

# VILLAGE OF BOLIVAR

## COUNCIL MEETING

**MAY 04, 2023**

The Bolivar Village Council met in regular session at Village Hall on Thursday, April 6<sup>th</sup>, 2023. 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 asked for a motion to accept the minutes of February 2<sup>nd</sup>, 2023. Diveley moved, seconded by Lawver. In a roll call vote all voted yes.

The Mayor asked for a motion to approve the bills for February which totaled \$55572.16. White moved, seconded by Finlayson to approve the bills. In a roll call vote, Lawver, White, Oberlin, Bellinger, Finlayson, and Diveley all voted yes.

Mayor Lang asked if there were any corrections to the agenda. There were no corrections.

### **PUBLIC SPEAKS –**

- Zane Anderson from troupe 5086 out of Dover, OH. He was back at the Bolivar Cemetery behind the Bolivar Community Church and noticed the plaque is deteriorating and needs an eagle scout project. He is requesting if he can create a new sign and replace the trees next to the sign with bushes. He would like to place a cement pad around the plaque and a bench. He is working on creating the timeline for start and completion. He has goal to be completed before January of 2024. The mayor said once we have a new street superintendent he would have that person remove the trees. Finlayson asked if they would be taking donations to help with the expenses, the answer was yes. Mayor Lang also said we could place the flyer asking for donations on the village office door and on the website.
- Chris Berens provided an update on the statue project. As of March 2<sup>nd</sup> they had raised 3,135.00. However, the goal is \$6,900 so until we get that raised we cannot get the monument so we have some work to do. We had the opportunity to receive 2 free benches from the Lions Club, however we missed out on them due to phone calls not being returned. She contacted a Lions Club member and they will still provide 2 benches. Mayor Lang stated he spoke with King on Monday and we will get the benches. Dan stated Will told him the same thing. She asked the council members why they are not supporting the project and refuse to give anything? She stated that Barb Kline and Barb Berens are helping her get letters out asking for donations. She is also trying to come up with a fund raiser to help come up with donations.
- Members of the Tusky Valley Baseball & Softball Association, the youth rec league in the district. They came with concerns about what might happen with property that the school currently sits on and stated that they cannot afford to lose those fields behind the school. They wanted to touch base on what might be happening. Mayor Lang explained proposals currently floating around one being a presentation to take place during the zoning section by the Bolivar Community Church and council members wanting to save the school. Dan stated that both of the current fields behind the school are very well maintained.

**OLD BUSINESS – None**

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- Kyle Porter resigned and he read his resignation to all in attendance.
- Mayor Lang informed all that he is resigning and his last day will be April 5<sup>th</sup>, 2023. He does plan on helping out as a volunteer as time allows.
- Notified council that Barb has completed her probationary period.
- Swearing in of Donald Worthy II as new auxiliary police officer. Lawver made a motion to approve resolution to hire Donald Worthy II as an auxiliary police officer. Second from White. Bellinger, Finlayson, Lawver, White, Oberlin, and Diveley all answered yes to roll call. Mayor signed Donald in and Donald said I do.

**COMMITTEE REPORTS****FINANCE – Finlayson**

- Interest for the month of January for a total of \$1,770.85.
  - Huntington \$265.73
  - Star General \$1,051.63
  - Star Water \$409.85
  - Star Capital \$43.64
  - Total: \$1,770.85
- Discussion of a one year renewal of trash removal by Kimble. Members agreed to a one year renewal since there is so much turnover taking place. Request that Babik have legislation ready for a vote at the April meeting.
- Paving for 2023, we put out paving for the village and needs to be sent in to the county by the end of March. The following streets will be included in the submission to the county: Canal Street from Walnut to Tuscarawas Street on the south end and Canal Street from the Village Hall to the end of Canal at Park Street stop sign. Walnut Street from Canal Street to Park Avenue down by the church. Sassafras Alley from Pine to Poplar. Based on the first quote it will be approximately \$85K but based on last year's paving the price will be more. Babik passed out the legislation for the village to enter into Mayor Lang requested a motion for a first for an ordinance to accept a portion of the Tusc County Engineers' 2023 paving estimates for the Village of Bolivar by emergency. First by White, seconded by Diveley. Bellinger, Finlayson, Lawver, White, Oberlin, and Diveley all answered yes.
- Tedd brought up that Matt Judy will be resigning, however, he has offered to stay on until we can fill the village administrator position. He will be working 15 hours a week at \$20 per hour. Mayor Lang said he will work with Babik on legislation.
- Ordinance for a supplemental appropriations by emergency. Motion by Diveley, seconded by Finlayson. Bellinger, Finlayson, Lawver, White, Oberlin, and Diveley all answered yes.

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- Water line repairs, Finlayson requested approval to pay for the waterline repair up to \$2K. First by Finlason and a second by Bellinger. Bellinger, Finlayson, Lawver, White, Oberlin, and Diveley all answered yes.

### **Planning Commission – Bellinger**

- Since Tim is leaving as Mayor and Tedd will be stepping in, this leaves an opening on council. Will asked if they can start interviewing now or do they have to wait? Tim asked if they would wait a month. Dan said he didn't think they can pick anyone before hand. Will explained they can interview now and be ready at the next meeting. Tim requested again to wait. Dan stated his experience has been the mayor has always appointed when there is an open seat. Tim went on to explain that the Village of Bolivar the mayor and two council people have interviewed and come to a consensus to fill an open seat. Tim also said he did research and it states that council has 30 days to fill an open seat and if they do not fill it in those 30 days then the mayor can appoint someone. He also stated he would like to see it be a joint operation between mayor and council.
- Will informed those in attendance that any discussion around the school property will take place in the zoning/planning meetings.
- Tim explained that he has had conversations with the pastor at the Bolivar Community Church around the school property and what the church would like to see happen to it. Tusky Valley has promised that they will be taking down the school and then the village will have to plan on what to do with the property. The proposal by the Bolivar Community Church is one option for that property. Pastor Aaron provided a display of his proposal. He stated the proposal is not set in stone and people have come to him with their ideas. He has also been told about the approximate \$19,000 void is lost tax revenue with the school closing. So the initial renderings they did, did not address the lost revenue so they thought more on it and came up with the idea of adding new houses currently where the school sits. There would be 2 premier lots where the school sits and 7 additional houses behind Dante's house all the way back to Terry Avenue. He feels with the size of the lots and the current going rate in Bolivar he feels the lots could sell for \$20K - \$25K per lot. Just by selling the properties would gain the Village of Bolivar a decade worth of income tax. Then they through out the idea of connecting with a developer and saying hey you could develop property next to a community park in Bolivar and put 9 new houses there. Then the Village of Bolivar would receive income tax from those residents and also property tax on those houses that would be worth approximately \$300K - \$350K, depending on what they choose to build. The next thing they did was take a census of what we need in Bolvar and one of the top three things was concerns around the elderly of the village needing things to do. The church also has quite a few elderly people and quite a few widows at the church. The church decided a month ago that they are going to turn their church into a community center. They are removing the pews and replacing them with chairs so they can do senior things at least once or twice a week. They are going to start doing community meals staring monthly then hopefully in the fall move to weekly. They will then start partnering with Tusky Valley Schools to create an after school programs. Some of the programs will be music lessons

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some will be tutoring. All of those will be free of charge to the community. They do that because one we are a church and because it is the right thing to do, to love on the people in the community. Trying to get the scope of all ages from birth all the way thru senior citizen. You will see we have a plan for an amphitheater they thought it would be great to partner with the village for the strawberry festival and the church is working on starting a concert series called the Bolivar Community Concerts. The first concert is set for March 18<sup>th</sup> at Canton South because Tusky Valley's auditorium currently isn't large enough. They will start concerts at their own property. You will also see in the rendering that the park connects to Hennis. He noticed after work and when he picks up his son at preschool there is always a handful of nurses pushing clients in wheelchairs in circles in their parking lot. You will see there is a cut through so they could walk them into the park. They also put a baseball field because they know that is big. They put it as a challenger field so it can be for both youth and currently the church employs four adults with disabilities that come every Tuesday and Thursday. They partner with Advocates for Success in Tuscarawas County. Then kids are huge part of what we do, their preschool already has a huge wait list for next year. So they think a splash pad for the youth of Bolivar. Once the school is goine kids won't have things to do so they plan to put the splash pad in along with a playground area. Then it would include a public pavilion and restrooms with a walking trail around it. He also spoke with residents around the school asking what they thought would help hold their homes values. He said the residents felt new houses and a community park would help and be a huge asset to the community. He stated that nothing is finalized and their goal was how could they best serve the community they live in. They felt if it included a walking trail, room for 4 – 5 disc golf holes on and if they are paves people of all ages could do it. Again nothing in stone and open to ideas. Mayor Lang stated that so far this is the best plan for the community and it takes into account that the Becky Hubble when mayor always stated the area would be turned into a park. This rendering fulfills her wishes and recoup some of the lost revenue. He also stated the best part of this is that none of the maintenance of the property would not fall on the village. The school will close at the end of the year. The building will be used for storage while the new buildings are under construction. Concerns were raised on parking on Sunday mornings. Mayor Lang requested further parking discussions to move to the next planning meeting. There was discussion around ball fields and not losing any. Mayor Lang let everyone know that there is room up at water works park for an additional field up there.

### **Safety – Lawver**

- We received 45 calls for service in the month of February.
- Officer Minor received taser instructor training.

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- Received a quote from Staley for \$7,300 for the cost to tie the weather alert siren into dispatch for activation when needed. There are possible grant options such as the Reeves Foundation and other financial options.
- The Chief completed the audit to their satisfaction.
- We received some complaints regarding an officer that was addressed by the Chief. They will go into executive session to discuss further at the end of the meeting.

**Chief – Haugh**

- Nothing to add

**Street & Alley – Bellinger**

- There was discussion at the last street and alley meeting regarding the village is being requirement by the EPA to begin testing of all the water lines to all the properties by 2025. We are required to identify what the water line is made of going from the main into the house and what is made up of at each end. They are looking for lead. This is a project we must take on in the coming year.
- Already talked about the water line leak that was repaired.
- Matt advised Will to discuss that the village received approximately \$270K in revenue from our water operations in 2022. The operating costs last year were approximately \$170K which gives us a \$100K in the positive. Once we start purchasing water next year the cost can run an additional \$110K which means we would be running at a deficit of \$10K in the water program. This will not only mean we would have to come up with the extra \$10K but it would mean we have no extra money to start replacing the old lines which we need to do and Kyle strongly suggested before he left. We need to have a plan to start replacing the old water lines. Mayor Lang was going to contact RCAP for another rates study. He stated he did contact them but he needs to contact him because it looks like he transposed numbrs and since his son was sick last week he hasn't had the opportunity to do so. Will stated they would discuss further at the next street and alley meeting.
- Mayor Lang stated he will have to do a post on Best of Bolivar and an all call out to alert residents of the hydrant flushing scheduled for April 4<sup>th</sup>.

**Street Superintendent –****Shade Tree – Mayor Lang**

- Tim stated he did find a really cool book on all of the trees that one of the Frank's put together

**Recreation – Diveley**

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- The main thing covered is the celebrating of the 200<sup>th</sup> anniversary of the village. Main Street Association is pretty much taking over it. Mayor Lang said we will still try and create a bicentennial commission but yes, Main Street will be handling most of the heavy lifting. However, we will create the bicentennial commission so we can get people involved and then tell them we will not be raising any funds or spending any funds unless it is a capital project. If they need funds they would need to reach out to the Main Street Association.
- Steve got back to the mayor on the DIY skateboard park it was recommended not to do one.

### **Fiscal Officer – Kline**

- Updated everyone that she completed her research into the rate for the electric and found all but 2 of the location we are paying for were already under contract on a fixed rate so she put the 2 missing in the same contract which ends June of 2024.
- During the transition of solicitors the ordinance number got mixed up creating duplicate numbering. Requested Ordinance titled Ordinance correcting numbering errors contained with it certain legislation adopted in calendar year 2022 and declaring this to be an emergency. It ended up after further research that we only had to correct 2 Ordinances. The corrected numbers are Ord 42 for Rick Wigfield's hiring and Ord 44 for the end of Eric Minor's probation and raise. First by Finlayson and a second by White. Bellinger, Finlayson, Lawver, White, Oberlin, and Diveley all answered yes.

### **Village Administrator – Judy**

- As he had stated earlier he will be submitting his resignation at the same time as Tim but would like to stay on as temporary part time as the fiscal officer's assistant. He will work 15 hours a week at \$20 per hour.

### **Law Director- Solicitor Babik**

- Steve stated he had a couple things and first of all he is not resigning but if anyone feels contrary to please let him know.
- Opioid litigation has reached a settlement. There isn't much money and the money received from it there will be so many strings attached in how the money could spend it. Most municipalities that will receive it plan on turning the money over to mental health addiction services because the earmarks are never going to be met. Mayor Lang stated we were projected to get \$370.00 so we did not opt in.
- 2021 Ethics opinion: If there is a vacancy in the council president position then when the new council president is appointed, there will be a new member that comes on and new president appoint. He always say and always thought the person up for consideration would abstain from vote but the ethics commission states you can vote for yourself as long as there isn't an immediate increase in pay. If there is an increase in pay you cannot

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vote on it. However, if the increase in pay is in virtue of existing legislation that pays more then you can vote since you are not deciding your own money.

- If the village sells property there is a certain statutory procedure that has to be followed. Advertised for bid 5 times. The statue for sale of real estate states shall sell to the highest bidder so the council is not given discretion as it relates to the sale of real estate. The statute is for real estate is 721.03 and it states only with the highest bidder. He will look into it in what our options are and what strings are attached. Steve stated if we gift it as a true gift he will have to check into what steps need to be followed. Steve also stated that in the past when it is put out to bid it is done as a quick claim deed and the buyer is responsible for anything tied to the purchased real estate. Will asked if we can tie conditions to the sale and Steve stated yes as long as we make it clear when put up for bid.
- Bruce Lawver requested to move into executive session with council, Chief of Police, Steve Babik. Second by Bellinger.

The mayor asked for a motion to adjourn until the next regular council meeting on May 4th, 2023, at 7:00 p.m. at Village Hall.

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Mayor Tedd Finlayson

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ATTEST: Barb Kline, Fiscal Officer

**Approved:**