

Village of Bluffton Council Meeting Agenda
Bluffton Town Hall, 3rd Floor
154 North Main Street, Bluffton
January 18, 2016
8:00 PM

- 1. Opening Ceremonies**
 - a. Call to Order
 - b. Pledge of Allegiance
- 2. Minutes**
 - a. Approval of the minutes for the Bluffton Village Council meeting held on Monday, January 4, 2016.
- 3. Bills**
- 4. Ordinances/Resolutions:**

Ordinance No. 01-16 **1st Reading** **Emergency**
An Ordinance approving, adopting and enacting American Legal Publishing's Ohio Basic Code, 2016 Edition, as the Code of Ordinances for the Village of Bluffton, Ohio and declaring an emergency.

Resolution No. 16-15 **3rd Reading** **Emergency**
A resolution of the Village of Bluffton in support of the Lima-Allen County Regional Planning Commission serving as the Metropolitan Planning Organization for the Allen County, Ohio study area and declaring an emergency.

- 5. Administrator's Report**
- 6. Safety Services**
- 7. Financials**
- 8. Committee Reports**
- 9. Shannon Cemetery**
- 10. Public Comment**
- 11. Meeting Dates**
 - a. Recreation Committee- Monday, January 18, 2016 at 7:00 PM
 - b. Streets, Alleys, Lights and Sidewalks Committee- Monday, January 18, 2016 at 7:30 PM.
 - c. Council- Monday, January 18, 2016 at 8:00 PM
 - d. Airport Advisory Commission- Thursday, January 21, 2016 at 7:45 PM at Bluffton Airport
 - e. Council – Monday, February 1, 2016 at 8:00 PM
- 12. Adjournment – Motion and Second**

Mayor Augsburger presiding. Messrs: Johnson, Sehlhorst, Talavinia, and Warren present.

Mr. Sehlhorst moved, seconded by Mr. Talavinia to accept Judy Augsburger's resignation from her Council seat, term ending December 31, 2017. Roll Call: Yes (4) Messrs: Sehlhorst, Talavinia, Johnson, and Warren. No (0), motion approved.

Village Solicitor Chamberlain swore in Judy Augsburger as the Mayor, term ending December 31, 2019.

Mr. Talavinia moved, seconded by Mr. Warren to accept Richard Johnson's resignation from his Council seat (unexpired seat originally held by Everett Collier), term ending December 31, 2017. Roll Call: Yes (4) Messrs: Talavinia, Warren, Johnson, and Sehlhorst. No (0), motion approved.

Village Solicitor Chamberlain swore in Richard Johnson as Council member, term ending December 31, 2019.

Village Solicitor Chamberlain swore in Joe Sehlhorst as Council member, term ending December 31, 2019.

Mr. Sehlhorst moved, seconded by Mr. Talavinia to appoint Sean Burrell and Dave Steiner to the two vacant Council seats. Mr. Warren objected to one motion being made to appoint two different individuals. After much discussion, Mr. Sehlhorst moved, seconded by Mr. Warren to appoint Sean Burrell as Council member for the unexpired term originally held by Everett Collier, term ending December 31, 2017. Roll Call: Yes (4) Messrs: Sehlhorst, Warren, Johnson, and Talavinia. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Warren to appoint Dave Steiner as Council member for the unexpired term originally held by Judy Augsburger, term ending December 31, 2017. Roll Call: Yes (2) Messrs: Sehlhorst and Talavinia. No (2) Messrs: Johnson and Warren. Mayor did not vote to break the tie. Motion failed.

Village Solicitor Chamberlain swore in Sean Burrell as Council member, term ending December 31, 2017.

Mr. Warren moved, seconded by Mr. Sehlhorst to advertise for applicants for the vacant Council seat, interviews to be conducted. Roll Call: Yes (5) Messrs: Warren, Sehlhorst, Burrell, Johnson, and Talavinia. No (0), motion approved.

Mr. Talavinia moved, seconded by Mr. Warren to approve the minutes of the regular council meeting held on December 21, 2015. Roll Call: Yes (5) Messrs: Talavinia, Warren, Burrell, Johnson, and Sehlhorst. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Johnson to approve the second reading of Resolution No. 16-15: A RESOLUTION OF THE VILLAGE OF BLUFFTON IN SUPPORT OF THE LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION SERVING AS THE METROPOLITAN PLANNING ORGANIZATION FOR THE ALLEN COUNTY, OHIO STUDY AREA. Roll Call: Yes (5) Messrs: Sehlhorst, Johnson, Burrell, Talavinia, and Warren. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Talavinia to suspend the rules. Roll Call: Yes (5) Messrs: Sehlhorst, Talavinia, Burrell, Johnson, and Warren. No (0), motion approved.

Mr. Burrell moved, seconded by Mr. Talavinia to approve the first reading of Resolution No. 01-16: A RESOLUTION ACCEPTING A BID AND AUTHORIZING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF BLUFFTON TO ENTER INTO A CONTRACT WITH THE BLUFFTON STONE COMPANY/BLUFFTON PAVING, INC. TO ACQUIRE AGGREGATE AND ASPHALT MATERIAL, ASPHALT APPLICATION AND EQUIPMENT RENTAL FOR THE 2016 CONSTRUCTION YEAR IN THE VILLAGE OF BLUFFTON, OHIO AND DECLARING AN EMERGENCY. Roll Call: Yes (5) Messrs: Burrell, Talavinia, Johnson, Sehlhorst, and Warren. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Burrell to suspend the rules. Roll Call: Yes (5) Messrs: Sehlhorst, Burrell, Johnson, Talavinia, and Warren. No (0), motion approved.

Mr. Johnson moved, seconded by Mr. Burrell to approve the first reading of Resolution No. 02-16: A RESOLUTION ACCEPTING BIDS AND AUTHORIZING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF BLUFFTON, OHIO TO ENTER INTO AGREEMENTS WITH ALL TERRA INC., J & D SNYDER EXCAVATING, LLC. GARY LUGIBIHL EXCAVATING, AND BEAVERDAM CONTRACTING INC. FOR INSTALLATION AND EXCAVATION FOR WATER, SEWER AND STORM PIPE, MANHOLES, CATCH BASINS, SERVICE TEES AND LATERALS, AGGREGATE AND EARTH BACK-FILL FOR THE 2016 CONSTRUCTION YEAR IN THE VILLAGE OF BLUFFTON AND DECLARING AN EMERGENCY. Roll Call: Yes (5) Messrs: Johnson, Burrell, Sehlhorst, Talavinia, and Warren. No (0), motion approved.

Mr. Johnson moved, seconded by Mr. Burrell to nominate Roger Warren as the 2016 Council President. After discussion, Mr. Johnson and Mr. Burrell agreed to table this motion.

Mr. Sehlhorst moved, seconded by Mr. Burrell to table any nominations for Council President until a full six member Council is in place. Roll Call: Yes (4) Messrs: Sehlhorst, Burrell, Johnson, and Talavinia. No (0). Abstain (1) Mr. Warren, motion approved.

Mr. Talavinia moved, seconded by Mr. Warren to continue with the current Council meeting schedule of 1st and 3rd Mondays at 8:00pm, with the exception of July 4 and September 5, as these days fall on Village recognized holidays. Tentatively move these meetings to the first Tuesday of the month. Roll Call: Yes (5) Messrs: Talavinia, Warren, Burrell, Johnson, and Sehlhorst. No (0), motion approved.

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

January 6, 2016	Shannon Cemetery GPR Scan	Late Morning
January 18, 2016	Recreation Committee	7:00 PM
January 18, 2016	Streets, Alleys, Lights, & Sidewalks	7:30 PM
January 18, 2016	Council	8:00 PM
January 21, 2016	Airport Commission	7:45 PM

Mr. Talavinia moved, seconded by Mr. Warren to approve Andy Chappell-Dick and Jade Hochstetler as regular members of the EMS department. Roll Call: Yes (5) Messrs: Talavinia, Warren, Burrell, Johnson, and Sehlhorst. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Warren to accept resumes for those interested in the vacant Council seat until January 19, 2016. Roll Call: Yes (5) Messrs: Sehlhorst, Warren, Burrell, Johnson, and Talavinia. No (0), motion approved.

Mr. Johnson moved, seconded by Mr. Burrell to enter into executive session for the discussion of personnel- hiring and compensation. Those in attendance include Council, Mayor, Solicitor, and Police Chief Skilliter. Roll Call: Yes (5) Messrs: Johnson, Burrell, Sehlhorst, Talavinia, and Warren. No (0), motion approved.

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

Mr. Johnson moved to adjourn.

MAYOR

FISCAL OFFICER

Village of Bluffton
Bills to be paid
1/18/2016

PAYROLL:

Village	\$ 35,256.51
Longevity	\$ 5,681.20
Fire & Rescue	\$ 5,409.84

TOTAL PAYROLL \$ 46,347.55

NON-PAYROLL:

Allen County Treasurer	Full Year Real Estate Taxes	\$ 2,729.42	
Alloway	Lab Analysis	\$ 1,456.60	
All Service Aeration	Portable Toilets	\$ 382.50	
Allied Waste	Refuse Service	\$ 25.65	
Apollo	CPR Cards	\$ 495.00	
AED Superstore	AED Pads	\$ 486.80	
Bluffton Flying Service	Management Fee	\$ 5,000.00	
Bluffton News	Publishing	\$ 131.76	
Bluffton Stone	Road Maintenance Supplies	\$ 77.00	
F. Stephen Chamberlain	Retainer/Meetings	\$ 1,320.00	
Choice One Engineering	Augsburger Bikepath	\$ 170.00	
Josh Brown/ Custom Auto	Cruiser Maintenance	\$ 465.12	
Digital Data Technologies	AVL Proxy & Accuglobe Annual Fees	\$ 1,065.00	
Emsar Medical	Cot Maintenance	\$ 325.00	
Family True Value Hardware	Batteries, Spray, Side Snips	\$ 87.43	
Finley Fire	Equipment- Fire Truck	\$ 270.21	
First National Bank	Line of Credit- Principal & Interest	\$ 193.24	
Global Electric	Gear Box & Main St Lights Change Out	\$ 15,453.76	
Grainger	Street Light Parts	\$ 34.32	
Greg's Pharmacy	Christmas Cards	\$ 29.97	
Guth Labs	BAC Solution	\$ 90.84	
Hancock- Wood	Electricity	\$ 272.16	
Hancock Co Treasurer	Full Year Real Estate Taxes	\$ 17,844.26	X
Rebecca Hasting	Town Hall Cleaning	\$ 550.00	
Citizens National Bank	Health Savings- Employer Share	\$ 13,000.00	
ICMA	Annual Dues- Mehaffie	\$ 568.19	
Lima Allen Co Regional Planning	2016 Membership Assessment	\$ 1,650.00	
Marathon	Gasoline	\$ 246.31	
NWOHio Security	Elevator & Alarm Monitoring	\$ 104.90	
AEP	Electricity	\$ 24,004.50	
ACH OWDA	Principal & Interest	\$ 234,213.07	
OUPS	Manual Call Outs	\$ 4.00	
Village of Ottawa	Water Usage	\$ 38,552.49	
Perry	Computer/Copier Back Up	\$ 85.22	
Power House Electric	Street Lights Bulbs & Ballasts	\$ 1,079.10	
Sausser Steel	Oxygen & Acetylene	\$ 55.20	
Shell	Gasoline	\$ 1,367.56	
KOI	Wiper Blades & Vehicle Maintenance	\$ 185.34	
Staples- Business	Paper & Office Supplies	\$ 336.74	
Technicore	AED Checks	\$ 228.00	
Time Warner Cable	Internet	\$ 998.05	
Treasurer of State	Principal- Waterlines	\$ 27,555.92	
Treasurer of State	Application Fee	\$ 200.00	
ACH Centurylink	Telephone Service	\$ 1,074.23	
Utility Sales Agency	Fire Hydrant Repair Parts	\$ 7,721.60	X
Verizon	Air Card	\$ 120.47	
W.C.O.I.L.	Internet	\$ 4.95	
Dominion	Natural Gas	\$ 270.71	

Total Non-Payroll \$ 402,582.59

 Mayor/ Council President

X: Then and Now Approved by Council
 A: Addition to list

ORDINANCE NO. 01 -16

AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2016 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF BLUFFTON, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio Legislature enacted various legislation that caused changes to be made to American Legal Publishing's Ohio Basic Code.

WHEREAS, American Legal Publishing's Ohio Basic Code, 2016 Edition, reflects the changes made to Ohio Law during 2015.

WHEREAS, it is necessary to provide for the usual daily operation of the Village and for the immediate preservation of the public peace, health, safety and general welfare of the Village that this ordinance take effect at an early date.

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

Section 1. American Legal Publishing's Ohio Basic Code, 2016 Edition, as reviewed by the Village Council, is hereby adopted and enacted. Any prior version of the Ohio Basic Code which may have been previously adopted by the Village of Bluffton is hereby obsolete and is hereby replaced in its' entirety by this Ohio Basic Code, 2016 Edition.

Section 2. One copy of American Legal Publishing's Ohio Basic Code, 2016 Edition, certified as correct by the Mayor and Village Fiscal Officer of the Village of Bluffton, as required by Ohio Revised Code §731.23, shall be kept in its initial form on file in the office of the Fiscal Officer of the Village of Bluffton. The Fiscal Officer is authorized and directed to publish a summary of all new matters contained in the Code of Ordinances as required by Ohio Revised Code §731.23. Such summary is attached hereto and marked as "Exhibit A".

Section 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the Ohio Basic Code, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows:

(A) The enactment of the Ohio Basic Code, 2016 Edition, shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect indictment or prosecution therefore. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

(B) The repeal provided above shall not affect:

- a. The grant or creation of a franchise, license, right, easement or privilege;
- b. The purchase, sale, lease or transfer of property;
- c. The appropriation or expenditure of money or promise or guarantee of payment;
- d. The assumption of any contract or obligation;

- e. The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
- f. The levy or imposition of taxes, assessments or charges;
- g. The establishment, naming, vacating or grade level of any street or public way
- h. The dedication of property or plat approval;
- i. The annexation or detachment of territory;
- j. Any legislation enacted subsequent to the adoption of this ordinance.
- k. Any legislation specifically superseding the provision of the Ohio Basic Code.

Section 4. That the following sections are hereby made part of and added to the Ohio Basic Code, 2016 Ed. that is adopted as the Code of Ordinances of the Municipality of the Village of Bluffton, Ohio pursuant to Section 10.15 thereof:

- 72.18 Nuisance Operation of Motor Vehicle
- 72.199 Regulations on Golf Carts, Utility Vehicles, and Other Under Speed Vehicles
- 93.50 Loud Sound Amplification Systems
- 76.50 Parking during Snow Emergency
- 132.20 Intoxication
- 139.20 Curfew
- 139.21 Reward for Information leading to conviction of Vandals

the full text of which is attached hereto, and incorporated herein by reference.

Section 5. That an emergency exists in the operation of the Village whereby failure to act will be detrimental to the public health, welfare and safety of the inhabitants thereof.

Section 6. That it is found and determined that all formal actions of the 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 the _____ day of _____, 2016, by the the Village of Bluffton, Ohio by the following vote:

Ayes: _____ Noes: _____ Abstain: _____

Attest:

FISCAL OFFICER

MAYOR

Approved as to Form:

VILLAGE SOLICITOR

CERTIFICATION OF CODIFIED ORDINANCES

We, the Mayor and the Clerk of the Village of Bluffton, Ohio, pursuant to Ohio Revised Code §§ 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village of Bluffton, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes and titles are correct as and constitute the Code of Ordinances for the Village of Bluffton, Ohio.

FISCAL OFFICER

MAYOR

ADDITIONAL MATTERS AS SET FORTH IN SECTION 4

EDITOR'S NOTE

This section contains municipal ordinances which supersede the Ohio Basic Code section of the same number.

72.18 NUISANCE OPERATION OF A MOTOR VEHICLES.

(A) It shall be unlawful for any person to:

(1) Operate any motor vehicle, except when necessary for safe operation or in compliance with law, in such a manner that the vehicle or its motor is so rapidly accelerated or started from a standing position that the exhaust system emits a loud, cracking, chattering or other noise unusual to its normal operation, the rubber tires of such vehicle squeal or leave tire marks on the roadway, or throw gravel or debris, commonly called peeling.

(2) Operate any motor vehicle so as to race or accelerate the motor while the vehicle is not in gear or in motion in such manner as to produce unnecessary or unreasonably loud noise.

(3) Operate any motor vehicle so as to race or accelerate excessively the motor while the vehicle is in motion in such manner as to produce unnecessary or unreasonably loud noise.

(B) The creation or production of noise by squealing of rubber tires, by a cracking, chatting, or clattering noise from the exhaust or the creation of tire marks on a roadway accompanying such squealing of tires shall each be considered prima facie evidence of an intent on the part of the operator to violate this section

(C) Whoever violates any provision of (A) above shall be deemed guilty of a minor misdemeanor.

(D) Penalty, see 70.99 (A) (3).

139.20 CURFEW

(A) It shall be unlawful for any minor under the age of 18 years to be upon the public streets, sidewalks, alleys, parks, playgrounds, places of amusement and entertainment, or other unsupervised places between the hours of 12:01 a.m. and 6:00 a.m., provided the provisions of this section do not apply to minor child or children under the age of 18 years accompanied by his parent, guardian, or other adult person having the care and custody of the minor or where the minor is on an emergency errand, legitimate business, or activity directed or supervised by his parent, guardian or other adult person having the care and custody of such minor.

(B) Whoever, being the parent, guardian or person having the care and custody of a minor, shall allow or permit such minor to violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided hereinafter.

(C) Any person who shall aid, abet, influence, or encourage a minor to violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided hereinafter.

(D) Whoever shall violate any of the provisions of this section shall be fined in any sum not to exceed \$50 or imprisoned for not more than 3 days, or both. (Ord 13-72, passed 9-5-72)

139.21 REWARD FOR INFORMATION LEADING TO CONVICTION OF VANDALS.

The council of the village is hereby authorized to pay the sum of \$200 for information leading to the arrest and conviction of any person or persons responsible for vandalism of any property of the village, including park property, including but not limited to any damage to or destruction of trees, shrubs, growing plants, and buildings. (Ord. 7-85, passed 64-85)

93.50 Loud Sound Amplification Systems

(A) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot, or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty or more feet from the vehicle.

(B) No person shall operate or permit the operation of any sound amplification system so that the sound is plainly audible at a distance of fifty feet or more from the location of said sound amplification system.

(C) "Sound amplification system" means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of the human voice.

(D) "Plainly audible" means any sound produced by a sound amplification system which can be heard at a distance of fifty feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Word or phrases need not be discernible and base reverberations are included.

(E) It is an affirmative defense to a charge under this Ordinance that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;
2. The vehicle was an emergency or public safety vehicle;
3. The vehicle was owned and operated by the Village of Bluffton or a gas, electric, communications, or refuse company;
4. The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons;
5. The vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions and other activities which have the approval of the Department of the Village authorized to grant such approval.

(F) Whoever violates any provision of this Ordinance is guilty of a minor misdemeanor. If, within one year of the offense, the offender has been convicted of or pleaded guilty to one or more violations of this Ordinance, the violation is a misdemeanor of the fourth degree.

(G) Parental Notification: If the offender is a juvenile and is receiving a warning for violating this Ordinance, the parents of such juvenile will be contacted and informed of the violation and warning.

76.50 Parking during Snow Emergency

(A) A Snow Emergency exists where freezing rain or 2" or more of snow has fallen whereas constituting a serious public hazard.

(B) That during such snow emergency, in order to properly clean the streets, vehicles will be legally parked on all Village Streets except for the downtown business districts between College Avenue and Jefferson St. and Jackson St. and Vance St., and any streets which currently restrict parking to one side of the street only, when

- (1) On odd-numbered calendar days, vehicles are parked on the side of the street which has odd-numbered building addresses, and

(2) On even-numbered calendar days, vehicles are parked on the side of the street which has even-numbered building addresses.

(C) That no vehicles shall be permitted to park in Village parking lots or in the downtown business districts between College Avenue and Jefferson St and Jackson St. and Vance St., or any streets which currently restrict parking to one side of the street only, for a longer continuous time than twenty-four hours until such time that the snow has been cleaned up.

(D) That whenever any police officer finds a vehicle parked in violation of this Ordinance, such officer may require the driver or other person in charge of the vehicle to move the same, to a position off the street or parking lot, or such officer may cause the vehicle to be moved or impounded at the owner's expense.

(E) That whoever violates the provisions of this Ordinance shall be guilty of a minor misdemeanor and may be fined not in excess of One Hundred (\$100.00) Dollars

72.199 Regulations on Golf Carts, Utility Vehicles, and Other Under Speed Vehicles

AN ORDINANCE ENACTING SECTION 72.199 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BLUFFTON, OHIO TO PERMIT AND REGULATE THE OPERATION OF CERTAIN GOLF CARTS IN THE VILLAGE OF BLUFFTON, OHIO.

WHERE AS, The Village of Bluffton Council recognizes the growing popularity and trend of using golf carts adapted for street use as an acceptable mode of transportation in the Village of Bluffton; and

WHEREAS, The Village of Bluffton Council recognizes and accepts that existing Ohio Revised Code and Ohio Administrative Code addresses various aspects of golf cart inspection, titling, registration, and use; and

WHEREAS, The Village of Bluffton Council desires to permit and regulate the operation of golf carts in the Village of Bluffton; and

WHEREAS, the Village of Bluffton Council desires to establish rules regulating the operation, insurance, inspection, and registration of golf carts, and providing for a penalty for violating the said rules and regulations, as relating to the Ohio Revised Code and Bureau of Motor Vehicles requirements.

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

SECTION 1: That Section 72.199 of the Codified Ordinances is hereby enacted to read as follows:

72.199 (A) DEFINITIONS

- (1) "Golf cart" is defined as a vehicle powered by gas or electricity and is the type of vehicle typically operated on a golf course and includes under speed vehicles or low speed vehicles
- (2) "Operator" means any person who operates or is in actual physical control of a golf cart.

- (3) “Owner” means any person or entity, other than a lien holder or dealer having title to a golf cart or legal rights to possession thereof.

72.199 (B) EQUIPMENT

- (1) Golf carts operated on the streets, highways, and public property within the Village of Bluffton, Ohio, shall have a minimum of the following functional equipment there on:
- (a) At least one working rear red colored tail light
 - (b) License plates in the front and rear of the golf cart, bracketed to the cart
 - (c) A light to illuminate the rear license plate and make the plate legible from a distance of 50 feet
 - (d) At least one working brake light
 - (e) Two headlights, white or clear in color
 - (f) A horn
 - (g) A rearview mirror
 - (h) A windshield
 - (i) Turn signals
 - (j) One seat belt per occupant of the cart
 - (k) A child safety seat installed to manufacturer specifications for any occupant under the age of four or under 40 pounds in weight
 - (l) A child booster safety seat installed to manufacturer specifications for any occupant between the ages of four and eight or 4’9” in height
- (2) Whoever violates this section shall be guilty of a minor misdemeanor and fined not more than \$100.

72.199 (C) LICENSING REQUIREMENTS OF OPERATOR

- (1) The operator of a golf cart on public roadways or on public property in the Village of Bluffton shall have a valid driver’s license.
- (2) The operator of a golf cart on public roadways or on public property in the Village of Bluffton shall be no less than 16 years of age.
- (3) Whoever violates this section shall be guilty of a first degree misdemeanor, and subject to a fine of not more than \$1,000 and imprisonment of not more than six months.

72.199 (D) INSURANCE REQUIREMENTS OF OWNER AND OPERATOR

- (1) The owner of a golf cart that is driven on public roadways or on public property in the Village of Bluffton shall carry liability insurance thereon as required by the Ohio Revised Code 4509.101 (A)(1).
- (2) The operator of a golf cart that is driven on public roadways or on public property shall have in his possession proof of insurance while operating the golf cart.
- (3) Whoever violates this section shall be guilty of a first degree misdemeanor, and subject to a fine of not more than \$1,000 and imprisonment of not more than six months.

72.199 (E) INSPECTION AND TITLE REQUIREMENTS

- (1) No person shall operate a golf cart on public roadways or on public property in the Village of Bluffton without first obtaining an inspection by the Chief of Police, the County Sheriff, or the law enforcement official of another jurisdiction within the State of Ohio to ensure compliance with State laws and this ordinance.
- (2) No person shall operate a golf cart on the public roadways or on public property in the Village of Bluffton without a Certificate of Inspection in his possession.
- (3) No person shall operate a golf cart on public roadways or on public property without first obtaining a Certificate of Title from the Clerk of Courts.
- (4) Whoever violates this section shall be guilty of a minor misdemeanor and fined not more than \$100.

72.199 (F) PROHIBITED ACTS

- (1) No person shall operate a golf cart on public roadways or on public property in the Village of Bluffton without first ensuring all occupants are securely seated in a fixed seat and wearing all available elements of a properly adjusted safety belt that is fixed to the vehicle.
- (2) No person, being an operator of a golf cart operated on public roadways or on public property in the Village of Bluffton, shall fail to wear all available elements of a properly adjusted safety belt that is fixed to the vehicle.
- (3) No person, being a passenger of a golf cart operated on public roadways or on public property in the Village of Bluffton, shall fail to wear all available elements of a properly adjusted safety belt that is fixed to the vehicle.
- (4) No person shall operate a golf cart on a public roadway with a posted speed limit greater than 25 mph unless the vehicle is driven with the right side of the golf cart being within one foot of the right curb or edge of the roadway.

- (5) No person shall operate a golf cart on restricted areas of the public bicycle path, except municipal employees operating municipal vehicles in accordance with their duties.
- (6) Whoever violates this section shall be guilty of a minor misdemeanor and fined accordingly:
 - (a) A violation of sections F (1), F (4), and F (5) of this ordinance shall be guilty of a minor misdemeanor and fined not more than \$100.
 - (b) A violation of section F (2) of this ordinance shall be guilty of a minor misdemeanor and fined not more than \$30.
 - (c) A violation of section F (3) of this ordinance shall be guilty of a minor misdemeanor and fined not more than \$20.

72.199 (G) ACCIDENT REPORTS

- (1) The owner or operator of a golf cart involved in any accident resulting in injury or death to any person shall immediately report the accident to the police department.
- (2) The owner or operator of a golf cart involved in any accident resulting in damage to the property of any person in excess of \$100 shall report the accident within 24 hours to the police department.
- (3) Whoever violates this section shall be guilty of a first degree misdemeanor and subject to a fine of not more than \$1,000 and imprisonment of not more than 6 months.

132.20 INTOXICATION.

- (a) No person shall be found in the state of intoxication or, being intoxicated, shall disturb the peace and good order or shall conduct himself or herself in a disorderly manner.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

SECTION 2: That an emergency exists in the operations of the Village of Bluffton whereby failure to act will be detrimental to the public health, welfare and safety of the inhabitants thereof.

SECTION 3: 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 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.

RESOLUTION NO. 16-15

A RESOLUTION OF THE VILLAGE OF BLUFFTON IN SUPPORT OF THE LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION SERVING AS THE METROPOLITAN PLANNING ORGANIZATION FOR THE ALLEN COUNTY, OHIO STUDY AREA AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Transportation (ODOT) has named the Lima-Allen County Regional Planning Commission (LACRPC) as the Metropolitan Planning Organization (MPO) for the Allen County, Ohio Study Area; and,

WHEREAS, the MPO's function is to work collaboratively with ODOT and the FHWA, FTA and the EPA to facilitate the comprehensive transportation planning within Allen County, Ohio; and,

WHEREAS, Village of Bluffton is a member of the LACRPC and wishes to pledge its support and cooperation, together with the other members of LACRPC, to LACRPC as the MPO for the urbanized area of Allen County, Ohio; and,

WHEREAS, Village of Bluffton also agrees to maintain its membership in the LACRPC and to comply with the Bylaws of the LACRPC and the Bylaws of the Transportation Coordinating Committee of the LACRPC; and,

WHEREAS, Village of Bluffton agrees to participate in the transportation planning process, and to actively support the public involvement process as it relates to the development and adoption of the MPO's Long Range Transportation Plan, Transportation Improvement Program, Annual Unified Planning Work Program and the publication of an Annual Report.

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

Section 1. That Village of Bluffton joins with other political subdivisions in Allen County, Ohio in pledging its support and cooperation with such other political subdivisions within Allen County, Ohio of the LACRPC as the MPO for the Lima, Ohio Urbanized Area (Allen County, Ohio).

Section 2. That the Village of Bluffton will maintain its membership in LACRPC in compliance with the Bylaws of the LACRPC and the Bylaws of the Transportation Coordinating Committee.

Section 3. That the Village of Bluffton shall participate in the transportation planning process and actively support the public involvement process as it relates to the development and adoption of the MPO's Long Range Transportation Plan, the Transportation Improvement Program, the Annual Unified Planning Work Program and the publication of the Annual Report.

Section 4. That the Village of Bluffton will comply with the Bylaws of the LACRPC and the Bylaws of the Transportation Coordinating Committee.

Section 5. That the Village of Bluffton understands that any member government may withdraw its agreement and pledge of support for the LACRPC at any time by adoption of a Resolution indicating that the Village of Bluffton is withdrawing its support for the programs and delivering a copy of the Resolution to the Executive Director of the LACRPC, not less than one hundred eighty (180) days prior to the actual date of withdrawal. The withdrawal shall be effective on the one hundred eightieth (180th) day after the date on which the Executive Director receives the copy of the Resolution to withdraw.

Section 6. That the presentation of the Resolution to withdraw shall not relieve the withdrawing member of its obligations as a member for the year in which the withdrawal occurs, nor shall the withdrawing party withdraw its area from the study area of the LACRPC during the year of withdrawal.

Section 7. That this Resolution shall be effective at the earliest date permitted by law, provided, however, that the Village of Bluffton shall not be bound by the agreements set forth in this Resolution if there is not sufficient participation from the other political subdivisions in the Allen County, Ohio area to make the existence of the LACRPC feasible.

Section 8. That the Executive Director of the LACRPC shall, upon receipt of the certified copy of this Resolution, include the Village of Bluffton as a member of the LACRPC and that a copy of this resolution will be forwarded to ODOT as testimony of the relationship between the LACRPC and Village of Bluffton.

Section 9. That an emergency exists in the operation of the Village whereby failure to act will be detrimental to the public health, welfare and safety of the inhabitants thereof.

Section 10. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this resolution 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 the _____ day of _____, 2016, by the governing board of the Village of Bluffton, Ohio by the following vote:

Ayes: _____ Noes: _____ Abstain: _____

Attest:

FISCAL OFFICER

MAYOR

Approved as to Form:

VILLAGE SOLICITOR

**To: Mayor Augsburger
Council Members**

Resolution No. 16-15

Resolution No. 16-15 is a Resolution approving a memorandum of understanding supporting the Lima-Allen County Regional Planning Commission as the Metropolitan Planning Organization. This memorandum of understanding is a requirement of the Ohio Department of Transportation in order for political subdivisions to be eligible to utilize federal funds. As was previously discussed, LACRPC is requesting that the signed Memorandum of Understanding be returned to them no later than January 31, 2016, so it is requested that the Resolution be passed as an emergency on the third reading at Monday evening's regularly scheduled Council Meeting.

Ordinance No. 01-16

Ordinance No. 01-16 is an ordinance to approve, adopt and enact the Ohio Basic Code, 2016 Edition as the Code of Ordinances for the Village of Bluffton. We just received our copies of the 2016 Edition on January 14th, though they were ordered as soon as we could in December following the receipt of the invoice on November 25, 2015. Attached is a letter that Chief Skilliter received from the Lima Municipal Court advising of a Feb. 1, 2016 deadline to submit the copies of the Code to the courts.

Brush Dump Grinding

The Village has received two quotes (attached) to grind the brush dump this Winter. Go Green, from Findlay, OH, submitted a quote of \$21,225.00 and Park Enterprise Construction Co., Inc., from Marion, OH, submitted a quote of \$15,650.00. Both quotes were to double-grind the existing brush pile. I am recommending to Council that the Village contract with Park Enterprise Construction Co., Inc. to grind the brush dump. Park Enterprises indicated that they could perform the work as early as two weeks from the acceptance of the quote.

TRS Validation Protocol

The Village will be conducting the Trihalomethane Removal System Performance Validation process at the beginning of February following the Performance Validation Protocol detailed by PAX Water Technologies. After discussions with PAX, we have determined that we are going to conduct the validation process twice- once this February and then again in August during a period of higher usage, higher amount of organics in the source water, and a time period when our TTHM numbers have historically been high.

Amstutz Ditch Project

The Village received information from Bryant Kesler, Drainage Technician with the Allen Soil and Water Conservation District, that the Amstutz Group Drainage Project will not occur until the Fall of this year at the earliest. Previously, it had been planned to start this Spring.

West Side Interceptor

Our engineers from CT Consultants advised on Thursday that the PTI Application for the Interceptor portion of the project has been completed and the PTI Application for the WWTP portion of the project will be finalized this week. They anticipate being ready to submit the completed PTI Applications to the Ohio EPA next week.

Augsburger Pathway Project

We are still waiting on a permit from the U.S. Fish and Wildlife Service to be able to perform work within the designated wetlands that were identified within the project area of the Augsburger Pathway project. We have until the end of March to remove the trees within the project area due to the area being habitat for the Indiana bat. However, we cannot perform that work until we receive the permit from U.S. Fish and Wildlife. Jesse Blackburn is in the process of acquiring quotes for the tree removal portion of the project so that we can perform that work as soon as we receive the permit.

Lima Municipal Court
Jim Link, CPA
Clerk of Courts

11/25/15
PAID DEC.

109 N. Union St.
P O Box 1529
Lima, OH 45802



Criminal & Traffic 419.221.5275
Civil and Small Claims 419.221.5275

November 11, 2015

Villages of Beaverdam, Cairo, Elida, and Bluffton

To Whom It May Concern:

Please be advised that before our office can accept the 2016 Ohio Basic Code book there must be with it the ordinance adopting the 2016 Ohio Basic code, summary and certification included with it.

Three (3) copies of the 2016 Ohio Basic Code book, three (3) copies of the summary, and three (3) copies of the ordinance adopting it are required to be submitted.

This must be filed in our office no later than February 1, 2016. If not received in our office by this time filings will not be accepted.

Please make sure that your order is placed with American Legal Publishing Corporation in order to meet your needs and this deadline.

Yours truly,

A handwritten signature in cursive script that reads "Roberta J. Beemer".

Jim Link, CPA
Clerk of Court



Park Enterprise Construction Co., Inc.
 560 Barks Road West
 Marion, OH 43302

Estimate

Date	Estimate #
1/6/2016	05-442

Name / Address
Village of Bluffton 455 N. Spring Street Bluffton, OH 45817

Description	P.O. No.	Project	
	Qty	Cost	Total
Primary Grind and Re grind 2015 Yard Waste Using 2" Screens	32	450.00	14,400.00
Mobilization	1	1,250.00	1,250.00
Tax on material and delivery		7.25%	0.00
Thank you for considering this proposed estimate. Please call should you have any questions.		Total	\$15,650.00

Sales tax will apply if applicable.

Signature _____

Phone #	Fax #	E-Mail
740-223-7275	740-223-0039	epark@parkenterpriseconstruction.com



December 18, 2015

City of Bluffton
154 N. Main St.
Bluffton, Ohio 45817

Reference: Brush Grinding

We have prepared the following proposal for your review/approval.

Based on our inspection of your compost site on December 14, 2015, we agree to doublegrind the brush pile for the sum of **\$21,225.00**.

This price includes mobilization of the equipment to and from the site.

Terms: Net 30 days

Important Notes:

1. One mobilization is included in the estimated cost for each project.
2. Existing stockpiled material is assumed to be adequate material to be placed in the grinder without pre-grind preparation required.
3. Go Green is responsible for EPA Air Emissions permits
4. All permits and fees other than the aforementioned in #3 local are the responsibility of the Owner
5. The estimate does not include work to provide documentation nor guarantee to meet any specification of material.
6. Ground material to be stockpiled near the existing material and relocation is not included.
7. Owner to provide water if required for grinding operation
8. Increased quantities of stockpiled material and/or material in excess of the required size will be an additional charge
9. Go Green reserves the right to reject any material from being ground.
10. Go Green provides this estimated cost with the understanding the materials are wood and/or leave based products and the said material to grind is free of foreign debris.

10351 Allen Twp Road 107 Findlay, OH 45840 Telephone 419-615-7540 Fax 419-581-4206

www.gogreen-ohio.com
An Equal Opportunity Employer



- 11. Screening of existing material is excluded
- 12. No Overtime or Prevailing Wage rates included
- 13. Payment due in full within 30 days after completion

If you require any additional information, please feel free to contact our office. Once this agreement is signed and returned to our office, I will be in contact with you to schedule the project.

We look forward to working with you on this project.

Sincerely Submitted:

Adam Miller, General Manager

Accepted by: _____

To: Mayor Augsburg
Council Members

Personnel Issues

- Full-time patrol officer Hope Hannah has completed the necessary degree requirements and been awarded a Bachelor's Degree in Criminal Justice. In accordance with our established pay ordinance, I am requesting council's approval for a \$.50 per hour pay raise in recognition for her degree.
- The full-time officer candidate to fill the vacant full-time position continues in the post-offer of employment background and qualifying requirement process. I anticipate having a recommendation at the first council meeting in February.

Annual Report

- I will have copies of the 2015 annual police activity report for distribution at the council meeting.

Junk Vehicle Enforcement

- While not yet in effect, the police department has been giving courtesy notice to several vehicle owners who will likely be directly impacted by the recently adopted ordinances. So far, one of the most prominent vehicles has been removed from its long-standing location. (I see this as progress)