

Village of Bluffton Council Meeting Agenda
Bluffton Town Hall, 3rd Floor
154 North Main Street, Bluffton
March 27, 2017
8:00 PM

Opening Ceremonies

- Call to Order
- Pledge of Allegiance

Minutes

Approval of the minutes for the Bluffton Village Council meeting held on Monday, March 13, 2017.

Bills

Legislation

Resolution No. 08-17

1st Reading

A resolution approving an expenditure of village funds to be paid to Bluffton Community Sportsmen's Club, Inc. for use in purchasing tables and other items used in the club.

Planning Commission Recommendations for Approval

- Parkview Replat
- Stratton Replat

Shannon Cemetery Memorial Park Update

- Progress Update – Judy Augsburgberger
- Ordinance – Attached
- Request to be put on the agenda – Sue Cramer

Administrator's Report

Safety Services

Committee Reports

Tree Commission – March 1st - Minutes attached
Parks and Recreation – March 23rd at 6:00pm
Safety Services – March 27th at 7:00pm

Schedule Committee Meetings

Personnel – Wage Ordinance
Streets & Alleys – Brookwood and Elm
Utilities – Allen County Mast Estates

Public Comment

Meeting Dates (meetings held at the Town Hall unless otherwise noted)

Tree Commission – Tuesday, March 28th at 7:00pm
Streets & Alleys Joint Meeting with the Pathway Board – Thursday, April 6th at noon
Council Meeting – Monday, April 10th at 8:00pm
Public Hearing re: Alley Vacation behind 211 Cherry Street – Monday, April 10th at 8:15pm.

Adjournment – Motion and Second

Mayor Augsburg presiding. Messrs: Burrell, Johnson, Miller, Sehlhorst, Talavinia, and Warren present.

Mr. Miller moved, seconded by Mr. Sehlhorst to approve the minutes of the regular council meeting held on February 27, 2017 and the special council meeting held on March 7, 2017. Roll Call: Yes (6) Messrs: Miller, Sehlhorst, Burrell, Johnson, Talavinia, and Warren. No (0), motion approved.

Mr. Talavinia moved, seconded by Mr. Miller to approve the bills as presented. Total payroll of \$34,765.16 and non-payroll of \$554,868.63. Roll Call: Yes (6) Messrs: Talavinia, Miller, Burrell, Johnson, Sehlhorst, and Warren. No (0), motion approved.

Mr. Talavinia moved, seconded by Mr. Johnson to close Main Street (from Franklin Street to Elm Street) on May 13, 2017 from 5:00am to 5:00pm for the Arts and Crafts Show. Roll Call: Yes (6) Messrs: Talavinia, Johnson, Burrell, Miller, Sehlhorst, and Warren. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Burrell to approve closing Main Street (from Chase Bank driveway to Cherry Street) on June 10, 2017 from 7:00am to 4:00pm for the Shirley's Popcorn Birthday Party. Roll Call: Yes (6) Messrs: Sehlhorst, Burrell, Johnson, Miller, Talavinia, and Warren. No (0), motion approved.

Mr. Johnson moved, seconded by Mr. Miller to approve a quote from Ron Niese Construction for the construction of a wall and door to replace the garage doors at the airport, cost of \$15,100- this project is to be part of the original budgeted \$90,000 for airport improvements and not an addition. Roll Call: Yes (6) Messrs: Johnson, Miller, Burrell, Sehlhorst, Talavinia, and Warren. No (0), motion approved.

Mr. Warren moved, seconded by Mr. Johnson to approve a quote from Masterpiece Signs of \$2,650 for signage at the airport. Roll Call: Yes (6) Messrs: Warren, Johnson, Burrell, Miller, Sehlhorst, and Talavinia. No (0), motion approved.

Mr. Warren moved, seconded by Mr. Burrell to approve advertising for a part-time cleaning contract position. Roll Call: Yes (6) Messrs: Warren, Burrell, Johnson, Miller, Sehlhorst, and Talavinia. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Warren to approve the hiring of Bob Badertscher (\$12/hr) and Ken VonLehmden (\$10.25/hr) as part-time 2017 seasonal service department employees for the mowing and leaf pick-up seasons. Roll Call: Yes (6) Messrs: Sehlhorst, Warren, Burrell, Johnson, Miller, and Talavinia. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Warren to approve the purchase of replacement mower places from Neidert's, at a cost not to exceed \$150.00. Roll Call: Yes (6) Messrs: Sehlhorst, Warren, Burrell, Johnson, Miller, and Talavinia. No (0), motion approved.

The following meetings were included on the agenda and/or scheduled during the meeting:

March 15, 2017	Planning Commission	7:00 PM
March 20, 2017	SSI Demonstration- Utility Software	6:00 PM
March 23, 2017	Recreation Committee	6:00 PM
March 27, 2017	Safety Services Committee	7:00 PM
March 27, 2017	Council	8:00 PM
March 28, 2017	Tree Commission	7:00 PM
April 6, 2017	Streets, Alleys, Lights, & Sidewalks w/ Pathway Board	Noon
April 10, 2017	Public Hearing- Alley Vacation	8:15 PM

Mr. Warren moved, seconded by Mr. Johnson to enter into executive session for the discussion of contracts. Council, Mayor, Solicitor, Jesse Blackburn, and Nancy Kindle invited to attend. Roll Call: Yes (6) Messrs: Warren, Johnson, Burrell, Miller, Sehlhorst, and Talavinia. No (0), motion approved.

Mr. Johnson moved to exit from executive session. No action taken.

Mr. Warren moved, seconded by Mr. Miller to adjourn.

MAYOR

FISCAL OFFICER

VILLAGE OF BLUFFTON
MARCH 27, 2017 BILLS PAID

Remit To	Description	Amount
Alloway Testing	Lab Analysis	\$1,450.20
Bluffton Flying Service	Management Fee	\$5,000.00
Bluffton Stone Co.	Road Maintenance Supplies	\$43.05
Bound Tree Medical	Airways, Monitoring Cannulas	\$515.66
Brite	Keyboard & Tray	\$334.90
Compass Minerals	Road Salt	\$1,116.07
Family True Value Hardware	Batteries	\$42.98
Finley Fire Equipment	Turn-Out Gear	\$1,905.00
First National Bank	Line of Credit Principal Payment	\$1,903.18
Gall's, An Aramark Company	Flight Suit	\$119.99
Nartec, Inc.	Instructor DVD	\$13.99
Ohio Assn. Chfs Of Police, Inc	Chiefs In Service- Burkholder	\$625.00
OAEMS	2017 Annual Membership	\$75.00
Richland Engineering Ltd.	Master Plan Study	\$7,258.30
Shell Fleet Plus	Gasoline	\$1,979.18
Staples Business Advantage	Tone, File Folders	\$215.16
Tommy Tire Sales Llc	Tires & Alignment	\$901.82
Targets On Line	Targets	\$80.67
United Healthcare	Hospitalization & Life Insurance	\$11,246.64
Utility Sales Agency, Llc	Water Line Parts	\$87.50
Verizon Wireless	Cellular Phone	\$177.16
Warren Fire Equipment, Inc.	SCBA Test	\$1,064.00
Dominion East Gas	Natural Gas	\$1,402.74
Wessler Engineering	Lead Map	\$1,000.00
Yoakam Surveying	Surveying	\$400.00
TOTAL		\$38,958.19

RESOLUTION NO. 8-17

A RESOLUTION APPROVING AN EXPENDITURE OF VILLAGE FUNDS TO BE PAID TO BLUFFTON COMMUNITY SPORTSMEN'S CLUB, INC. FOR USE IN PURCHASING TABLES AND OTHER ITEMS USED IN THE CLUB

WHEREAS, it has been determined by the Council of the Village of Bluffton the Bluffton Community Sportsmen's Club, Inc. provides recreation opportunities for the Community and that the property leased for 99 years from the Village to the said Bluffton Community Sportsmen's Club, Inc. is also used, free of charge, by the American Legion and the Boy Scouts of America, and;

WHEREAS, this expenditure is a proper public purpose has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the citizens of the Village of Bluffton, Ohio. The Council of the Village of Bluffton also finds that the primary objective of the expenditure is to further a proper public purpose of recreation and support of civic and/or patriotic organizations , even if an incidental private end of the is advanced for the Bluffton Community Sportsmen's Club, Inc., which is a not for profit corporation. Furthermore, that this decision to expend public funds is consistent with the Council's support of local non-profit groups.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO:

SECTION 1: That the Fiscal Officer is authorized to pay the sum of \$ dollars from the Village General Fund to the Bluffton Community Sportsmen's Club, Inc. for the purposes set forth above.

SECTION 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed and Adopted this _____ day of _____, 2017 by the governing body of the Village of Bluffton, Ohio by the following vote:

Ayes: _____ Noes: _____ Abstain: _____

Attest:

FISCAL OFFICER

MAYOR

Approved as to Form:

SOLICITOR

To: Council Members**Parkview Replat and Easement**

The Bluffton Planning Commission met on Wednesday, March 15, 2017, to consider a proposed replat of the Parkview Subdivision that was submitted by the developer. The replat actually creates five parcels (11A-15A) to be added to five existing parcels (lots 1384-1388), whereas two parcels will make one saleable lot to a potential homeowner in the subdivision. The second part of the replat creates an easement for a pedestrian and bicycle pathway into the subdivision off Kibler Street. The Planning Commission voted unanimously to approve the Parkview Replat and easement. Per the Village's Subdivision Regulations, upon approval by the Planning Commission, the replat shall be submitted to the Village Council at the next regular meeting and be placed on the agenda. A vote shall be called upon the following question: Shall the action of the Planning Commission in approving the replat and easement be affirmed? The replat map is available for review as needed. **(Action Requested)**

Stratton Replat

The proposal is to replat part of the subdivision named Rudolph Althaus, B.F. Biery, Lydia Stauffer, Frank Scott, and Gideon Klays Addition. Residents affected by the replat have voluntarily consented to the updated property lines. These properties are located on Lawn Avenue between Kibler Street and Grove Street. The replat of this subdivision will be named the Stratton Replat and has been approved by the Planning Commission. Shall the action of the Planning Commission in approving the replat be affirmed? The replat map is available for review. **(Action Requested)**

West Side Interceptor Project

The west side interceptor (main sewer line) is virtually complete. We are currently working back along the line to connect the interceptor to the other main lines. The near future includes lots of clean-up, and concrete and asphalt work as the weather permits. Grass seeding and dirt work will continue, again, as weather permits. This week, we will complete the boring of two service lines on Brookwood.

House Numbers

House numbers are not only convenient for finding addresses but necessary for the Bluffton Emergency Responders to locate those in need. When responding to an emergency, minutes matter so please be sure that fire, ambulance, and police personnel can easily and quickly find your address. All buildings in town should have address numbers plainly legible, and visible from the street fronting the property.

Seasonal Employee

Would council consider hiring a seasonal employee to take care of the mosquito spraying? Please also consider that this person could be a backup for the lawn mowing seasonal employees. **(Action Requested)**

Golf Cart

The “new to us” golf cart has been purchased and we installed the turn signals and brake lights ourselves. Thank you, Bluffton Village Council, for working with the Streets and Alleys Department and allowing this budgeted purchase. In turn, we will not be using the EMS golf cart for the various village functions which will extend the life of that asset.



Shannon Cemetery Memorial Park Update

So far, there have been two meetings with descendants regarding tombstone locations. Both meetings have been positive and informative. Other conversations have been with historians and preservationists. The first press release was issued on Friday, March 24, 2017 as follows:

“The Village of Bluffton is currently working to protect and preserve the old cemetery and is looking for descendants of those buried in what we lovingly refer to as the Shannon Cemetery. Family members may contact Mayor Judy Augsburger at 419-358-2066, ext. 116, for an appointment to discuss the project. Donations are also being accepted by the Village to help with the restoration project. These donations are tax deductible.”

For reference purposes, attached is the ordinance regarding the Shannon Cemetery preservation.

Bentley Road Pathway Update: The Lions Foundation Board has approved funds totaling \$4,190.00 to further advance the Bentley Road Pathway project. This money will reimburse the Village of Bluffton who, on behalf of the Pathway Board, has requested the field surveys needed to complete both a concept plan and needed floodplain analysis to be completed by Choice One Engineering.

Water Line Leaks

Aqua-Line, a leak detection company, checked out three different sites in Bluffton for potential leaks, with one area being reported to the village by the contractors working on Cherry Street. Confirmed leaks were located as follows:

- Hunter’s Run - 10,000 GPD
- Magnolia Lane - 2,500 GPD
- Spring Street/College - 47,500 GPD
-

The village will begin immediately to repair these lines.

SSI Utilities Software

There was a presentation for council by Kevin Nye, Software Solutions, Inc. (SSI), on Monday evening, March 20th, regarding the proposed purchase of utilities software. In attendance, besides the staff and mayor, were council members Rich Johnson and Phill Talavinia. The quote received from SSI was for \$18,000.00 and is broken down as follows: **(Action Requested)**

VIP Utility Billing Suite Upgrade	12,000.00
Hand Held Interface Included (MVRS)	
VIP Work Orders	6,000.00
VIP WebPortal Included (IC Agreement Required)	
Implementation & Training	12,000.00
Software Assurance Discount	<u>-12,000.00</u>
Total	<u>18,000.00</u>

Electronic Council Packets

If anyone would like to be added to the distribution of the council packet via e-mail, please let us know. The council packet is normally e-mailed on the Friday prior to the Monday council meetings.

Maple Grove Cemetery

As spring is now here, we would like to remind everyone of the Maple Grove Rules and Regulations officially adopted in 1995, copy attached. Please note Sections III and IV which clarifies the care and maintenance of the cemetery. Section VI discusses responsibility for the monuments. Also attached is the ordinance that regulates, among other items, the removal of winter decorations by April 1st. Thank you in advance for your cooperation with the village.

New Police Cruiser

On February 6, 2017, Police Chief Burkholder, Lieutenant Oglesbee, and Sergeant Hochstetler traveled to Statewide Ford in Van Wert to pick up the new (budgeted) police cruiser which is a 2017 Ford Explorer. The old police cruiser will now be used by village staff, along with another one, for meetings, etc. The oldest vehicle we have should now be declared surplus, the 2010 Ford Crown Victoria. **(Action Requested)**



Mowing and Maintenance Ordinance

The Village of Bluffton adopted an ordinance in November of 2013 that establishes regulations for the mowing and maintenance of properties and adjoining areas. According to the ordinance, the purpose is to beautify and preserve the appearance of the Village by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions. The ordinance is attached for further clarification of Village requirements.

RESOLUTION NO. 05-16

A RESOLUTION ADOPTING THE RECOMMENDATIONS OF THE COMMISSION APPOINTED BY THE MAYOR REGARDING THE SHANNON CEMETERY AND SETTING FORTH GUIDELINES FOR PRESERVATION AND MEMORIALIZATION OF SAME

WHEREAS, the Mayor of the Village of Bluffton appointed an ad hoc commission known as the Shannon Cemetery Commission. That Commission met, reviewed, debated and discussed the way in which the Shannon Cemetery should be preserved and memorialized; and that the commission has presented its recommendation, and;

WHEREAS, the Council of the Village of Bluffton has reviewed those recommendations and find that the same are appropriate.

IT IS THEREFORE RESOLVED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO THAT:

SECTION 1: That the Shannon Cemetery has been in need of preservation and memorialization, the following shall be adopted as guidelines for the same:

- a. Financial support shall be in accordance with Resolution 07-13 as amended by Resolution 03-16.
- b. A survey of the cemetery grounds by Ground Penetrating Radar has been by conducted and that possible graves have been marked and plotted with GPS Data giving the latitude and longitude recorded to the best available technology. Any and all records of the Ground Penetrating Radar and GPS Data shall be kept on file with the Village Clerk being open to Public Inspection.
- c. Gravestones (Tombstones) taken from in and around Shannon Cemetery shall be photographed and cataloged with a copy of the photographs and catalog kept on file with the Village Clerk being open to Public Inspection. Once completed, Gravestones that can be matched to known burials in Shannon Cemetery shall be returned to site of the grave in Shannon Cemetery. Placements of known Gravestones shall be in such a manner that they are as close to known graves as reasonably possible.
- d. Gravestones (Tombstones) that cannot be matched to known burials in Shannon Cemetery shall be returned to Shannon Cemetery. Placement of the Gravestones that cannot be matched to know burials will be placed together in a designated

area of Shannon Cemetery as a collective memorial showing due respect for the Gravestones and preservation of the same for the future.

- e. No building, structure, pavement, path or collective memorial shall be erected, placed or built on any part of Shannon Cemetery that has been shown to have or identified as soil anomalies consistent with a grave identified by the Ground Penetrating Radar survey as set forth in subsection (b) above.
- f. That, to insure that Gravestones (Tombstones) are cleaned, reset and/or preserved in such a manner consistent with best practices, the Village will use the services of individuals who have shown themselves qualified in the handling the cleaning and preservation of Gravestones (Tombstones). The Village will accept the work of volunteers in these efforts as long as they are approved by the Village Administrator or his designee.
- g. Any preservation and memorial efforts at Shannon Cemetery will be guided by the efforts to preserve Shannon Cemetery as a closed historic cemetery. The Village will explore the possibility of having the Shannon Cemetery made a state historic site.
- h. At an appropriate location within Shannon Cemetery, the Village of Bluffton shall commission a suitable stone or metal marker of suitable size and of an appearance consistent with a cemetery. This marker will be inscribed with the names and burial information for those persons known to be buried in Shannon Cemetery and space for additional names as they become known. The Village of Bluffton acknowledges that any original burial records are lost. Therefore, burials may be confirmed from newspaper accounts, written family historical records, other public records or other historical sources. Before any name is placed on the marker, it will be approved by the Village of Bluffton whose decision is final.
- i. The preservation efforts set forth herein shall be overseen by the Village Administrator or his designee at all times. No person, other than a village employee, agent or volunteer, approved by the Village Administrator, shall undertake any preservation or memorialization activities.

SECTION 2: it is found and determined that all formal actions of the Council concerning and relating to the adoption of this ordinance were made in open meeting of this Council and that all deliberations of this Council and

any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements of the Open Meetings Law including Section 121.22 of the Ohio Revised Code.

Passed and adopted this 2nd day of June, 2016 by the Council of the Village of Bluffton, Ohio by the following vote:

Ayes: 5 Nays: 0 Abstain: 0

Attest:

Nancy L. Kindle
Fiscal Officer

Judith A. Auginger
Mayor

Approved as to form:

[Signature]

F. Stephen Chamberlain, Village Solicitor



Software Solutions

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sales@mysoftwaresolutions.com

QUOTE

Date	Rep	Quote #
03/13/17	Kevin	SSIQ5042

Sold To: Bluffton, Village of
Nancy Kindle
154 N. Main St.
Bluffton, OH 45817

Ship To: Bluffton, Village of
Nancy Kindle
154 N. Main St.
Bluffton, OH 45817

eMail: kindlen@bluffton-ohio.com
Phone: (419)358-2066
Fax: (419)358-8137

eMail: kindlen@bluffton-ohio.com
Phone: (419)358-2066
Fax: (419)358-8137

P.O. Number	Ship Via

Qty	Description	Unit Price	Ext. Price
1	VIP Utility Billing Suite Upgrade Hand Held Interface Included (MVRS)	\$12,000.00	\$12,000.00
1	VIP Work Orders VIP WebPortal Included (IC Agreement Required)	\$6,000.00	\$6,000.00
1	Implementation Services; Training, Conversion & Project Mgmt.	\$12,000.00	\$12,000.00
1	Software Assurance Discount	-\$12,000.00	-\$12,000.00
SubTotal			\$18,000.00

TOTAL \$18,000.00

All pricing is valid for 90 days.

All orders require a 10% down payment at order confirmation.

Software Assurance Annual Fees will increase by \$1,200 annually for the purchase of work orders.

Software requires a Windows Server running SQL. See specifications provided separately.

**MAPLE GROVE
CEMETERY
BLUFFTON, OHIO**



**RULES AND
REGULATIONS**



1995

Introductory

Maple Grove Cemetery was laid out in the year 1869. It is located on Grove Road just inside the corporation line. The probable population of Bluffton at this time is 3,500. The Cemetery is municipally owned and governed by a Board of three Trustees appointed by the Mayor of the Village of Bluffton.

It is the duty of the Mayor to appoint such persons as possess the necessary zeal and sagacity and are entirely worthy of their confidence. They serve without compensation or salary.

It is their duty to hold at least one meeting per quarter to transact whatever business may come before them, to hear complaints that may be registered against the Cemetery and take whatever action evolves upon them as such. It is their duty to enforce the Rules and Regulations of the Cemetery and to appoint a Sexton to supervise the grounds.

In the first 65 years that Maple Grove Cemetery was in existence there were no set of Rules and Regulations. In 1934 a set was enacted and are enforced for the protection of the lot owners and the taxpayers of the Village of Bluffton. The lot owners and the public at large are to be commended for their cooperation in the past.

New ideas, innovations and practices have gradually crept into our present day cemeteries and have had a tendency to increase the cost of upkeep and maintenance, while on the other hand the funds available for this increased cost has been slowly dwindling.

This condition has been more apparent since addition of five acres in 1930, necessitating the expenditure of approximately twice the money for maintenance as in previous years.

The only source of revenue made available for cemetery purposes is derived from the sale of lots and it must be remembered that the greater portion of lots now occupied were originally sold for \$10.00. It is well in this connection to add that to buy, plat and improve a lot at the present time the cost of the lot to the Village would be \$175.00 before it could be put up for sale. Or in other words the original investment on a lot is \$175.00.

The revenue has never been sufficient to pay the cost of maintenance therefore the bulk of the burden has been placed upon the shoulders of the taxpayers of the Village of Bluffton. This, in our opinion, is an imposition on the taxpayer and it is our contention that those directly benefited by a burial ground should be expected to bear the burden of its upkeep, especially when all other sources of revenue fail.

Therefore it is urged that the prospective purchaser of a lot kindly bear these facts in mind.

Our only aim and intent in setting forth the following Rules and Regulations is to decrease the cost of maintenance, to beautify the grounds and systemize the government of the Cemetery.

It is presumed and anticipated that certain conscientious lot owners or relatives of lot owners will realize that their contributions towards the maintenance of their lots and monuments have been

insufficient to provide a fund for their proper care and we earnestly solicit such contributions and when made will see that proper credit is given.

Suggestions To Lot Owners

Cemetery rules have been formulated after due consideration and long experience, for the benefit and guidance of lot owners, and it is expected that they be duly appreciated and complied with. People should not insist upon bringing their and personal customs and prejudices into our modern Cemeteries. We meet here on common ground, and expect all to conform to established customs in Cemetery matters.

Our best Cemeteries are conducted on one general plan, dictated by experience and educated taste. If we are to have harmony prevail in the Cemetery, individual rights must be subordinate to this plan.

If the Cemetery officers were consulted, the lot owner might learn what was the prevailing custom in the best Cemeteries, and thus avoid mistakes in the management of their lot.

Lot owners should secure ample ground for their families when they first purchase a lot.

Burying one's family and friends in single graves or small lots, which incurs unnecessary expense, besides the very

undesirable task of removals.

It is a mistake to buy lots in partnership, as it too frequently leads to unseemly misunderstandings.

Great mistakes are often made in introducing unnecessary stone work into lots, and money is unnecessarily wasted that could be put to better use. Costly monuments are frequently erected, and no provision made that will forever afterward avoid their neglect, and the neglect of the lot upon which they are placed. Better a well kept lot without the costly stone work, than a fine monument and a neglected lot.

Do not think the Cemetery management wishes to see your lot neglected. It is the most interested party, after yourself, in seeing that proper attention is given it.

In the selection of a family monument, secure one as different in design as possible from those on nearby lots.

Lend your assistance in preserving the neatness and careful keeping of the grounds, remembering that whatever is beneficial to the appearance of the Cemetery in general is of interest to you as a lot owner.

The following Rules and Regulations have been recommended by the Board of Trustees of Maple Grove Cemetery and adopted by the Bluffton Village Council.

AN ORDINANCE NO. 15 - 95

AN ORDINANCE: TO REGULATE SUCH PUBLIC BURIAL GROUND IN MAPLE GROVE CEMETERY, THE IMPROVEMENT THEREOF, THE BURIAL OF THE DEAD

THEREIN, TO DEFINE THE TENURE AND CONDITIONS ON WHICH LOTS THEREIN SHALL BE HELD, AND PROTECT SUCH BURIAL GROUNDS, CEMETERIES AND ALL FIXTURES THEREOF AND TO PRESCRIBE RULES IN THE REGULATION THEREOF.

WHEREAS, it is necessary in view of the change of times that the Rules and Regulations governing the public burial grounds in Maple Grove Cemetery be updated for the improvement thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO:

SECTION I: That Ordinance No. 209 of the Village which regulates public burial ground in Maple Grove Cemetery, the improvement thereof, the burial of the dead therein, to define the tenure and conditions on which lots therein shall be held, and protect such burial grounds, cemeteries and all fixtures thereof and to prescribe rules in the regulation thereof in this Ordinance, be, and the same is, hereby repealed.

SECTION II: No person shall be permitted to occupy a lot unless in possession of a deed therefor.

a) The caretaker is expressly charged with the duty of enforcing the Statutes enacted for the protection of Cemeteries and he is required to arrest and prosecute all persons violating said enactments in or around the Cemetery grounds.

b) The rules of this Cemetery shall not be

deviated from without the consent of the board of Cemetery Trustees.

- c) Persons desirous of purchasing a lot may go to the Clerk of the Cemetery who will show them the lots for sale.
- d) After a lot is selected and the Clerk of the Cemetery has been paid an order for interment may at any time be given.
- e) Prospective purchasers of a lot may, upon application at the office of the Cemetery Clerk secure a reservation of any one lot for a period not to exceed thirty days.
- f) Lots in this Cemetery are exempt from taxation and cannot be seized for debt, nor attached by any process of law; neither can they be mortgaged.
- g) The courts have held that a deed to a Cemetery lot represents personal property, not real estate, and that a widow has no dower right therein; but her right of burial in the lot may not be denied.
- h) The Deed to a lot conveys only burial rights and the title to the land remains in the Corporation of the Village of Bluffton, Ohio.
- i) Sale of lots by the lot owners cannot be permitted except by the consent of the Board of Cemetery Trustees.
- j) No lot can be exchanged for another unless the difference in value is Twenty-five Dollars (\$25.00) and when such exchange is made the original deed must be surrendered by proper assignment. No lot can be transferred unless permission is obtained from the Board. The expense of transfer or exchange, paid by the party applying for the same.

Proprietors shall not allow interment to be made in their lots for a remuneration.

- k) All lots shall be held subject to the laws of the State of Ohio, also subject to all Rules and Regulations which may from time to time be adopted for the government of said Cemetery.
- l) The boundaries of all lots in this Cemetery are designated by corner stones and numbers. These stones are set even with the surface of the ground and no others are permitted.
- m) Owners of lots can have bodies removed from such graves by paying additional cost of reinterment. Where bodies are to be removed to other cemeteries the regular charge for disinterment shall be made.

* **SECTION III:** To secure a good effect in the Cemetery, it is essential that every portion of it should be well cared for, as partial neglect would mar the beauty of the entire surroundings; therefore, the care of all lots is assumed by the Trustees; the avenues and walks will be kept in good condition; trees and shrubbery will be trimmed and pruned, and the turf will be kept mowed. No persons other than the employees will be permitted to perform any work on any lot without a permit from the caretaker.

- a) All grading or improvement of lots, must be done by the employees of the Cemetery. Moderate estimates will be given by the caretaker, and all charges must be paid before the work is begun.
- b) If any trees or shrubs situated in said lot, shall by means of their roots, branches or otherwise, come detrimental to the

adjacent lots or avenues, or dangerous or inconvenient, it shall be the duty of said trustees and they shall have the right to remove said trees or shrubs or such parts thereof as are detrimental or dangerous.

- c) The placing of boxes, toys, and similar articles upon the graves or lots, or flowers planted in the sod is inconsistent with the proper keeping is reserved by the board of trustees to have removed all flowers, potted plants, or wreaths, etc., when frosted, faded, or withered.
- d) Rusty, unpainted, or broken benches, seats, or urns, will be removed from the lots and not be allowed to be replaced.
- e) Flowers growing on graves will not be permitted to remain unless properly cultivated and kept continually free from weeds or grass.
- f) When permission for special planting has been obtained the trees or shrubs planted become the property of the cemetery.

* **SECTION IV:** Flowers may only be planted upon graves and must be kept in a proper state of cultivation at all times. Failure to keep this rule will imply that the owner takes no further interest in the flowers and they shall be removed by the caretaker and permission to remake the grave into a flower bed will be forever denied.

- a) No grave that has been sodded over will be permitted to be disturbed for the purpose of planting flowers, bushes, trees, or any other type of plants.
- b) No decorations are to be placed on the ground if the lot has an upright monument, if the lot has a flat monument the decorations are to be placed in line

with and between monuments during mowing seasons.

- c) ~~The removal of summer decorations must be done by October 31 and winter decorations must be removed by March 31.~~

SECTION V: Whenever a burial is to be made, notice thereof must be given to the Clerk of the Cemetery no less than twenty-four hours previous to the interment with the name of the deceased and the location of the burial lot.

- a) No funerals will be permitted on the following holidays except in the case of contagious disease, or where ordered by the Board of Health; Memorial Day, Labor Day, Thanksgiving, Christmas, or Easter. Saturday and Sunday funerals must arrive at the Cemetery no later than 3:30 p.m.
- b) The arrangements of the location of graves upon a lot is determined by the caretakers, as it is necessary that some uniformity shall prevail.
- c) No interment will be allowed until all changes are paid.
- d) No grave shall be opened for interment or for removal by any person not authorized by the Board.
- e) Funerals on reaching the cemetery will be under the charge of the caretaker and each driver will be required to carefully observe and obey all directions given.
- f) All interments in lots for which deeds or certificates of ownership have been issued, shall be restricted to the members of the family and immediate relatives of the proprietors thereof, except special permission to the contrary.

g) No more than 2 cremain urns will be allowed to be buried on a single lot. In the case of a cremain burial an urn constructed of metal, cement, or plastic must be used or burial will not be permitted.

h) In the case of a regular burial a vault constructed of metal or cement must be used or burial will not be permitted.

SECTION VI: No base stone shall be set other than level. The work must be cut so as to fit properly on a level base. All foundations shall be finished true and level. All stone work shall have the surface next to the foundations bedded off, or squared sufficiently true and level to allow every part to be in contact with the foundation. The use of sprawls between base stones and foundations or the removal of any part of the foundation to accommodate irregularities or other defective workmanship in the base stone will not be allowed.

a) Every lot owner shall keep in good repair any monument or any other structure which he or she may have on their lot. Should they fail to do so, the Trustees may either repair same at the expense of the owner or remove it from the lot.

b) Granite is recommended as the best and most durable material for monuments and grave markers. The use of any other material will not be permitted.

c) To prevent the excessive and unsightly crowding of monuments, not more than one monument will be allowed on a lot and must be placed near the center. Veterans plaques must be mounted on monuments if one is to be erected or already in place.

d) Soliciting of work in this cemetery or the placing of designers', dealers' or agents', or contractors' names or advertisements upon any work is prohibited.

e) Obnoxious, reflective or otherwise unpopular inscriptions will not be allowed on any monument, block or grave marker.

SECTION VII: No foundation of any kind may be installed between the 15th of May and June 1st, nor in the winter, between December 1st and March 1st.

a) All foundations must be built by persons authorized to do so by the Board at the expense of the lot owner. They must be built to the specifications set by the Trustees of the Cemetery.

b) All foundations for monuments, blocks, and markers, must not be less than three feet deep. All foundations must have a 4" border beyond the base of the monument.

SECTION VIII: No person will be permitted to enter the Cemetery but through the gate.

a) Children will not be permitted to enter the Cemetery unless attended by competent persons, who will be responsible for their conduct.

b) No person will be permitted to bring refreshments into the Cemetery.

c) Scattering or leaving discarded flowers, paper, cans, jars, bottles, baskets or any rubbish whatsoever upon lots, roadways or grounds is strictly prohibited. The Cemetery has provided receptacles for such rubbish and visitors are required to use them.

d) All person are prohibited from gathering

any flowers, either wild or cultivated, or breaking any trees or shrubs or plants either wild or cultivated.

- e) Except at military funerals, discharging firearms is prohibited in an around the cemetery grounds, to the distance of one hundred yards.
- f) The caretaker is instructed to refuse admission to all improper persons and to those who are known to have at any time caused a disturbance, or otherwise transgressed the regulations of the Cemetery, until proper amends have been made.
- g) Any person disturbing the quiet and good order of the place by noise or improper conduct, or who shall violate any of the foregoing rules, will be compelled instantly to leave the Cemetery.
- h) The officers and employees of this Cemetery having been appointed under an act of the Legislature of Ohio, special police officers, with power to arrest on sight and prosecute all those who violate the ordinance, or commit trespass, all persons therefore, are reminded that the grounds are sacredly devoted to the burial of the dead, and that the provisions and penalties of the law will be strictly enforced in all cases of wanton injury, disturbance and disregard of the rules.
- i) It is of the utmost importance that there should be a strict observance of all proprieties due to the place, whether embraced in these regulations or not.

SECTION IX: Admission of automobiles upon the roads of this Cemetery is restricted to those persons who observe the traffic rules adopted by the cemetery officials.

- a) All automobiles are requested to keep to the right and observe **ONE WAY DRIVE AVENUES.**
- b) The speed of automobiles is limited to 15 miles per hour and vehicles are not permitted to turn upon roads.
- c) Visitors upon foot have the primary right to the use of the roads and all vehicle drivers are required to observe their right by careful driving and a strict adherence to the rules.
- d) Any driver who runs an automobile or other vehicle upon the lawns, where damaged results therefrom shall be required to make good such damage.
- e) Automobiles are reminded that this is a Cemetery and not a park; that the roads herein are not public highways; that unnecessary use of the roads entails a large expense upon the taxpayers for their maintenance and that the privilege to drive thereon must not be abused.
- f) Failure to comply with the Rules renders the offender liable to arrest. Habitual offenders may be denied permission to bring their automobiles into the Cemetery.

SECTION X: Any person, or persons violating any of the provisions of the Ordinance or the rules therein stated, upon conviction thereof before the Mayor of said Village, be fined any sum not less than Ten Dollars (\$10.00), nor more than One Hundred Dollars (\$100.00) for each and every offense, and the costs of prosecution.

SECTION XI: Should any section of this Ordinance, or rule prescribed therein, be held unreasonable by any court of law, will not invalidate the other sections herein set forth.

SECTION XII: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed and Adopted this 3 day of July, 1995, by the governing board of the Village of Bluffton, Ohio by the following vote:

David Steiner

CLERK

Roger Edwards

MAYOR

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ORDINANCE NO. 06-04

AN ORDINANCE: AMENDING ORDINANCE NO. 15-95, TO REGULATE SUCH PUBLIC BURIAL GROUND IN MAPLE GROVE CEMETERY, THE IMPROVEMENTS THEREOF, THE BURIAL OF THE DEAD THEREIN, TO DEFINE THE TENURE AND CONDITIONS ON WHICH LOTS THEREIN SHALL BE HELD, AND PROTECT SUCH BURIAL GROUNDS, CEMETERIES AND ALL FIXTURES THEREOF AND TO PRESCRIBE RULES IN THE REGULATION THEREOF.

WHEREAS, it is necessary in view of the change of times that the Rules and Regulations governing the public burial grounds in Maple Grove Cemetery be amended for the improvement thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO:

Section 1. That Section IV, sub-section c of Ordinance No. 15-95 of the Village of Bluffton, OH, which sets the rules and regulations for Maple Grove Cemetery, Bluffton, Ohio be, and the same is, hereby amended to read as written in this Ordinance.

SECTION IV

- c. All winter decorations must be removed by April 1st for Spring Clean-up. After April 1st, Cemetery personnel will remove and discard any remaining decorations. All summer decorations must be removed by November 1st for Fall Clean-up. After November 1st, Cemetery personnel will remove and discard any remaining decorations. There are to be no decorations on the ground from April 1st through November 1st to accommodate the proper maintenance (mowing and trimming) of the grounds. Any decorations or other items placed on the ground during this restricted period will be removed by Cemetery personnel and held for approximately 1 (one) month to allow the owners to claim the property, then discarded if not claimed.

Section 2. That Section V, sub-section a of Ordinance No. 15-95 of the Village of Bluffton, OH, which sets the rules and regulations for Maple Grove Cemetery, Bluffton, Ohio be, and the same is, hereby amended to read as written in this Ordinance.

SECTION V

- a. No funeral will be permitted on the following holidays except in the case of contagious disease, or where ordered by the Board of Health; Memorial Day, Labor Day, Thanksgiving, Christmas, or Easter. Saturday funerals must arrive at the Cemetery no later than

3:30 PM. Sunday funerals will not be permitted except in the case of contagious disease, or where ordered by the Board of Health.

Section 3. That is found and determined that all formal actions of the Council concerning and relating to the adoption of this ordinance were made in open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements of the Open Meetings Law including Section 121.22 of the Ohio Revised Code.

Passed and adopted this 26th day of APRIL, 2004 by the Council of the Village of Bluffton, Ohio by the following vote:

Ayes: 5 Nays: 0 Abstain: 0

Attest:

David R. Steiner
Clerk

Frederick Woodhouse
Mayor

Approved as to form:

F. Stephen Chamberlain
Village Solicitor

CERTIFICATION

The undersigned hereby certifies that the within is a true and correct copy of Ordinance No. _____, passed by the Council of the Village of Bluffton, Ohio on _____, 2004.

Dated: _____

David Steiner, Clerk/Treasurer

ORDINANCE NO. 5-98

AN ORDINANCE: AMENDING ORDINANCE NO. 15-95 (TO REGULATE SUCH PUBLIC BURIAL GROUND IN MAPLE GROVE CEMETERY, THE IMPROVEMENT THEREOF, THE BURIAL OF THE DEAD THEREIN, TO DEFINE THE TENURE AND CONDITIONS ON WHICH LOTS THEREIN SHALL BE HELD, AND PROTECT SUCH BURIAL GROUNDS, CEMETERIES AND ALL FIXTURES THEREOF AND TO PRESCRIBE RULES IN THE REGULATION THEREOF.

WHEREAS, it is necessary in view of the change of times that the Rules and Regulations governing the public burial grounds in Maple Grove Cemetery be amended for the improvement thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO:

Section 1. That Section III, c: of Ordinance No. 15-95 of the Village, which sets the rules and regulations for Maple Grove Cemetery, Bluffton, Ohio be, and the same is, hereby amended to read as written in this Ordinance.

SECTION III:

- c. The placing of boxes, unsecured toys, shepherd hooks, and similar articles upon the graves or lots, or flowers planted in the sod are prohibited. The board of trustees reserve the right to remove all flowers, potted plants, or wreaths, etc., when frosted, faded or withered.

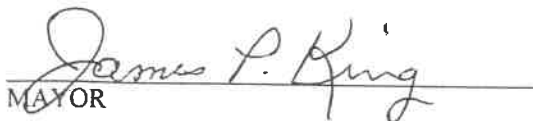
Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed and Adopted this 11th day of MAY, 1998 by the governing board of the Village of Bluffton, Ohio, by the following vote.

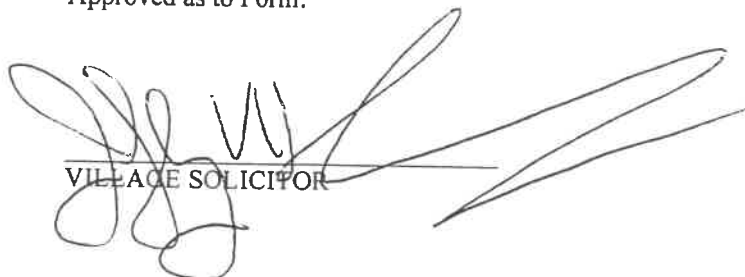
Ayes: 5 Noes: 0 Abstain: 0

Attest:


CLERK-TREASURER


MAYOR

Approved as to Form:


VILLAGE SOLICITOR

ORDINANCE NO. 24-13

AN ORDINANCE TO ESTABLISH REGULATIONS FOR THE MOWING AND MAINTENANCE OF PROPERTIES AND ADJOINING AREAS

WHEREAS: The Council of the Village of Bluffton has determined that the maintenance of yards and adjoining areas of the Village of Bluffton requires attention from all property owners.

IT IS THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO (at least two thirds of the members elected thereto concurring) THAT:

SECTION 1 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the Village by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions.

SECTION 2 DEFINITIONS. For use in this Ordinance, the following terms are defined:

- A. "Curb," "curb line," or "curbing" means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
- B. "Cut," or "mow" means to mechanically maintain the growth of grass, weeds, or brush at a uniform height.
- C. "Owner" means a person owning private property in the Village and any person occupying private property in the Village.
- D. "Parking" means that part of a street in the Village not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

SECTION 3 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE

- A. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property, to a uniform height as defined in Section 4.
- B. Every owner shall cut, mow and maintain all grass, weeds and brush adjacent to the curb line, including the parking area abutting the owner's property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds, or brush growing on the remainder of the owner's property.

SECTION 4 UNIFORM HEIGHT SPECIFICATIONS. Grass, weeds or brush shall be cut, mowed and maintained so as not to exceed the following height specifications:

- A. Developed Residential Areas – not to exceed seven inches (7")
- B. Undeveloped Residential Areas – not to exceed seven inches (7")
- C. Business and Industrial Areas – not to exceed seven inches (7")
- D. Agriculture Areas – not to exceed fifteen inches (15")

Grass, weeds, and brush which are allowed to grow in excess of the above specified limitations are deemed to be violations of this chapter. Any property within the Village of Bluffton, whether vacated or non-vacated, is required to conform to these specifications.

SECTION 5 PUBLICATION OF NOTICE Annual spring publication of this ordinance in an official newspaper shall serve as notice to property owners. The Village will be authorized to respond to violations without additional written notice being given. *Provided, however, that the Village Administrator may, prior to the Village abating the nuisance pursuant to this notice, will attempt to provide notice to the property owner providing a final notification that the Village will take action within seven (7) days. Said notice shall NOT be a prerequisite for Village action but is proposed as a courtesy to property owners.*

SECTION 6 FAILURE TO COMPLY. If the property owner fails to comply with this Ordinance, the Council or its appointee shall cause the property to be mowed. The fee for this service will be set by resolution and will be assessed against the property.

SECTION 7 ABATEMENT BY Village.

- A. If the property owner neglects or fails to abate as directed by this Ordinance, the Village may perform the required action to abate. The Council finds that the costs for the Village to abate the nuisance herein are hereby set at \$100.00 per hour with a minimum charge of two hours per occurrence.
- B. In addition to any other assessment or costs recovered in this ordinance, any person causing or maintaining a nuisance as defined by this ordinance, who shall fail or refuse to abate or remove the same is in violation of this Ordinance and shall be fined not more than \$100.00 per occurrence.

SECTION 8 COLLECTION OF COSTS. The Village Fiscal Officer shall send a statement of the total expense incurred to the property owner who has failed to abide by the publication notice. If the amount shown by the statement has not been paid within one (1) month, the Fiscal Officer *provide notice to the Village Council and thereafter, the Village Council shall certify the costs to the County Auditor and such costs shall then be collected with, and in the same manner as general property taxes as provided by law.*

SECTION 9

That is found and determined that all formal actions of the Council concerning and relating to the adoption of this ordinance were made in open meeting of this Council and

that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements of the Open Meetings Law including Section 121.22 of the Ohio Revised Code.

Passed and adopted this 25th day of November, 2013 by the Council of the Village of Bluffton, Ohio by the following vote:

Ayes: 6 Nays: 0 Abstain: 0

Attest:

Nancy L. Kindle
Clerk

[Signature]
Mayor

Approved as to form:

[Signature]
F. Stephen Chamberlain
Village Solicitor

Tree Commission
Village of Bluffton
March 1, 2017

Present: Joanne Antibus, Becky Ramey, Berch Carpenter, Jon Sommer, Jonathan Andreas, Jesse Blackburn.

Girl Scout arboretum project- Still looking at samples of tree tags, with the thicker, 5"x3" around \$12.00. It was suggested that the Girl Scout troop be recognized at a council meeting.

Street tree removals- A resident at 218 S. Jackson requested the removal of a pear tree in front of her residence that she considers a nuisance tree.

Street tree questions- Resident complaint about two hawthorn trees with thorns, probably homeowner planted, on south Jackson St. No action taken as yet.

Sidewalk/Street Tree concerns-Three properties on Richland Dr. (90, 92, 94) all have pear trees that have heaved the sidewalk. Two owners have been contacted. The tree at 90 Richland needs to be removed. No action taken as yet.

Lawn Ave. across from the middle school: Trees were evaluated and, though some are leaning a bit and unsightly, decision is to keep them for now, pending resident desires.

Bluffton Lion's Club planting: The planting design at N. Main and Snyder Rd., including oak and honey locust trees and signage was discussed, with the goal of having this site for the Bluffton Arbor Day celebration in April.

The next meeting of the tree commission is scheduled for Tuesday, March 28, 2017 at 7:00 pm in the town hall.

Jon Sommer
Secretary