

**COUNCIL MEETING
AGENDA
October 28, 2013
8:00 PM
BLUFFTON TOWN HALL**

MINUTES October 14, 2013

BILLS

ORDINANCE NO. 19-13 **3RD READING**
AN ORDINANCE TO VACATE AN ALLEY AS REQUESTED BY DAVID SHAFER
AND MILAN CRAMER.

ORDINANCE NO. 20-13 **3RD READING**
AN ORDINANCE TO VACATE AN ALLEY AS REQUESTED BY THOMAS AND
SHEENA DOTSON.

ORDINANCE NO. 21-13 **1ST READING**
AN ORDINANCE ESTABLISHING RANGES OF PAY FOR VARIOUS VILLAGE
EMPLOYEES, SETTING FORTH THE TERMS AND CONDITIONS OF THEIR
EMPLOYMENT AND PROVIDING SUCH ADDITIONAL BENEFITS AS ARE
HEREIN AFTER SET FORTH, EFFECTIVE JANUARY 1, 2014.

ORDINANCE NO. 22-13 **1ST READING**
AN ORDINANCE ESTABLISHING THE OFFICE OF DIRECTOR OF PUBLIC
SAFETY FOR THE VILLAGE OF BLUFFTON, SETTING FORTH THE
RESPONSIBILITIES FOR THAT OFFICE AND PROVIDING THAT THE PUBLIC
SAFETY DIRECTOR SHALL BE THE SOLE APPOINTEE OF THE MAYOR OF
THE VILLAGE OF BLUFFTON.

ORDINANCE NO. 23-13 **1ST READING**
AN ORDINANCE AMENDING ORDINANCE NO. 07-13.

ORDINANCE NO. 24-13 **1ST READING**
AN ORDINANCE TO ESTABLISH REGULATIONS FOR THE MOWING AND
MAINTENANCE OF PROPERTIES AND ADJOINING AREAS.

ADMINISTRATOR'S REPORT

SAFETY

FINANCIALS

MEETING DATES

October 28, 2013	Streets, Alleys and Lights Committee	7:30 PM
October 28, 2013	Council	8:00 PM
October 31, 2013	Beggar's Night	6:00 PM – 7:30 PM
November 11, 2013	Council	8:00 PM

Regular Council

October 14, 2013

Mayor Gallant presiding. Messrs: Burrell, Collier, Kingsley, McGarrity, Sehlhorst, and Steiner present.

Mr. Kingsley moved, seconded by Mr. Burrell to approve the minutes of the regular council meeting held on September 23, 2013. Roll Call: Yeas (6) Messrs: Kingsley, Burrell, Collier, Kingsley, McGarrity, Sehlhorst, and Steiner. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Steiner to approve the bills as presented. Total non-payroll of \$367,887.03 and payroll of \$35,485.40. Roll Call: Yeas (6) Messrs: Sehlhorst, Steiner, Collier, Burrell, Kingsley, and McGarrity. Nays (0), motion approved.

Mr. Burrell moved, seconded by Mr. Collier to approve the second reading of Ordinance No. 19-13: AN ORDINANCE TO VACATE AN ALLEY AS REQUESTED BY DAVID SHAFER AND MILAN CRAMER. Roll Call: Yeas (5) Messrs: Burrell, Collier, McGarrity, Sehlhorst, and Steiner. Nays (0). Mr. Kingsley abstained. Motion approved.

Mr. Sehlhorst moved, seconded by Mr. Kingsley to approve the second reading of Ordinance No. 20-13: AN ORDINANCE TO VACATE AN ALLEY AS REQUESTED BY THOMAS AND SHEENA DOTSON. Roll Call: Yeas (6) Messrs: Sehlhorst, Kingsley, Burrell, Collier, McGarrity, and Steiner. Nays (0), motion approved.

Mr. McGarrity moved, seconded by Mr. Burrell to approve the third and final reading of Resolution No. 12-13: A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE BLUFFTON EXEMPTED VILLAGE SCHOOL DISTRICT FOR THE USE OF A SOFTBALL FIELD IN THE VILLAGE PARK. Roll Call: Yeas (6) Messrs: McGarrity, Burrell, Collier, Kingsley, Sehlhorst, and Steiner. Nays (0), motion approved.

The Fiscal Officer announced the following meetings:

October 17, 2013	Finance	10:00 AM
October 17, 2013	Ordinance	4:00 PM
October 28, 2013	Streets & Alleys	7:30 PM
October 28, 2013	Council	8:00 PM
November 14, 2013	Planning- Council as a Whole (Held at the Mustard Seed Café)	4:00-9:00 PM

Mayor presented the September Mayor's Court report.

Mr. Sehlhorst moved, seconded by Mr. Kingsley to close Main Street on November 30 in the evening for the annual Blaze of Lights. Roll Call: Yeas (6) Messrs: Sehlhorst, Kingsley, Burrell, Collier, McGarrity, and Steiner. Nays (0), motion approved.

Mr. Steiner moved, seconded by Mr. Collier to enter into executive session for the discussion of personnel and contracts. Roll Call: Yeas (6) Messrs: Steiner, Collier, Burrell, Kingsley, McGarrity, and Sehlhorst. Nays (0), motion approved.

Mr. Steiner moved, seconded by Mr. Sehlhorst to exit from executive session and return to regular session. Roll Call: Yeas (6) Messrs: Steiner, Sehlhorst, Burrell, Collier, Kingsley, and McGarrity. Nays (0), motion approved.

Mr. Steiner moved, seconded by Mr. Burrell to appoint Abigail Michael into the Part-time 1 patrol officer (30 hrs/week) position, effective September 29, 2013. Roll Call: Yeas (6) Messrs: Steiner, Burrell, Collier, Kingsley, McGarrity, and Sehlhorst. Nays (0), motion approved.

Mr. Kingsley moved to adjourn.

MAYOR

FISCAL OFFICER

Village of Bluffton
Bills to be paid
10/28/2013

PAYROLL:

Village	\$	33,417.92
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TOTAL PAYROLL	\$	33,417.92
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NON-PAYROLL:

Alloway	Lab Analysis	\$	1,240.00
All Service Aeration	Portable Toilets & Pumping & Jetting	\$	692.50
Allied Waste	Refuse Service	\$	16,825.58
Applied Industrial	Clarifier Motor	\$	365.30
Arbor Elite	Stump Removal	\$	2,037.50
Atlas Butler	HVAC Unit- MARCS Tower	\$	5,173.50
Bailey's	Uniforms	\$	134.00
Community Markets	Bottled Water	\$	11.98
Elevator Services	Steel	\$	28.00
Great Lakes Billing Assoc	EMS Run Collection Fees	\$	618.73
Hancock-Wood Electric	Electricity	\$	203.16
Nathan Jordan	Reimburse CEU's	\$	420.30
M & R Plumbing	PVC Plug, Sealite	\$	35.90
Ohio Police & Fire Pension	Sept. Employer Share	\$	4,257.76
Shell	Gasoline	\$	2,381.20
Staples Business	Toner	\$	176.41
Staples- Credit	Disposable Gloves	\$	19.49
Treasurer of State	Operator Renewal- Bowden (Sewer & Water)	\$	90.00
United Healthcare	Hospitalization	\$	7,280.45
United Healthcare	Life Insurance	\$	84.00
Verizon	Service Dept. Cell Phone & Air Card	\$	171.05
Dominion	Natural Gas	\$	224.11

Total Non-Payroll	\$	42,470.92
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 Mayor/ Council President

X: Then and Now Approved by Council

ORDINANCE NO. 21-13

AN ORDINANCE ESTABLISHING RANGES OF PAY FOR VARIOUS VILLAGE EMPLOYEES, SETTING FORTH THE TERMS AND CONDITIONS OF THEIR EMPLOYMENT AND PROVIDING SUCH ADDITIONAL BENEFITS AS ARE HEREIN AFTER SET FORTH, EFFECTIVE JANUARY 1, 2014.

WHEREAS, it has been determined by the Council of the Village of Bluffton, Ohio that it is necessary to establish ranges of pay for the village officials and employees and to provide and set forth further terms and conditions of their employment.

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

SECTION 1: That Village Council adopts the wage ranges and terms and conditions as described as "Exhibit A" hereafter attached.

SECTION 2: That it is found and determined that all formal actions of this 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 this _____ day of _____, 2013 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

EXHIBIT A

Police Officers

Full-Time Patrol Officers

Requirements:

Successful completion of police academy training

First Responder Accreditation- must maintain throughout length of employment

The following pay scale applies to new police officers hired on or after January 1, 2014. Existing police officer's pay will follow Ordinance No. 25-07.

Starting Pay	\$13.00/ hr
1 Year Successful Evaluation; Probation Period Over	Add \$2.00/ hr

Council has the authority to modify the starting pay and requirements based on the employee's qualifications.

Part Time Patrol Officers are assigned to work less than a 40 hour/week shift. Officers assigned to this shift will have a starting pay of \$10.10/hr. Increases in pay will be decided by Council. Part time patrol officers are not eligible for the accrual of sick leave, vacation, personal leave, or holiday leave benefits.

Full-time patrol officers receiving the above mentioned increase based on successful evaluations are not eligible for any annual cost of living adjustments, merit based increases, or any other type of pay increase that may be given.

Salaried Positions: (Police Officers holding the Chief and Sergeant positions as of Jan. 1, 2011 are grandfathered in and do not have to hold the below mentioned degrees.)

Police Chief- Requirements: Minimum of Bachelors Degree

Sergeant- Requirements: Minimum of Associates Degree

Full Time Public Works Employees

Requirements:

High School Diploma

The following pay scale applies to new public works employees hired on or after January 1, 2013. Existing public work employee's pay will follow Ordinance No. 25-07.

Starting Pay (No Licenses)	\$12.50/ hr
1 Year Successful Evaluation	Add \$1.00/ hr

Council also has the authority to modify the starting pay and requirements based on the employee's qualifications.

Full time public works employees receiving the above mentioned increases based on successful evaluations are not eligible for any annual cost of living adjustments, merit based increases, or any other type of pay increase that may be given.

All new full time hires will be required to obtain a Water I operator and Sewer I operator licenses within three (3) years of their hire date and a Water II and Sewer II operator licenses within six (6) years of their hire date, dependent upon EPA qualifications. Failure to obtain the certification may result in loss of employment.

Water and Sewer Certifications (Applies to New Employees as of January 1, 2014):

Water and sewer operating licenses obtained by employees will be compensated as follows:

Type Of License	Hourly Increase
Water I	\$.50
Water II	\$1.50
Sewer I	\$.50
Sewer II	\$1.00
Sewer III	\$1.50
Sewer IV	\$1.00

Licenses will not be included in any annual cost of living adjustments, merit based increases, or any other type of pay increase that may be given.

Existing full time Service and Sewer Department employees, as of January 1, 2014, will have until December 31, 2015 to possess a minimum of a Water II License and a Sewer II License issued by the Ohio EPA dependent upon EPA qualifications. Failure to obtain the required certification will result in the freezing of the employee's wage as of December 31, 2015. It is expected that employees, when eligible, will obtain a Sewer III License which is required by the Ohio EPA for the operations of the Village's WWTP.

Salaried Positions

The following positions within the Village shall be salaried, with annual compensation determined by Council:

Village Administrator

Fiscal Officer

Police Chief

Police Sergeant

Cemetery Sexton- This position is not eligible for any leave accumulation, health insurance, or other benefits offered to salaried positions.

Full-time Hourly Employees Not Covered by Police or Public Works

Council shall determine the hourly wages for any employees not specifically covered under the Police or Public Works pay scale.

Half-Time Hourly Employees- Non Police

Half-time positions are held by employees who are regularly scheduled to work a minimum of twenty (20) hours a week throughout the entire calendar year. Council shall determine the hourly wage for any half-time employee. The starting wage for any half-time employee will be no less than the minimum wage established by the State of Ohio. Half-time employees are eligible to accrue sick leave, vacation, and personal leave benefits on a prorated basis, as described in Ordinance No. 33-10. No Holiday pay will be given for any half-time employee.

Part-time, seasonal, intermittent, temporary, interim, or student interns employees shall not work more than 1040 hours in a calendar year. These positions are not eligible for the accrual of sick leave, vacation, personal leave, or holiday leave benefits. Council shall determine the hourly wage for any of these employees. The starting wage for any of these employees will be no less than the minimum wage established by the State of Ohio.

Incentives for Continued Education

(Applies to New and Existing Full Time Employees as of January 1, 2011):

Additional pay will only be given for degrees directly relating to the employee's field of work or at Council's discretion.

College Degrees- New Hires and Existing Employees (Hourly)

Associates Degree \$.50/hr increase to starting pay.

Bachelors Degree (When no pay adjustment has been made for Associates Degree)- \$1.00/hr increase to starting pay

Bachelors Degree (When pay adjustment has been made for Associates Degree)- \$.50/ hr. increase to starting pay;

Master's Degree-All Hourly Employees: \$.50/hr increase to starting pay

College Degrees- New Employees (Salary)

Bachelors Degree- Required for all salaried positions, with the exception of the Police Sergeant

Bachelors Degree- Police Sergeant: Increase of \$1,000.00 to annual wage

Master's Degree-Increase of \$1,000 to annual wage

College Degrees- Existing Employees (Salary)

Associates Degree- Increase of \$1000 to annual wage

Bachelors Degree (when adjustment has been made for Associates Degree) Increase of \$1,000.00 to annual wage

Bachelors Degree(when NO adjustment has been made for Associates Degree) Increase of \$2,000.00 to annual wage

Master's Degree-Increase of \$1,000 to annual wage

Tuition Reimbursement

(Applies to New and Existing Full Time Employees as of January 1, 2011):

The Village may supplement its in-service training program by sponsoring employee attendance in courses offered by established educational institutions. Full-time employees of the Village shall be eligible for tuition reimbursement after one (1) year of continuous employment with the Village. Tuition reimbursement is an education program which allows an approved applicant to be reimbursed, up to \$1,500.00 per calendar year, for tuition costs connected to an eligible course of study after a satisfactory grade level has been attained. Only job-related courses which, in the Village's sole determination, enable the employee to perform better or which are part of a program leading to a Village approved degree are eligible for tuition reimbursement. Courses must offer technical or skill growth. Courses taken for recreational purposes do not qualify for tuition reimbursement. Courses given by tutor(s) operating independently do not qualify for tuition reimbursement. Correspondence or on-line courses are eligible for tuition reimbursement only upon approval of Council or its designee. Courses must be taken for credit; auditing a course is not permitted for purposes of tuition reimbursement.

The annual reimbursement is not cumulative, i.e. cannot skip one year and ask for double the next year.

This program has the following objectives:

- Develop the potential of Village employees and maintain a pool of qualified personnel within the Village.
- Correct a knowledge/skill gap in Village departments.
- Add to an employee's capabilities to perform in his/her current job or to be eligible for promotion to higher level positions.

When funds distributed by the Village for employee development and training purposes are available, the tuition reimbursement policies in this section apply. The Village may establish additional criterion to determine eligibility for this program. Any criteria will be applied uniformly to all employees.

To be eligible for tuition reimbursement, the employee must earn a minimum grade of a "C-" and retain full-time employment status.

Travel time will not be reimbursed. Hours spent in attendance toward obtaining a degree are not considered work hours, and shall not be compensable under normal payroll practices. General and Book fees are the responsibility of the employee. Any lab fee directly associated with the course of study is reimbursable as part of the total allotted tuition reimbursement.

Council reserves the right, depending upon the availability of funds or shortages in the Village work force, to suspend or restrict the tuition reimbursement program. Where applications exceed the available funds, actions such as the following may be taken:

- Reduce the number of credit courses or credit hours which may be reimbursed.
- Select the employees whose learning needs are most critical to the Village.
- Set an official, uniformly applied percentage figure as the amount of tuition reimbursement for which the Village is responsible.

To apply for the tuition reimbursement program, the applicant will be required to complete the tuition reimbursement application obtainable from the Fiscal Officer. One completed form will be required for each course. This completed application along with the course syllabus shall be submitted to the Village Administrator at least thirty (30) days before classes begin. A new application must be completed for each course and for each new term.

To obtain reimbursement for the courses taken, the employee must provide a receipt showing previous payment of the course and course transcripts. The employee must fill out an expense form in order to be reimbursed for this expenditure.

If an employee's tuition is fully or partially covered by another government or private agency or the employee could have received financial assistance from any such agency (whether the employee applied or not) then the employee is not entitled to be reimbursed for that amount that was paid or that could have been paid from that agency.

Employees receiving tuition reimbursement shall be required to pay the Village in full for all expenses incurred by the Village, if such employee's employment is terminated with the Village within one (1) years of completion of the schooling for which the employee received tuition reimbursement. Such repayment may be deducted from the employee's last pay check. Such repayment shall not reduce the employee's pay to a point that the employee fails to meet the minimum wage requirements for the hours worked within the pay period. The employee must sign a promissory note each time reimbursement occurs which includes deduction authorization from the employee's pay check regarding the one year requirement.

Retire-Rehire

While the Village recognizes that at times it is beneficial to both the employee and employer to allow for a retire-rehire situation, the following conditions will apply:

The retired-rehired employee's wages will be frozen at the rate of retirement. The employee will not be eligible for any future raises or pay adjustments.

The retired-rehired employee's leave balances will be paid out as a normal severance pay, thus reducing leave balances to zero. The employee will be eligible to accumulate sick leave at the rate regulated by the Ohio Revised Code. The employee will receive 3 weeks of annual vacation, 3 annual personal days and 1 extra personal day. The amount of vacation will not increase with additional years of service.

Retired-rehired employees are not eligible for any continued education incentives, pay adjustment for receiving water or sewer licenses, or tuition reimbursement.

ORDINANCE NO. 22-13

AN ORDINANCE ESTABLISHING THE OFFICE OF DIRECTOR OF PUBLIC SAFETY FOR THE VILLAGE OF BLUFFTON, SETTING FORTH THE RESPONSIBILITIES FOR THAT OFFICE AND PROVIDING THAT THE PUBLIC SAFETY DIRECTOR SHALL BE THE SOLE APPOINTEE OF THE MAYOR OF THE VILLAGE OF BLUFFTON

WHEREAS: The Village of Bluffton has determined that there is a need to create an office known as DIRECTOR OF PUBLIC SAFETY for the Village of Bluffton, Ohio, and;

WHEREAS: The Village finds that the responsibilities of the said office should be set forth and defined;

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

SECTION 1: There shall be an office in the administration of the Village of Bluffton, Ohio the Office of DIRECTOR OF PUBLIC SAFETY. At any time that the Mayor does not appoint a DIRECTOR OF PUBLIC SAFETY or when the DIRECTOR OF PUBLIC SAFETY shall be absent from the Village of Bluffton, then the Mayor shall exercise all of the powers of the DIRECTOR OF PUBLIC SAFETY.

SECTION 2: The Mayor, as the chief executive of the Village of Bluffton, shall have the sole power to appoint a DIRECTOR OF PUBLIC SAFETY, from time to time, if the Mayor deems it necessary, and at his sole discretion, to carry out administrative oversight of the police, fire and emergency medical services departments for the Village of Bluffton. The Mayor may appoint the Chief of the Fire, Police or EMS Service Departments as DIRECTOR OF PUBLIC SAFETY. If one of these chiefs is appointed, then that Chief shall preform both offices and it is specifically found and declared that there is no conflict in holding both positions.

SECTION 3: The DIRECTOR OF PUBLIC SAFETY shall make emergency decisions or declarations in support of the safety of the residents of the Village of Bluffton, and the public safety departments to include the police, fire, and emergency medical services.

SECTION 4: The DIRECTOR OF PUBLIC SAFETY will be the direct supervisor of the Police Chief, the Fire Chief and the EMS Chief for administrative oversight related to budget, purchases, personnel management and discipline, and department planning (short and long range). The DIRECTOR OF PUBLIC SAFETY will serve as the liaison between council and the public safety departments.

SECTION 5: The chiefs of the Police, Fire and EMS Departments shall remain fully in their capacity to manage emergency situations within their respective jurisdictions and areas of responsibility. The DIRECTOR OF PUBLIC SAFETY is authorized to declare a state of emergency for the Village of Bluffton until such time that the mayor and council can legally meet to confirm such action.

SECTION 6: The DIRECTOR OF PUBLIC SAFETY shall have the following specific powers and responsibilities:

A. Fiscal – Routine Purchases –

- i. All Village obligated purchases must have the respective Police, Fire or EMS Chief's approval and a purchase order secured from the Village Fiscal Officer prior to the purchase being made.

- ii. All Village obligated purchases for Police, Fire and EMS Departments of more than \$500 must have the DIRECTOR OF PUBLIC SAFETY's approval, and a purchase order secured from the Village Fiscal Officer prior to the purchase being made.
- iii. Village obligated purchases in excess of \$15,000 must be recommended by the DIRECTOR OF PUBLIC SAFETY to village council for approval, and a purchase order secured from the Village Fiscal Officer prior to the purchase being made.
- iv. In exigent and emergency circumstances, purchases without a purchase order in consultation with the DIRECTOR OF PUBLIC SAFETY may be made for the immediate preservation of life and safety without a purchase order, however the fiscal officer shall be notified the next business day of exigent purchase.

B. Fiscal – Budget / Planning

- i. The Police, Fire and EMS Chiefs will work in consultation with the DIRECTOR OF PUBLIC SAFETY and Village Fiscal Officer to develop an annual budget for their respective departments.
- ii. The Police, Fire and EMS Chiefs will manage their respective budget as approved by council in consultation and approval of the DIRECTOR OF PUBLIC SAFETY.
- iii. The Police, Fire and EMS Chiefs will develop longer range purchasing and training plans in consultation and approval of the DIRECTOR OF PUBLIC SAFETY for presentation to the village council as necessary to achieve department efficiency and meet the public safety needs.

C. Personnel

- i. The Police, Fire and EMS Department Chiefs shall routinely manage personnel in normal operations, staffing, assignments and shall be the top of the chain of command for their respective departments.
- ii. Any and all Disciplinary issues in the Police, Fire and EMS Departments will be managed by the Police, Fire and EMS Chiefs in consultation with the DIRECTOR OF PUBLIC SAFETY. Should the Department Chief and the DIRECTOR OF PUBLIC SAFETY disagree regarding Disciplinary Issues, the matter will be presented to the Mayor for final review and action. The Mayor, as the chief executive officer of the Village, shall approve, disapprove or modify any disciplinary action and may make independent inquiry into any disciplinary matter as the Mayor deems appropriate. All appeals processes set forth in the Village of Bluffton Employee Manual or other law, ordinance or regulation shall remain in full force and effect.
- iii. Recommendations for hiring, promotion, demotion, or removal for the Police, Fire and EMS Departments shall be approved by the DIRECTOR OF PUBLIC SAFETY for presentation to the Mayor and Village Council for final action.

SECTION 7: That the Attached Appendix 1, is a representation of the proposed Administrative Organization of the Village of Bluffton after the effective date of this ordinance and is for illustrative purposes, only.

SECTION 8: That the Council of the Village of Bluffton finds and declares and all meetings, discussion and debate on this ordinance were conducted in public meeting in compliance with the Ohio Open Meetings Laws and the statutes related thereto.

Passed and adopted this _____ day of _____, 2013 by the Council of the Village of Bluffton.

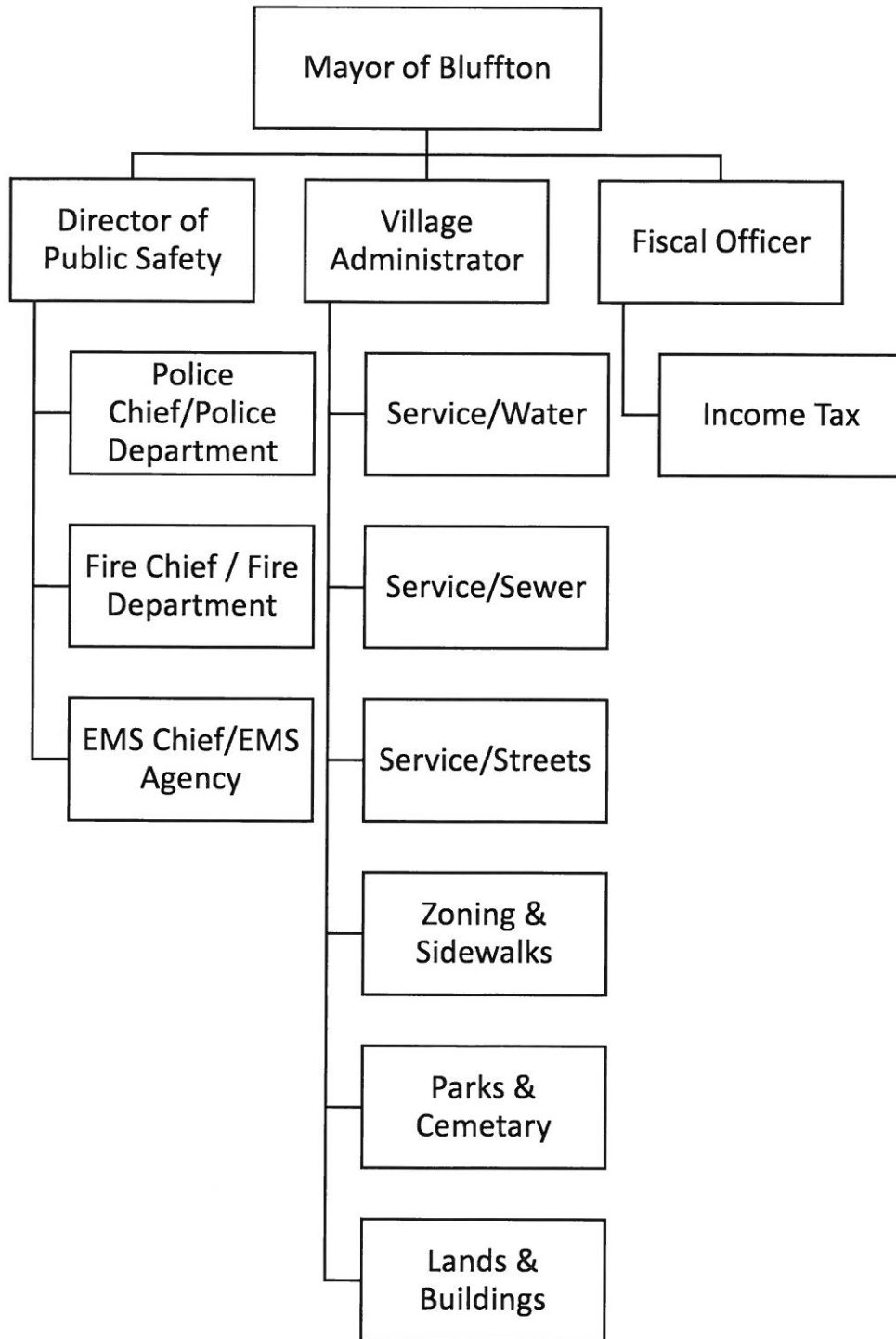
Fiscal Officer

Mayor

Approved as to Form:

F. Stephen Chamberlain,
Village Solicitor

Appendix 1: Administrative Organizational Chart:



ORDINANCE NO. 23 - 13

AN ORDINANCE AMENDING ORDINANCE NO. 07-13.

WHEREAS the Council of the Village of Bluffton finds that an amendment is required to Ordinance No. 07-13, and;

WHEREAS the Council finds that an emergency exists in that this ordinance is necessary for the protection of the health, safety and welfare of the Village of Bluffton, Ohio.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO (TWO THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING) THAT:

SECTION 1: That Ordinance 07-13 is amended as follows:

SECTION 6, Phase One is amended to change the date to *October 1, 2014*.

and adding the following Section:

SECTION 8(A): when a property owner obtains a sidewalk permit to undertake construction or repair of their own sidewalk, and such construction is not completed by the date required in Section 6, the said property owner shall pay, in addition to any assessment for front footage, a sum equal to an additional 10% of the total assessment to the Village to compensate for the additional change orders and amendments to the Village contracts.

SECTION 2: That this ordinance is an emergency for the reasons set forth herein and shall be in full force and effect immediately from and after its passage.

SECTION 3: 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 ____ day of _____, 2013 by the Council of the Village of Bluffton, Ohio by the following vote:

Ayes: _____ Nays: _____ Abstain: _____

Attest:

Clerk

Mayor

Approved as to form:

F. Stephen Chamberlain
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 ____ day of _____, 2013 by the Council of the Village of Bluffton, Ohio by the following vote:

Ayes: _____ Nays: _____ Abstain: _____

Attest:

Clerk

Mayor

Approved as to form:

F. Stephen Chamberlain
Village Solicitor

**To: Mayor Gallant
Council Members**

Clock Tower Roof Update

Allied Environmental and Frost Roofing are back working in the Clock Tower Roof. They started back on Thursday, October 24th and expect to be completed next week, weather permitting. As I am typing this, it appears that Allied will complete the removal of the asbestos shingles by the end of today (Friday, October 25th).

Flu Shots

Just a reminder that Wednesday, October 31st is the final day for employees to receive their flu shot from Greg's Pharmacy as part of the Village's program. If you have misplaced your form, please see me before Wednesday.

Requested Report

Attached to this report is the Skidloader Productivity Report compiled by the Service Department as requested at the last Council Meeting by Councilman Sehlhorst.

Service Garage Heat

At the end of last Winter, the heating unit at the Service Department Garage was on its last legs. This unit was a used unit from another building that was installed a few years ago when the previous one died. We have considered installing radiant tube heaters in the garage for a number of years now- similar to the system in the EMS and Fire Department buildings. Now that the heating unit is dead (it actually caught fire earlier in the year) it is time to install a new system. The Service Department received three quotes for the installation of the new system and the lowest and best quote came from Bee Gee Equipment from Pandora for \$8,952. This was roughly \$3,000 lower than the closest quote and is for the installation of the same system that is installed in the EMS Building that we have had great success with. The new system should be installed in approximately two weeks and promises to be much more efficient than the existing system ever was.

BRWP Annual Meeting

Attached to this report is an invitation to the Blanchard River Watershed Partnership Annual Meeting. The meeting is scheduled for November 20, 2013 from 7:00 – 9:00 AM at the Brugeman Lodge at Riverbend Park in Findlay.

SKIDLOADER PRODUCTIVITY REPORT

Currently (as of 10-25-13) there is 154 hours of run-time on the machine.

PARKS:

- Brush removal w/ grapple
- Large rock (retaining/delineation) w/grapple
- Tree/log removal w/grapple
- Soil conditioning (pond banks, tree & fence lines)
- Embankment mowing (brush mower/swing boom mower)
- Broom bike path & parking areas (angle broom & pick-up broom)
- Walking path maintenance (grapple, brooms, buckets, mowers)
- Relocating/distributing picnic tables (pallet forks)
- Stump & stump grindings removal, (bucket)

STREETS & ALLEYS:

- Stone alley re-conditioning/grading (soil conditioner/bucket)
- Roadway cleaning -stone spills (angle broom/pick-up broom/bucket)
- Roadway cleaning -storm debris (grapple, angle broom, pick-up broom)
- Berm re-conditioning (bucket, soil conditioner, angle broom)
- Street repairs-cold-patching , trench maintenance (bucket)
- Brush pick-up/loading (grapple)
- Tree lawn maintenance, stump & stump grindings removal (bucket)

WASTEWATER TREATMENT FACILITY:

- Sludge loading (large capacity bucket)
- Loading/un-loading-large items (pallet forks, bucket)
- General facility maintenance (angle broom, pick-up broom, bucket, soil conditioner)

WATER DISTRIBUTION SYSTEM

- Dirt work (soil conditioner, bucket, angle broom)
- Excavation Maintenance, clean-up, loading stone/dirt, back filling (bucket, angle broom, pick-up broom)
- Loading/un-loading materials, pipe, hydrants, valves, etc. (pallet forks, bucket, grapple)

WASTEWATER COLLECTION SYSTEM:

- Dirt work (soil conditioner, bucket, angle broom)
- Excavation Maintenance, clean-up, loading stone/dirt, back filling (bucket, angle broom, pick-up broom)
- Loading/un-loading materials, pipe, fittings, castings (pallet forks, bucket, grapple)

STORM SEWER SYSTEM:

- Dirt work (soil conditioner, bucket, angle broom)
- Excavation Maintenance, clean-up, loading stone/dirt, back filling (bucket, angle broom, pick-up broom)
- Loading/un-loading materials, pipe, fittings, castings (pallet forks, bucket, grapple)

INFRASTRUCTURE MAINTENANCE:

- Un-load deliveries (pallet forks)
- Load stone, dirt, sand & salt (buckets)
- Load scrap & refuse (grapple, buckets)
- Clean-up after clean-up week & brush grinding (angle broom, pick-up broom)
- Parking lot maintenance (angle broom, pick-up broom)
- MARCS site preparation/property reclamation (buckets, soil conditioner)

SNOW REMOVAL: (PROPOSED USES)

- Sweeping-sidewalks, parking lots, bridges & bike paths (angle broom, snow box, buckets)



Blanchard River Watershed Partnership

Annual Meeting!!!!

November 20, 2013, 7:00 a.m. - 9:00 a.m.

Brugeman Lodge at Riverbend Park, Findlay, Ohio

**You are invited to attend the meeting and learn more
about the BRWP and our accomplishments
in 2013 and our plans for 2014.**

A free breakfast will be served between 7:00 - 7:30 a.m.

Please RSVP for breakfast to Phil Martin at 419.422.6487

or email at brwp1237@gmail.com by October 31, 2013.

The program will start at 7:45, if you don't want breakfast.