted that a rate of pay would be \$30 an hour. Discussion was had with Attorney Timberlake on whether it needed to be an ordinance since it would likely be a contract. She noted that since we didn't currently have a contract, we would just approve it by a roll call vote. Motion to approve was made by Bellinger and seconded by White. Roll Call: All yes.

Bellinger said we needed to approve the purchase of a power washer at a cost of \$599. Motion to approve was made by White and seconded by Findlayson. Roll Call: All yes.

Bellinger noted we needed to approve the contract for street paving through Barticas. Lang questioned Timberlake on whether it needed to be an ordinance.

Timberlake noted that tonight we were set to have the third reading of the ordinance so all she needed to know who the contract was with. \$65,300.50. Motion to enter a contract with Barticas for paving was made by Bellinger and seconded by White. Roll Call: All yes.

Bellinger noted we would be having a work session of council on June 20th at 6:30 to discuss water rules.

The mayor noted we needed to approve the purchase of the new Stihl chainsaw for a cost of \$699. A motion to approve was made by Bellinger and seconded by White. Roll Call: All yes.

Bellinger then brought up the need to increase the police department's wages by dropping the third officer and just have two full time officers and pay them more. Diveley and White both thought the idea made sense. Lawver also agreed and Oberlin stated that if everyone was paying more, we needed to be competitive. Oberlin noted we were losing a good man in Jeff Stearn. Bellinger asked the police chief if he would do some investigation and bring the pay of the surrounding departments to the next meeting. Bellinger then asked Judy if he could figure out what all monies were available, and we could then discuss it at the next Finance meeting. The other council members thought it was a good idea. Huth then questioned why the cops were making less than the street superintendent. Huth noted that we shouldn't be buying power washers and chain saws and instead tighten our belt and make sure we don't lose Randy. Bellinger agreed that he doesn't want to lose the Chief either. Berins then asked about our weekend coverage. Bellinger noted that we could always move the second officer to four 10hr shifts as a possibility. Bellinger noted that until we can get something on the ballot to get more money for policing, we are going to have to get creative to keep police officer. The Chief noted that he had been given a much better offer to go to another department, but he turned it down because he loves Bolivar.

Planning Commission - Bellinger stated the Commission had discussed the proposal to allow recreational vehicles and determined that each resident could have up to two recreational vehicles including trailers, however they could not be in the front yard and had to be five foot off the property line. That front yards would be determined based on the street address of the residents and that a

utility trailer would be considered one item regardless of the number of vehicles stored on it, but all items stored on the trailer must be covered, and the trailer and the items on the trailer must be properly licensed, mobile, operable, and completely assembled. All items must be owned by the owner of the residents or legal renter of the residents and recreational vehicles, or trailers must not be used for habitation purposes. Lastly, no storage of recreational vehicles on village property. For first violations, there will be a written warning which would be hand delivered or sent by certified mail. If the issue was still unresolved three days later, the next step would be a \$50 fine, three days after that the fine would go to \$150 and three days after that it would go to \$250 fine and for every three days after that it would be a \$250 fine. The committee then stated that when the fine reached \$1,500 legal action would be pursued. Bellinger asked Timberlake how they could pursue such actions. Timberlake stated that a tax lien could then be placed on the house. Judy noted that he had checked the ORC and determined zoning was not listed purpose for assessing someone's taxes. Timberlake stated that instead of the fine being levied as an assessment it would instead be lien against the property. Huth asked who drafted the ordinance because the proposed legislation would exempt Kyle's (Porter) property and he had the junkiest property in Bolivar. She noted that the ordinance exempted side driveway parking of recreational vehicles, and Kyle is the only one in Bolivar who has a side driveway, and he has all that junk all in his backyard. And when you read that ordinance to me Kyle's property would be allowed to have all that junk on it and it looks like crap. But anyone else in Bolivar that has a front driveway would not be able to park vehicles in their driveway. Huth stated, that if you go forward with this legislation, I will put an offending vehicle on my property just so you can fine me, because if you think that you can fine someone every three days, its unconstitutional, you can't exempt someone who has junkie property. Huth asked, have you driven around Bolivar and seen how many offending properties there are right now with that ordinance and are you guys prepared to do enforcement because if you're going to pass a law lets enforce it. There are many people around that offend that ordinance, there are at least 30 people around that offend that ordinance, are you ready to piss off thirty residents? Bellinger noted that we would talk to them. Huth responded I hope you talk to them before you fine them because that sounds pretty draconian to me. Lori Feeney from the Bargain Hunter then took a picture of Huth and Huth demanded Feeney not take

her picture. Porter, then noted that currently the village zoning ordinance states no residents are permitted to have any recreational vehicles. The mayor stated that no boats or RVs are currently permitted in the village of Bolivar and that what the Zoning Committee and council are attempting to do is expand the ordinance. Huth questioned if the current law didn't allow trailers or recreational vehicles, why it wasn't being enforced. She noted that Kyle has a trailer and yet the ordinance isn't being enforced with him. The mayor noted that Huth has a boat also, but no action is being done in her case either, because the law hasn't been enforced in many years. Oberlin stated that the committee is attempting to address enforcement and expand what is permitted. Bellinger noted that the committee's question is what type and mechanism of levying fines for violations is the Village legally allowed to bring. A discussion was then completed on what reading of the ordinance this was. The mayor said this would technically be the fourth reading of the ordinance. Bellinger noted that they just needed the language regarding the fines. Timberlake stated we could just call it a first reading and that would give her time to research the language regarding the fines before the recreation vehicle ordinance was passed as a whole. Bellinger noted that the Zoning Committee wanted to know specifically what we can legally do to make sure the ordinance has teeth and is enforceable. Timberlake then made a first reading of the proposed ordinance to change the zoning codes regarding the recreational vehicle section.

Bellinger then asked Huth what she thought should happen regarding the recreational vehicle ordinance. Huth stated the village needed to enforce the laws on the books. Bellinger said the question came to us, that because the ordinance has been on there so long and we have done nothing, that legally we may not be able to enforce it at this point. So, come up with a new ordinance then you can begin enforcing that, also we wanted to be a little more lenient and not say, no one can have any recreation vehicles in the Village. Lawver noted that it was both an enforcement issue and a belief by council that it wasn't right to not allow any recreational vehicles in the village. Lawver noted that council has been talking about this issue for many months and that Council held a work session of council to discuss the issue last month and had several residents show up to offer their input. Huth then asked if she could park her boat on her driveway under the proposed ordinance. Bellinger noted that she had a side yard driveway, so

therefore she would be permitted to park her boat on her driveway. Huth then asked what someone could not do under the proposed language. Bellinger noted that at his house he could not park anything in his driveway, because his driveway is all in the front. So, he would not be allowed to park a recreational vehicle there except for 48hrs to load or unload. The mayor noted the same is true at his residence because he has a front driveway also and that if he parked a recreational vehicle there it would create an obstruction that would block line of sight for traffic. And noted that is why front driveways are not permitted under the proposed ordinances. Oberlin and Bellinger noted that the committee preferred recreational vehicles be placed in the rear of the property, however if you had a side driveway then you would be permitted. Oberlin noted corner lots were tricky. Bellinger noted that recreational vehicles would not be permitted on side yards, only backyards and that the only time a vehicle would be allowed to be in the side yard was if there was a side driveway. Bellinger also stated that it has been discussed that all residents would be permitted to come to council and request a variance of the recreational vehicle zoning ordinance. The mayor noted this would be for instances in which someone was hoping to have a third vehicle, or have it parked somewhere other than what would be permitted under the proposed ordinance language. Bellinger stated that if a resident went to all their neighbors and they agreed to you having this third vehicle or having this vehicle parked over here, then the committee would be good with that.

Findlayson noted that within the zoning book there are nine different sections that have minor misdemeanor and misdemeanor four and misdemeanor three and that the one section of the zoning book states any violation of this section starts at an M4. Huth noted that we would have a lot of unhappy residents, considering it's been thirty or forty years since something has happened with enforcement of the zoning code. Oberlin stated that presently it says you can't park a recreational vehicle in the village, whereas this states you can park a recreational in the village. Bellinger noted for those people that would not be in compliance with the new language would need to get a variance. Huth said she thought we said there was no law on the books about parking boats. The mayor noted that the current ordinance says no boats or recreational vehicles anywhere. Huth said but there is no enforcement. Bellinger noted that is why we are trying to write a law that would allow people to use their property to park and store

things and that then begin enforcing it like you said. This kills two birds with one stone, it allows us to be more flexible while also allowing us to enforce some limits. Bellinger noted that we would have three readings, so if Huth or anyone else here thinks of something, bring it up.

Safety- Lawver briefed council on the staffing issues with the Police Department and the Safety committee's proposal of bringing our part time officer, Eric Minor on as a full-time employee. Motion to suspend the rules was made by Lawver and seconded by White. Roll Call: Bellinger abstained, noting Minor works up at refinery, all other members voted yes. Motion to pass as an emergency the hiring of Eric Minor as a patrolman at the rate of pay of \$16.50 an hour with an effective date of June 27th was made by Lawver and seconded by Oberlin. Roll Call: Bellinger abstained while all other members voted yes. Ordinance O-22-2022 passed.

Lawver then brought up the fire contract that had been recently passed by Lawrence township between the Bolivar Fire Department and the Township and villages of Zoar and Bolivar. Lang noted that the version the village had previously passed was a draft version of the contract that has not yet finalized. A motion to suspend the rules was made by Lawver and seconded by Bellinger. Roll Call: Findlayson abstained, all other voted yes. Motion to pass as an emergency the fire contract was made by Lawver and seconded by Bellinger. Roll Call: Findlayson abstained all others voted yes. Ordinance O-23-2022 passed.

Lawver then confirmed with the Chief that we had adequate coverage lined up for the Strawberry Festival, and the Chief affirmed we did have the coverage necessary.

Lawver noted that the Village wanted to ensure there was handicap parking in the parking spots on Tuscarawas was temporarily established during the festival. Motion to suspend the rules was made by Lawver and seconded by Findlayson. Roll Call: All yes. Motion to pass as an emergency was made by Lawver and seconded by Findlayson. Roll Call: All yes. Ordinance O-24-2022 passed.

Chief- Chief stated it's been amazing to have Jeff. That he has been here 16 years, and that Jeff was what I wanted with a community-oriented police officer and that he is going to be missed.

Street & Alley- Finlayson asked about the village truck repair. Porter noted that parts are in and painted up. He hasn't heard when it will be ready for pickup.

Findlayson stated the connection between Delaware Ave and the towpath has been completed. Lang noted that the gentleman that had requested we make the connection had emailed in and thanked us all for making this happen.

Findlayson briefed council that he had found a plot map from the 1970s that referred to the one section of Johnson alley used to be referred to as Catharine Place which would have been named for Catharine Lebold. A discussion of old street names and places then took place but no decisions were made.

Street Superintendent- Porter noted that everything had been covered. Lang stated a lot had been done this last month, the catch basin on cherry street has been repaired. The connecting path between Delaware to the Towpath had just recently been completed. The expanded parking on the Canal Street Rear had happened. And all the trees had been removed after being approved at last month's council meeting.

Shade Tree – Nothing

Recreation – Oberlin briefed council that everyone is recreating.

Fiscal Officer – None.

Village Administrator –

Judy noted that the health department will only spray for mosquitos this year if more than 200 mosquitos are collected in a 24 period or a positive west Nile case is identified. But we need to know where to set the traps to collect mosquitos. The consensus was anywhere there is tall grass. The suggestion was made to place them down next to the fort.

Judy then noted that we needed to pass the ordinance tonight to certify the language needed to put the police levy on the ballot with a replacement with an increase of 2mils. Timberlake noted that it would be a third reading of the ordinance tonight.

Motion to pass was made by Bellinger and seconded by Lawver. Roll Call: All yes. Ordinance O-25-2022 passed.

Law Director- Solicitor Timberlake

Second reading of an ordinance to increase the rate of pay for the village Administer by 50cents an hour.

Third reading of an ordinance to amend appropriations. However, because we had not yet finalized which funds the money needed moved from and to it, we will hold off on passing it for another month and set for a fourth reading next month's meeting.

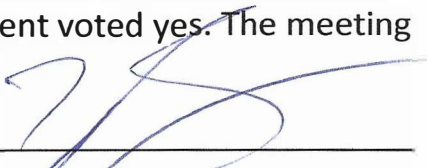
Third reading of an amendment to change how income tax allocations would be handled. However, due that would be held with a fourth reading be scheduled for next month's meeting.

Third reading to amend the water rules and regulations, however council still had details to be ironed out there also. So that would also be held with a fourth reading be scheduled for next month's meeting.

And a first reading of an ordinance to amend the zoning code with regards to recreational vehicles within the village.

Mayor noted we would be holding a work session of council to discuss the water rules and regulations on June 20th at approximately 6:30pm, directly after the Street and Alley meeting.

The mayor asked for a motion to adjourn until the next regular council meeting on July 5th, 2022, at 7:00 p.m. at Village Hall. Motion to adjourn by White and seconded Dively. In a roll call vote, all members present voted yes. The meeting adjourned. 8:17pm



Mayer Tim Lang

ATTEST: Matt Judy, Fiscal Officer
Approved: