

**Village of Bluffton Council Meeting Agenda**  
**Bluffton Town Hall, 3<sup>rd</sup> Floor**  
**154 North Main Street, Bluffton**  
**February 1, 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 18, 2016.
  - b. Approval of the minutes for the Bluffton Village Council meeting held on Monday, January 28, 2016.
- 3. Bills**
- 4. Ordinances/Resolutions:**

**Ordinance No. 02-16            1<sup>st</sup> 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.

**Ordinance No. 03-16            1<sup>st</sup> Reading            Emergency**  
An Ordinance amending Ordinance 3-14 extending the time limits for sidewalk repair and replacement and declaring an emergency.
- 5. Administrator's Report**
- 6. Safety Services**
- 7. Committee Reports**
- 8. Shannon Cemetery**
- 9. Public Comment**
- 10. Meeting Dates**
  - a. Council – Monday, February 1, 2016 at 8:00 PM
  - b. Pathway Board- Thursday, February 4, 2016 at Noon -President's Room-BU
  - c. Council- Monday, February 15, 2016 at 8:00 PM
- 11. Adjournment – Motion and Second**

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

Mr. Warren moved, seconded by Mr. Talavinia to approve the minutes of the regular council meeting held on January 4, 2016. Roll Call: Yes (4) Messrs: Warren, Talavinia, Burrell, and Johnson. No (0). Mr. Sehlhorst abstained. Motion approved.

Mr. Warren moved, seconded by Mr. Johnson to approve the bills as presented. Total payroll of \$46,347.55 and non-payroll of \$460,343.95. Roll Call: Yes (5) Messrs: Warren, Johnson, Burrell, Sehlhorst, and Talavinia. 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. Johnson to approve the first reading of 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. Roll Call: Yes (5) Messrs: Burrell, Johnson, Sehlhorst, Talavinia, and Warren. No (0), motion approved.

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

Mr. Warren moved, seconded by Mr. Talavinia to approve the third and final 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 AND DECLARING AN EMERGENCY. Roll Call: Yes (5) Messrs: Warren, Talavinia, Burrell, Johnson, and Sehlhorst. No (0), motion approved.

Mr. Burrell moved, seconded by Mr. Sehlhorst to approve the quote from Park Enterprises for grinding of the brush dump at an estimated cost of \$15,650.00. Roll Call: Yes (5) Messrs: Burrell, Sehlhorst, Johnson, Talavinia, and Warren. No (0), motion approved.

Mr. Burrell moved, seconded by Mr. Johnson to approve a \$.50/hour increase for Hope Hannah, effective January 3, 2016 due to her receiving her Bachelor's Degree. Roll Call: Yes (5) Messrs: Burrell, Johnson, Sehlhorst, Talavinia, and Warren. No (0), motion approved.

Mr. Warren moved, seconded by Mr. Sehlhorst to authorize the Village Solicitor to prepare legislation to amend Ordinance No. 18-14 to reflect changing the compliance deadline for the West side of town to July 15, 2016. Roll Call: Yes (5) Messrs: Warren, Sehlhorst, Burrell, Johnson, and Talavinia. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Burrell to amend the agenda to discuss a tabled motion. Roll Call: Yes (5) Messrs: Sehlhorst, Burrell, Johnson, Talavinia, and Warren. No (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Burrell to remove from the table the motion to table the election of Council President. Roll Call: Yes (5) Messrs: Sehlhorst, Burrell, Johnson, Talavinia, and Warren. No (0), motion approved.

Original motion- Mr. Johnson moved, seconded by Mr. Burrell to nominate Roger Warren as the 2016 Council President. This motion was withdrawn due to Mr. Warren stating that he did not wish to be considered for the Council President position.

Mr. Warren moved, seconded by Mr. Johnson to nominate Phill Talavinia as the 2016 Council President. Roll Call: Yes (4) Messrs: Warren, Johnson, Burrell, and Sehlhorst. No (0). Mr. Talavinia abstained, motion approved.

The Mayor announced that Phill Talavinia and Roger Warren will serve on the utilities committee for 2016, with Mr. Talavinia serving as chair.

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

January 21, 2016	Utilities Committee	6:30 PM
January 21, 2106	Airport Advisory Commission	7:45 PM (@ airport)
February 1, 2106	Council	8:00 PM

Mr. Talavinia moved, seconded by Mr. Johnson to enter into executive session for the discussion of contracts and personnel-compensation. Those in attendance include Council, Mayor, Solicitor, and Village Administrator Mehaffie. 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. Burrell moved to adjourn.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
FISCAL OFFICER

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

Mr. Johnson moved, seconded by Mr. Burrell to enter into executive session for the discussion of personnel- interviews for vacant Council seat. Those in attendance include Council, Mayor, and prospective candidates. Roll Call: Yes (5) Messrs: Johnson, Burrell, Sehlhorst, Talavinia, and Warren. No (0), motion approved.

Mr. Warren motioned to exit from executive session at 9:31pm.

Mr. Warren moved, seconded by Mr. Sehlhorst to appoint Ralph Miller to the vacant Council seat, term ending December 31, 2017. Roll Call: Yes (5) Messrs: Warren, Sehlhorst,

Mr. Johnson moved to adjourn.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
FISCAL OFFICER

January 18, 2016

## Streets and Alleys Committee Report

Start: 7:33 PM – 7:48 PM

### Topic 1: Village Property

- Village owned property between Mustard Seed & Haunstein Plumbing off N. Main St.
- Lee Yoakum, Surveyor – Expected in a week to provide Jamie with an estimate to Survey said property
- Options considered for surfacing include estimated cost of \$17,000 for asphalt or we could use old asphalt grindings similar to what we have done out at the Village Park Parking areas.

### Topic 2: Alley Vacation Kibler, Grove Alley

- Surveying work has been completed
- Will need to schedule a Public Hearing by the second council meeting in February

### Topic 3: 2016 Street Maintenance Program

- Jamie has sent the 2016 street maintenance schedule to Bluffton Paving

### Topic 4: Asphalt Sealing

- We are in Year 2 of our 4 year Asphalt Sealing Program.
- Jesse would like to look at new bids for the 2016 Asphalt Sealing season
- Budgeted \$15,000

### Topic 5: Survey on Bentley

- Survey has been completed on Bentley Road between Grove St. and Elm St/Augsburger Rd.
- Reason for Survey include true identification of right of way for potential future development considerations (widening road, bridge, and pathway, drainage)

### Topic 6: Sidewalk Program

- Committee to request Council to Amend Ordinance 18-14 and extend North-West Side of Main St. deadline for completed Sidewalk work to July 15, 2016.

## Utilities Committee Meeting

January 21, 2016

1<sup>st</sup> Floor Town Hall

### Attendees:

Mayor Judy Augsburger, Councilmen Roger Warren, Village Administrator Jamie Mehaffie, Fiscal Officer Nancy Kindle, Village Solicitor Steve Chamberlin, Phill Talavinia, chair

Meeting called to order at 6:35pm

- Received good news on the TTHM front. The numbers on Ethan Circle came back at 38.2 and previously it was at 93.7. Also at Maple Crest the recent number was 37.6 and previously was at 74.9. While there is still some tweaking to these initial numbers look good. We still need to a validation protocol in February where we turn the system off and take sample and then turn it back on and then re- take the samples.
- Discussion regarding the Ottawa water rate continues to be a work in progress.
- There was still is discussion to be had on the finer points of the contract.
- The plan is schedule another Utilities Committee meeting during the February 1 Council meeting.

Meeting Adjourned 7:35pm

Respectively submitted by Phill Talavinia

Village of Bluffton  
 Bills to be paid  
 2/1/2016

PAYROLL:

Village \$ 36,784.87

**TOTAL PAYROLL \$ 36,784.87**

NON-PAYROLL:

	Allen County Recorder	Alley Vacation Recording Fee	\$ 702.00
	Alloway	Lab Analysis	\$ 2,079.70
	All Service Aeration	Portable Toilets	\$ 322.50
	Allied Waste Service	Refuse Service	\$ 16,728.00
	Arbor Elite	Tree Removal & Pruning	\$ 3,650.00
	Bluffton Auto Service Center	Battery- Admin Car	\$ 165.15
	Bluffton Paving	Street Maintenance	\$ 4,330.00
	F. Stephen Chamberlain	Retainer/Meetings	\$ 1,320.00
ACH	CNB	Principal & Interest	\$ 21,671.31
	Emergency Services Marketing	Phone Usage- I Am Responding	\$ 12.29
	Finley	Equipment- Fire Truck	\$ 122.61
	IACP	Annual Dues	\$ 150.00
	Lima Sporting Goods	DARE T-Shirts	\$ 409.50
	Ohio Municipal League	Registration- Talavina- Mayor's Court Training	\$ 200.00
	Ohio State Board of Pharmacy	Drug License- EMS	\$ 150.00
	Perry Corp	Computer/Copier Back-Up	\$ 847.72
	Price Consultation	Psychological Test	\$ 550.00
	Staples- Business	Office Supplies, Toner, Binders, File Folders	\$ 720.33
	Staples- Credit	Printers	\$ 159.96
	Treasurer of State	Permit to Install	\$ 15,100.00
	United Healthcare	Hospitalization- Employer Share	\$ 10,842.00
	Verizon	Air Card	\$ 120.51
	Dominion	Natural Gas	\$ 1,797.42

**Total Non-Payroll \$ 82,151.00**

\_\_\_\_\_  
 Mayor/ Council President

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

**ORDINANCE NO. 02-16**

**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
- 76.04(A)(17) Maximum Distance from Curb or Edge of Roadway
- 76.04(A)(18) Minimum Distance from an Intersection
- 76.04(A)(19) Parking/Storage of Inoperative Vehicle

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.

Amendment 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:



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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.

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FISCAL OFFICER

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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. (Old. 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.

76.04(A)(17) Maximum Distance from Curb or Edge of Roadway

**Section 1:** Every vehicle stopped or parked upon a roadway where there is an adjacent curb or where there is not a curb, to paved edge of the roadway, shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, or where there is not a curb, to paved edge of the roadway.

**Section 2:** That whoever violates this Ordinance is guilty of minor misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00). This ordinance is in addition to parking regulations in the Codified Ordinances.

76.04(A)(18) Minimum Distance from an Intersection

**Section 1:** No person shall stand or park a vehicle, except while obeying the directions of a police officer or a traffic-control device within any intersection or within 3 feet of any intersections of streets with streets or any intersections of streets with alleys.

**Section 2:** That whoever violates this Ordinance is guilty of minor misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00). This ordinance is in addition to parking regulations in the Codified Ordinances.

**Section 3:** For purposes of this Ordinance, "Intersection" means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.
- (c) The junction of an alley with a street or highway, or with another alley, shall constitute an intersection.



## **76.04(A)(19) Inoperative Motor Vehicle**

**Section 1:** For the purpose of this ordinance, the term **inoperative motor vehicle** shall be deemed to mean any motor driven vehicle that cannot, physically and lawfully, under its own power, be operated on the public highways of this village, and have remained in an inoperative condition for 72 or more consecutive hours notwithstanding that the said motor driven vehicle is legally licensed by the State of Ohio

(A) (1) No person shall park or stand any inoperative motor vehicle or motor vehicle parts on any dedicated street, alley, sidewalk or other public place at any time

(2) No person shall store or place any inoperative motor vehicle or motor vehicle parts on any property, or allow any inoperative motor vehicle or parts to remain on any property, except to the extent that the inoperative motor vehicle or parts are stored, placed or housed completely within in a building where it shall not be visible from the street or other private property

(B) This ordinance shall not be applicable to properly zoned service garages normally engaged in the business of repairing or servicing automobiles, provided, however, that the persons engaged in the business of repairing automobiles shall store inoperative motor vehicle in a neat and orderly fashion so as not to constitute a fire hazard or health menace nor create an unsightly appearance.

(C) Should a vehicle remain parked in violation of this ordinance for a period of more than 72 consecutive hours after being notified by the Village of Bluffton by notice delivered to the owner of the property when the inoperative motor vehicle is located or upon placing a visible notice upon the said inoperative motor vehicle parked on any public street, alley or sidewalk, then in that event,, the inoperative motor vehicle shall be considered a nuisance and shall be subject to removal by the Village of Bluffton and impounded. The vehicle shall not be released from impound until any and all costs of towing and storage shall be paid.

(D) That any peace officer or zoning officer of the Village of Bluffton may request the owner of any suspected inoperative motor vehicle to demonstrate that a vehicle appearing to be inoperative is or is not capable of movement legally under its own power. If the owner fails to comply with a request, then, in that case, such a refusal may be considered as prima facie evidence that the said vehicle is an inoperative motor vehicle as defined in this ordinance.

**Section 2:** That whoever violates this Ordinance is guilty of minor misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00). Each day constitutes a separate offense. This ordinance is in addition to parking regulations in the Codified Ordinances.

**ORDINANCE NO. 03-16**

**AN ORDINANCE AMENDING ORDINANCE 3-14 EXTENDING THE TIME LIMITS FOR SIDEWALK REPAIR AND REPLACEMENT AND DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Bluffton Ohio has determined that the time limitations for the sidewalk program should be extended, and;

WHEREAS, an emergency exists in that the dates as now enacted create a hardship on residents all for the preservation of the health, safety and welfare of the citizens of the Village of Bluffton, Ohio.

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

(old matter indicated by ~~striketrough~~ and amended matter indicated by underscore)

Section 1. That section D of ordinance 3-14 be amended to read as follows:

*D. Installation Phases for Sidewalks:*

*Phase One: the Village Administrator or his designee shall survey all existing sidewalks in the SOUTH EASTERN ONE HALF of the Village and determine whether they need to be repaired or replaced using the following criteria: Stumbling hazard from Cracks; Unevenness; Water pocketing; or Slipperiness.*

*Notice shall be provided in 2013 to each property owner of any existing sidewalk deemed in need of repair or replacement in the SOUTH EASTERN ONE HALF of the Village of Bluffton, Ohio. The Notice shall advise the property owner that they have until **July 15, 2015** to complete any required repair or replacement of such existing sidewalk. If the said repair or replacement is not completed by **July 15, 2015** then the Village shall undertake such repair and replacement and proceed to assess the property owner the costs thereof as described in Section 5 and Section 6 below. It is the goal to have Phase One completed at the end of the 2015 construction season.*

*Phase Two: the Village Administrator or his designee shall survey all existing sidewalks in the NORTH WESTERN ONE HALF of the Village and determine whether they need to be repaired or replaced using the following criteria: Stumbling hazard from Cracks; Unevenness; Water pocketing; or Slipperiness.*

Notice shall be provided in 2014 to each property owner of any existing sidewalk deemed in need of repair or replacement in the NORTH WESTERN ONE HALF of the Village of Bluffton, Ohio. The Notice shall advise the property owner that they have until July 15, 2016 ~~October 1, 2015~~ to complete any required repair or replacement. If the said repair or replacement is not completed by July 15, 2016 ~~October 1, 2015~~ then the Village shall undertake such repair and replacement and proceed to assess the property owner the costs thereof as described in Section 5 and Section 6 below. It is the goal to have Phase Two completed at the end of the 2016 ~~2015~~ construction season.

*Phase Three: Any and all Connecting Sidewalks and New Sidewalks within the Village of Bluffton will be constructed and installed in accordance with the procedure set forth above and funded pursuant to Section 4(E) below.*

Section 2. That 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.

Section 3. That this ordinance is deemed to be an emergency for the reasons set forth herein and shall be in full force and effect immediately from and after its passage.

Amendment passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2014 2016 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 Augsburger  
Council Members**

**TTHM Quarterly Samples**

We received the results of the 1<sup>st</sup> Quarter TTHM Monitoring samples that were taken on January 7, 2016. The west-side sample reported TTHM levels of 37.6 ug/L (micrograms per liter) and the east-side sample was 38.2 ug/L. The maximum daily contaminant level is 80 ug/L. These numbers represent a significant (over 50%) decrease from the 1<sup>st</sup> Quarter samples taken in January 5, 2015 from the same locations. Based on the way the OEPA calculates the running annual average and uses the highest number to determine compliance, it appears that we will be considered to still be in non-compliance for the 1<sup>st</sup> Quarter. While the running annual average for the west-side sampling location, calculated as the average of the last four quarterly samples, calculates to 69.18 ug/L, the running annual average for the east-side sampling location calculates to 82.38 ug/L. It is our understanding that, since the running annual average at one of the sampling locations exceeds the maximum of 80 ug/L, we will still be considered non-compliant, even though the current samples are excellent and the running annual average for the other sampling location is under the maximum of 80 ug/L. As we have discussed previously, mathematically it will take multiple, consecutive low quarterly sample numbers to bring the running annual average number into compliance. The first quarter results with the Trihalomethane Removal System in operation is an excellent start to bringing the system into compliance.

**TRS Validation Protocol**

The Village Services Department is currently undertaking the Validation protocol for the TRS. They will be taking samples throughout the week next week, starting February 1<sup>st</sup>, after having the system turned off for a period of seven days. Following that, the system will be turned back on and, after a period of seven days, additional samples will be taken daily for the same time period and the results will be compared to determine the percent reduction in trihalomethanes that the trihalomethane removal system is achieving. This is a good time period to perform the protocol as Ottawa's TRS is currently turned off. We are scheduled to duplicate this validation protocol in August during a time period when Ottawa's TRS is in operation and we historically have higher overall system usage.

**Lead and Copper in the News**

With the news reports out of Flint, MI and Sebring, OH circulating regarding lead levels, I wanted to provide Council information regarding the monitoring of our system in case you are asked. The Village of Bluffton performs lead and copper sampling every three years following our compliance monitoring schedule designated by the Ohio EPA. We are on a three-year plan due to the historical and continued compliance of our system. The sampling process involves obtaining samples from twenty approved sampling locations spread throughout the distribution system. This sampling was last done in 2014 and the indicated continued compliance.

**Electrical Aggregation Update**

Following up on Mr. Tschour's question at the last Council Meeting, I contacted Bill Bradish from Palmer Energy to get an update on the electrical aggregation

contract. Palmer Energy is the third-party administrator for the County Commissioner's Association of Ohio's aggregation contract with First Energy. In April of 2014, First Energy extended the pricing plan for two additional years from the original three-year contract. Mr. Bradish advised last week that First Energy has again agreed to extend the pricing in the original agreement an additional two years to March of 2018. According to Mr. Bradish, eligible participants will again receive an opt-out letter as this is required anytime there is a change in the contract, and the new expiration date constitutes a change. There is no action needed by residents to remain in the program.

### **Mosquito Season Preparation**

It is time to order our mosquito control products for the upcoming season. I was waiting to see if our supplier would offer a pre-season discount like they have in the past and we received notice this week of a 5% discount on pre-season orders. The 55-gallon drum of Duet is \$10,241 with the 5% discount. Historically, this amount of product has been sufficient for one season. We do not need to order Larvacide pellets this year as we have a sufficient supply. I am recommending that we replace the sprayer this year. Our current sprayer is 18 years old and has served us well. However, the amount of time that the machine is down or needs repaired each season is greatly hampering our efforts. The machine that I would like to replace it with is the next generation of the same machine. The biggest difference is that the new machine has GPS controls that not only track the amount of miles and product and product used per mile (information that we must record), but it also has a speed control function that controls the rate of flow on the sprayer based on the speed of the vehicle to provide a constant application based on the settings. According to the manufacturer, the estimated product savings with the new unit is 10% compared to the old units without these controls. In 1998, we purchased our sprayer for \$7,500. The quote I received from Clarke for a new unit is \$10,500. After the discount, which they are extending to the sprayer, and a \$1,000 trade-in value, the cost for the new sprayer would be \$8,975.00. The total cost for the product and the new sprayer would be \$19,216.00. The Village appropriated \$21,000 for mosquito spraying costs for 2016.

### **West Side Interceptor**

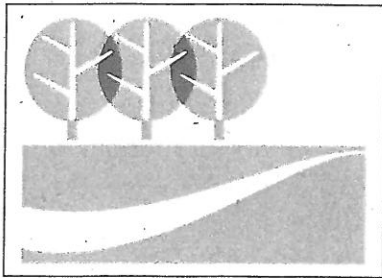
We will be submitting the PTI application for the West Side Interceptor and Headworks project to the Ohio EPA this week. Included in the bills is the application fee of \$15,100 that must accompany the application and design plans for the OEPA's review.

### **Cooperative Park Improvements Grant Program**

Attached to this report is a letter and summary of awarded grants from the Johnny Appleseed Metropolitan Park District's Cooperative Park Improvements Grant Program for 2016. The Village of Bluffton will be receiving grant monies in the amount of \$10,000.00 to assist in funding the restoration of the Triplett Bike Path from College Avenue to the Village Park.

### **Brush Grinding**

Park Enterprises started grinding the brush dump on Thursday of this past week and anticipate being completed by midweek of this coming week.



2355 Ada Road • Lima, OH 45801 • Phone: 419-221-1232 • Fax: 419-225-5593  
E-mail: [jampd@jampd.com](mailto:jampd@jampd.com) • Website: [www.johnnyappleseedparks.com](http://www.johnnyappleseedparks.com)

JOHNNY APPLESEED  
METROPOLITAN  
PARK DISTRICT

January 26, 2016

Village of Bluffton  
Mr. Jesse Blackburn  
154 N. Main Street  
Bluffton, OH 45817

Dear Jesse,

Thank you once again for representing your community regarding the Cooperative Park Improvements Grant Program. I appreciate your willingness to serve your constituents and for recognizing the value of all of the projects submitted.

In addition, I want to thank you for the professional approach that you displayed during our Review Team Meeting. The discussion was impressive and helpful to everyone and the compromise was inspiring.

Please find the enclosed, updated listing with phone numbers and email addresses for your cohorts on the Review Team. In addition, we've listed your recommendations for funding that will be presented to the Board of Commissioners of the Johnny Appleseed Metropolitan Park District on Tuesday, February 16, 2016. Following that meeting, I will notify you to proceed with your project as soon as possible and practical. Our goal remains to complete all projects within 2016 so monies don't have to be carried over into next year's funding cycle. Please feel free to contact me if there are questions as we move forward.

Thanks again. Please share the news with your neighbors about your successful grants!

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin L. Haver". The signature is fluid and cursive.

Kevin L. Haver  
Director

COMMISSIONERS  
Robert K. Antibus  
Kevin P. Bruin  
Cathy A. Ahman

DIRECTOR-SECRETARY  
Kevin L. Haver



**COOPERATIVE PARK IMPROVEMENTS GRANT PROGRAM**

**SUMMARY OF 2016 AWARDED GRANTS**

Auglaize Township Park District	Electrical Repairs/upgrades	\$13,100
Village of Beaverdam	Tables/Litter Receptacles	\$2,250
Village of Bluffton	Bikepath Restoration	\$10,000
City of Delphos	Drinking Fountain	\$5,000
Village of Harrod	Post Frame shelter House	\$20,000
Jackson Township Park District	Play Equipment	\$15,000
Village of Lafayette	Request Withdrawn for 2016	
City of Lima	Resurfacing Tennis Courts	\$20,000
Village of Spencerville	Pool Chemical Controller	\$1,500
Spencer Township Park District	Drinking Fountain, Table Materials	\$4,650
Sugar Creek Township	Replace Building Roof	<u>\$8,500</u>
		\$100,000.00

To: Mayor Augsburg  
Council Members

**Personnel Issues**

- All of the post-offer of employment reports have been received regarding the vacant full-time patrol officer position. I will be requesting council's approval to hire the officer at the meeting.
- We have two officers that have reached two years full-time service with the police department. I will be requesting council action to approve a \$1.50 pay increase per our existing ordinance for Officer Abby Michael and Officer Hope Hannah.