

VILLAGE OF BOLIVAR

COUNCIL MEETING

November 2, 2023

The Bolivar Village Council met in a regular session at Village Hall on Thursday, November 2, 2023. The meeting was called to order by the mayor at 7:03 pm.

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

Mayor Finlayson introduced the October bills totaling \$72,387.55. He said receipts for October were \$23,343.68. Patty stated the receipts are low compared to last month because some water receipts and income tax receipts had not been booked before this meeting.

Mayor Finlayson asked for a motion to approve the minutes for the October regular council meeting as presented. Motion made by App and seconded by White. In a roll call vote, Lawver, White, Oberlin, Bellinger, App, and Diveley all voted yes.

Additions/Correction to the Agenda – None.

Public Speaks - Chris Berens stated that the special meeting scheduled for October 23rd was canceled and would like to know how the public can be made aware of the cancellations in advance of the meeting. She said she came to Village Hall for the meeting and waited some time before she realized the meeting must have been canceled. Mayor Finlayson stated he did put notice of the cancellation on the big board in front of the police station in advance of the scheduled meeting. Chris stated that the big board was not posted.

Chris also said she would like to see additional police patrol in the evening. She said she sees the police cruiser patrolling during day hours but not much at night. Chris thanked Patty for coming in to assist the Village while they advertised for the position.

Chris talked about seeing the school bus running but not picking up any children, morning or afternoon, and would like to know why. Dan Oberlin suggested she take the matter to the school board.

Steve Pancoe said he has heard rumors of the Village dissolving the Bolivar Police Department and contracting with the county Sheriff's Office for police protection. Mayor Finlayson assured him that this was a rumor and that there was no discussion or intention to do away with the Bolivar Police Department.

Steve also asked if future housing development in the cornfield by the towpath trail is being discussed, asking specifically if there are any distance requirements to build from the trail. Mayor Finlayson said there are rights-of-way for the trails and setbacks in zoning regulations. He also stated he is not aware of any firm development decisions.

Steve stated when the school building is torn down and a park established, he would like to see pickleball courts either added, or the existing courts painted to support pickleball. Dan Oberlin commented that there is an ongoing discussion to paint the existing courts to support both pickleball and tennis. Maria App said the community will be invited to join in on all discussions to determine how the space can be used to best serve the community.

Tedd said he had a meeting with Mark Murphy and Lori Green about the playground area. He said Mark had a layout of the playground and stated much of the equipment has been deemed a liability. Tedd stated these were Mark's words and does not know who deemed the equipment a liability. Maria App said the Village should work to retain only the newer safe playground equipment made of plastic or resin materials. Dan Oberlin said Street and Alley have had discussions on the condition of the existing playground equipment and he believes much of it may be salvageable. Steve Panko's wife said she has noted some of the equipment is hazardous. Chris Berens asked Ted to schedule another meeting with Mark Murphy to discuss the possibility of keeping the equipment that is newer and in good repair. App agreed stating she feels this council should be leading the way to salvage good usable play equipment. Levi Kaser stated he has an upcoming meeting with Mark and will discuss the condition of the equipment. Attorney Steve Babik talked about 2 statutes concerning the liability for use of the playground equipment. One is for immunity, no fee, not ticket=immunity, and the second is the user statute, intended for recreational use. He stated both have exceptions and a possible long road of litigation which could end up being extensive litigation costs. Maria asked if it would be possible for the

Village to collaborate with the Township to cover the costs to insure against possible problems. Steve said this is right on point as to how PEP insurance spreads the risk over a pool absorbed by all. Maria App stated it is in the Villages' best interest to discard any hazardous equipment and suggested the health department be contacted to determine which equipment has potential hazards. When the hazardous equipment is identified, the school district will remove the equipment during demolition.

Steve Panko asked if the plan was to tear down the school building and if there was a timeline established. Mayor Finlayson responded that there would be an online auction in March followed by Lead and Asbestos abatement and then demolition likely sometime in May. The property will be transferred after the demolition to the Village, and this is expected at the June 2024 Board meeting.

Tom Graef discussed possible options for use that would capture some of the lost taxes to the Village because of the loss of the school.

OLD BUSINESS – None

MAYOR

Mayor Finlayson asked for a motion to accept the resignation of Fiscal Officer Barb Kline effective 10/30/2023. Bruce Lawver made the motion, seconded by Oberlin. In a roll call vote, all voted yes. Mayor Finlayson thanked Barb for all her work and wished her well.

Mayor Finlayson asked for a motion to accept Patty Smith's contract effective Tuesday, October 31, 2023, as Interim Fiscal Officer. The contract is for \$30 per hour for 32-40 hours per week. The motion to accept was made by White and seconded by Oberlin. In a roll call vote, all voted yes.

Discussion of raises for the Council and Mayor was tabled until the December meeting.

Mayor Finlayson and Levi proposed the emergency snow street designation be extended to include Poplar, Cherry, Tuscarawas, and Water streets from Sassafras Alley to Canal Street. Oberlin agreed it should be extended as it is impossible to plow these streets with the new bump outs if it is not extended. Mayor Finlayson said the emergency snow street ordinance does not go into effect until there is a

4" snowfall. He also stated that this ordinance was originally adopted in 1978. Steve Babik will create an Ordinance expanding designated snow streets.

Mayor Finlayson briefed the council on potential uses for the TVHS vacant school building. He received a letter from Dr. Varansky stating they are planning to open a satellite clinic offering the services of a nurse practitioner on-site through Aultman. The letter requested Villages' support. Tedd said there is a lot of funding available for Aultman to provide this service. Maria App questioned whether the council would need to send a letter of support for this. Tedd stated that no action is required from the council. Additionally, the school has upgraded the TVHS auditorium, gymnasium, and cafeteria. These areas will be offered to the community for events.

The council discussed the increase and complaints regarding electric bicycles on the trail. Tedd talked with the Ohio and Erie Canal folks suggesting speed bumps be installed on the trail but said he was not well received for this idea. They suggested speed limit signs. Further research is needed to move forward on how the Village will rectify the matter. Tedd will investigate and bring information to the council.

Mayor Finlayson discussed the current contract for police protection with the Village of Zoar. The contract currently pays at the rate of \$28 per hour. Tedd said this amount does not cover the cost of providing the service. He spoke with Scott Gordon, Mayor of Zoar, who agreed to raise the amount to \$34 per hour. Steve Babik will draft legislation to increase the amount in the current contract to \$34 per hour beginning 1/1/2024 until the contract expiration of 12/31/2024.

Mayor Finlayson stated an annexation of 65 acres into the Village is possible. He will brief the council when more information is available.

Mayor Finlayson reminded everyone of the upcoming time change.

COMMITTEE REPORTS

FINANCE – Will Bellinger reported a total of \$2,358.59 in interest for the month of October from StarOhio and Huntington.

Discussion of Levi Kaser's probationary raise was set at \$1.00 per hour and will be voted on at the December meeting with Steve Babik presenting legislation. The raise will be retroactive back to November 11, 2023, his anniversary date.

Discussion on increase for trash service. The village is currently running short of the cost for trash service at approximately .19 cents. A possible .50 monthly increase per household starting in January 2024 is being considered. Further discussion is needed.

Street Commission/Village Administrator Levi Kaser is requesting approval in the amount of \$3,400 to contract Smitty's Tree Service for the removal of three dying trees. Bellinger made the motion to allow the expense and it was seconded by Diveley. In a roll call vote, all voted yes.

Planning and Zoning – The next meeting is scheduled for Monday, 11/6/2023.

Safety- Lawver stated Chief Haugh is absent due to illness.

Lawver stated that every two years police agencies are required by the state to meet certification requirements and accreditation. He reported the Village of Bolivar has completed this requirement and is in compliance. Lawver stated that not all departments accomplish this.

Lawver stated all have been qualified on their duty weapons.

Lexipol policies have been updated and issued.

Lawver briefed the council on the need for \$682.80 to purchase ammo for the Bolivar Police Department. Mayor Finlayson approved this purchase.

Lawver said all recalls on the Ford Explorer cruiser have been satisfied.

Lawver talked about the school zone speed limit increasing from 20 mph to 35mph with the closing of the school. This is no longer a school zone.

Lawver said this year's trick-or-treat went well. He thanked Chris and Barb Berens for their donation and help.

Lawver stated the vest body cams are having problems with the batteries. He will research corrective action for this and get into next year's budget.

Chief- Absent

Street & Alley-

Dan Oberlin said the Committee met on October 19th with Oberlin, Diveley, Finlayson, Kaser, and White present. The committee discussed the village sidewalk needs and road striping. Oberlin stated the striping is complete.

Dan said Tuscarawas County Sewer will be replacing sewer risers on King, Eberly Alley, and Canal Streets.

Dan briefed that there may be a way to expand parking behind the American Legion and Wandering Wildflower buildings. He will brief the council after further discussion with the committee.

The welcome sign at 212 and Park Avenue at the South entrance to Bolivar has been there for over 30 years. Dan said the sign may not have to be removed or rent paid for it to stay.

Current billing for the 2023 season paving stands at \$113,000. Tedd stated this is not the correct amount and is working with the contractor on the discrepancies.

Street and Alley, Parks and Recreation, and Shade Tree are scheduled to meet next on November 16, 2023.

Street Superintendent

Levi Kaser briefed the council on the upcoming tree removal on Poplar and Park. This work will take approximately 2 days to complete.

Levi stated he was at the Sandra Kopp property concerning a problem with transportation access to the property because of a lot of mud from standing water. Levi will place gravel to make the property more accessible. The mud is on the Village property adjacent to the property.

Levi stated he would like to expand the amount and length of sidewalk replacement in the Village next year.

Parks and Recreation – None

Fiscal Officer – Patty said much has already been covered in the meeting. She said she would be unavailable during the week of Thanksgiving due to a scheduled vacation. November 22, 2023- November 26, 2023.

Village Administrator – None

Law Director- Solicitor Steve Babik

Legislation:

A Resolution authorizing the Mayor of the Village of Bolivar to execute a memorandum of agreement with Gueye & Associates, CPA, Inc., and the Ohio Auditor of State. Maria App stated this was passed as an emergency at the October 5th meeting.

Second Reading for an Ordinance to establish the pay range and adopt job description and duties of combined appointed office of Village Fiscal Officer. 1st reading was held Oct 5, 2023 regular council meeting. The second reading held Nov 2, 2023.

Second Reading of a Resolution to authorize the mayor and two council members of the Village of Bolivar to execute an agreement for indigent defense services with the Tuscarawas County Public Defender's Commission. 1st reading was held Oct 5, 2023 regular council meeting. The second reading was held Nov 2, 2023.

Second Reading of a resolution to execute an agreement with Glaus, Pyle, Schomer, Burns, and DeHaven, Inc. (GDP Group) to provide engineering services. Motion to suspend rules made by App and seconded by Diveley. Roll Call: All yes. Motion to pass made by App and seconded by Bellinger. Roll Call: All yes. Resolution passed. Passed 11/2/2023.

Second Reading on an Ordinance to establish the hourly pay rate CAPS maximums/minimums for employees of the Village of Bolivar. 1st reading was held Oct 5, 2023 regular council meeting. The second reading held on 11/2/2023.

Third Reading on an Ordinance to replace the official zoning map for the Village of Bolivar. Determined this Ordinance was passed 10/5/2023 as an emergency.

First Reading by title only for Temporary Appropriations 2024.

Solicitor Babik was asked by Mayor Finlayson to find a good set of subdivision regulations that the Village of Bolivar could adopt. Steve stated he found a good

set of Subdivision Regulations with the Village of Strasburg. Mayor Finlayson asked the council for permission to review these and incorporate the appropriate language for the Village of Bolivar. The council agreed for Tedd to begin review of the Strasburg Subdivision Regulations. He will also discuss this matter at the zoning committee meeting. Steve stated the adoption of this legislation will require 3 readings and a public hearing IAW ORC Section 711.09.

Steve will add to the Flex time policy a clause for probationary pay increasing from .50 per hour to 1.00 per hour. Steve has gone through the policy and modified all changes to date. He will complete and introduce the policy legislation at the December meeting.

Steve will also have a resolution to appoint a member of the council to the Bicentennial Committee at the December meeting.

Solicitor Babik requested a motion to enter into an Executive Session pursuant to revised code 121G3 to discuss with the council a dispute that is related to pending or imminent litigation for a court action. It was stated that no action would be taken. A motion was made at 8:17 pm by White and seconded by Diveley. Roll call: All voted yes.

A motion to end the Executive Session and re-enter the regular council meeting was made by White and seconded by Lawver at 8:42 pm.

Mayor Finlayson asked for a motion to adjourn until the next regular council meeting on December 7th, 2023, at 7:00 p.m. at Village Hall. Motion to adjourn by Oberlin and seconded White. In a roll call vote, all voted yes. The meeting adjourned. 8:42 pm.

Interim Fiscal Officer

Patty Smith

Mayor Tedd Finlayson