

**COUNCIL MEETING
AGENDA
February 3, 2014
8:00 PM
BLUFFTON TOWN HALL**

MINUTES January 20, 2014

BILLS

ORDINANCE NO. 02-14 **1ST READING**
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FOR CERTAIN
PROPERTY LOCATED ON NORTH MAIN STREET WITHIN THE VILLAGE OF
BLUFFTON, OHIO.

ADMINISTRATOR'S REPORT

SAFETY

FINANCIALS

MEETING DATES

February 3, 2014	Utilities Committee	7:30 PM
February 3, 2014	Council	8:00 PM
February 4, 2014	Sidewalks Appeals Board- Organizational Meeting	8:00 PM
February 17, 2014	Council	8:00 PM

Village Solicitor Chamberlain swore in Councilman Collier before the official meeting began.

Mayor Gallant presiding. Mrs. Augsburger, Messrs: Burrell, Collier, Kingsley, Sehlhorst, and Warren present.

Mr. Sehlhorst moved, seconded by Mrs. Augsburger to approve the minutes of the regular council meeting held on January 8, 2014. Roll Call: Yeas (5) Mr. Sehlhorst, Mrs. Augsburger, Messrs: Burrell, Kingsley, and Warren. Nays (0), motion approved. Mr. Collier abstained.

Mr. Kingsley moved, seconded by Mr. Burrell to approve the bills as presented. Total non-payroll of \$103,049.21 and payroll of \$36,054.27. Roll Call: Yeas (6) Messrs: Kingsley, Burrell, Collier, Sehlhorst, Warren, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Kingsley to suspend the rules. Roll Call: Yeas (6) Messrs: Sehlhorst, Kingsley, Burrell, Collier, Warren, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Burrell moved, seconded by Mr. Collier to approve the first reading of Ordinance No. 01-14: AN ORDINANCE APPROVING, ADOPTING AND ENACTING AMERICAN LEGAL PUBLISHING'S OHIO BASIC CODE, 2014 EDITION, AS THE CODE OF ORDINANCES FOR THE VILLAGE OF BLUFFTON, OHIO AND DECLARING AN EMERGENCY. Roll Call: Yeas (6) Messrs: Burrell, Collier, Kingsley, Sehlhorst, Warren, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Collier to suspend the rules. Roll Call: Yeas (6) Messrs: Sehlhorst, Collier, Burrell, Kingsley, Warren, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Kingsley moved, seconded by Mr. Warren to approve the first reading of Resolution No. 01-14: 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 2014 CONSTRUCTION YEAR IN THE VILLAGE OF BLUFFTON AND DECLARING AN EMERGENCY. Roll Call: Yeas (6) Messrs: Kingsley, Warren, Burrell, Collier, Sehlhorst, and Mrs. Augsburger. Nays (0), motion approved.

Mrs. Augsburger moved, seconded by Mr. Collier to suspend the rules. Roll Call: Yeas (6) Mrs. Augsburger, Messrs: Collier, Burrell, Kingsley, Sehlhorst, and Warren. Nays (0), motion approved.

Mr. Burrell moved, seconded by Mr. Kingsley to approve the first reading of Resolution No. 02-14: 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 2014 CONSTRUCTION YEAR IN THE VILLAGE OF BLUFFTON, OHIO AND DECLARING AN EMERGENCY. Roll Call: Yeas (6) Messrs: Burrell, Kingsley, Collier, Sehlhorst, Warren and Mrs. Augsburger. Nays (0), motion approved.

The Fiscal Officer announced the following meetings:

February 3, 2014	Utilities	7:30 PM
February 3, 2014	Council	8:00 PM
February 4, 2014	Sidewalk Review Board- Organizational Meeting	8:00 PM

Mr. Collier moved, seconded by Mr. Sehlhorst to add Mr. Kingsley as an authorized signer on the Village's depository accounts. Roll Call: Yeas (6), Messrs: Collier, Sehlhorst, Burrell, Kingsley, Warren, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Kingsley moved, seconded by Mr. Collier to adjourn into a public hearing for re-zoning. Roll Call: Yeas (6) Messrs: Kingsley, Collier, Burrell, Sehlhorst, Warren, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Burrell to end the public hearing and return to regular session. Roll Call: Yeas (6) Messrs: Sehlhorst, Burrell, Collier, Kingsley, Warren, and Mrs. Augsburg. Nays (0), motion approved.

Mr. Kingsley moved, seconded by Mr. Collier to approve the planning commission's decision regarding the re-zoning request and authorize the village solicitor to prepare legislation for the re-zoning. Roll Call: Yeas (6) Messrs: Kingsley, Collier, Burrell, Sehlhorst, Warren, and Mrs. Augsburg. Nays (0), motion approved.

Mr. Kingsley moved, seconded by Mr. Warren to approve Garrett Coss as a police department intern (unpaid). Roll Call: Yeas (6) Messrs: Kingsley, Warren, Burrell, Collier, Sehlhorst, and Mrs. Augsburg. Nays (0), motion approved.

Mr. Burrell moved, seconded by Mrs. Augsburg to accept the resignation of Mark Greiner from the fire department. Roll Call: Yeas (6) Mr. Burrell, Mrs. Augsburg, Messrs: Collier, Kingsley, Sehlhorst, and Warren. Nays (0), motion approved.

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

Mr. Kingsley moved, seconded by Mr. Sehlhorst to exit from executive session and return to regular session. Roll Call: Yeas (6) Messrs: Kingsley, Sehlhorst, Burrell, Collier, Warren, and Mrs. Augsburg. Nays (0), motion approved. No action taken.

Mr. Burrell moved to adjourn.

MAYOR

FISCAL OFFICER

**Village of Bluffton
Bills to be paid
1/20/2014**

PAYROLL:

Village	\$	37,258.63
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TOTAL PAYROLL	\$	37,258.63
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NON-PAYROLL:

Allen Co Treasurer	Property Taxes- Whole Year	\$	2,102.32
Alloway	Lab Analysis	\$	1,765.70
All Service Aeration	Portable Toilets	\$	317.50
Allied	Refuse Service	\$	16,532.84
Bailey's	Police Uniforms	\$	183.00
Bluffton Hospital	Ambulance Supplies	\$	517.17
Bluffton Aeration	Garmatter Sewer	\$	2,440.00
F. Stephen Chamberlain Chief	Retainer	\$	1,320.00
Digital Data Technologies	Rapid Entry Kit	\$	1,766.99
Hancock Co Treasurer	Mobile Annual Unit License	\$	495.00
Lima Sporting Goods	Property Taxes- Whole Year	\$	18,194.18 X
Morton Salt	DARE T-Shirts	\$	500.00
Ohio Dept of Job & Famili Services	Road Salt	\$	1,904.56
Ohio Dept of Agriculture	Unemployment Charges	\$	3.07
Ohio Municipal League	Commercial Pesticide Applicator Test- Cupples	\$	35.00
OP Aquatics	Mayor's Court Training- Kingsley	\$	175.00
Perry	Chlorine	\$	413.50
Staples- Business	Copier Maintenance	\$	275.15
Time Warner	Cleaning/ Office Supplies	\$	150.15
Treasurer of State	Internet	\$	314.90
United Healthcare	MARCS User Fees	\$	1,140.00
USA Blue Book	Hospitalization- Employer Share	\$	7,929.80
Verizon	Lab Supplies	\$	211.65
Dominion	Air Card	\$	135.16
	Natural Gas	\$	2,453.87

Total Non-Payroll	\$	61,276.51
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Mayor/ Council President

X: Then and Now Approved by Council

ORDINANCE NO. 02-14

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FOR CERTAIN
PROPERTY LOCATED ON NORTH MAIN STREET WITHIN THE VILLAGE OF
BLUFFTON, OHIO.**

WHEREAS, Jon and Mandy Kinn filed a petition with the Bluffton Village Planning Commission requesting a Re-zoning from Residential-II to Commercial-I for certain property located on North Main Street described as follows:

Situated in the County of Allen, State of Ohio, to-wit:

Parcel Number: 28-0109-09-006.000

And;

WHEREAS, The Village Planning Commission approved recommending the Re-Zoning Petition at a Public Hearing on December 16, 2013.

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

Section 1: That the Council of the Village of Bluffton, Ohio has approved the petition for re-zoning of a parcel of land which has been recommended for re-zoning by the Bluffton Village Planning Commission from Residential-II to Commercial-I and is described as follows:

Section 2: Situated in the County of Allen, State of Ohio, to-wit:

Parcel Number: 28-0109-09-006.000

Section 3: 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 _____, 2014, 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:

SOLICITOR

**To: Mayor Gallant
Council Members**

Town Hall Usage

Just to give everyone an idea of the popularity of the usage of the Town Hall's Third Floor, the next available weekend that is thus far available this year is the July 5th weekend. Every weekend is reserved between now and then for a range of different events.

Third Floor Flooring

I asked Diller Flooring to evaluate the flooring in the large Community Room on the Third Floor of the Town Hall. The size of the room, the incompatibility of the flooring systems (the inlay) and the floating nature of the engineered laminate wood flooring has created a situation that something need to be done to secure the flooring. They have looked at it and are going to research the matter and come back with options on what to do with the floor.

Water Lines

Beginning today, Friday, January 31st, we are suddenly having water service lines freezing under the roadway. It appears as though the slight warm up in the air temperature has caused the frost line to dive deeper nearly overnight. While it doesn't seem logical that a warm up would have that effect (just the opposite seems correct) it is a reality. The Service Department has been attempting to thaw the lines and not having a whole lot of success. Some residents may be placed on a bypass line from a neighbor's service where possible. We have also had a number of meters freeze. While the snow on the ground covering the meters has done an excellent job of insulating them, there are a handful of meters in the system that are located in areas where the snow is cleaned off of them (driveways and sidewalks) and, even with the insulation that is placed in them, managed to freeze during this recently artic air. So far we have been able to thaw the meters, but the service lines under the roadways are a problem.

Backhoe

Our new backhoe was delivered this week. We got off-schedule a few years ago on our replacement schedule due to changes on New Holland's end and actually had the most recent equipment about six months longer than usual. We are working with Streacker's to get back on schedule with our annual rotation program. We will trade this one in next December and then be back on our regular schedule.

Ohio Municipal League Legislative Bulletin

Anyone interested in receiving the Ohio Municipal League's Legislative Bulletin via email can sign up on the Municipal League's website at www.omloho.org. Click on the "Current Bulletin" tab and then the "Join the OML Legislative Bulletin E-Mail List" on that next page. There is usually a weekly bulletin sent out on Fridays when the Ohio General Assembly is in session. This week's bulletin is attached to this report.



Ohio Municipal League
Our Cities and Villages ★ Bringing Ohio to Life

Legislative Bulletin

Ohio Municipal League Legislative Bulletin

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January 31, 2014

SEVERANCE TAX HEARINGS WHILE LOCAL GOVERNMENTS LOBBY FOR RELIEF

This week, the House Ways and Means Committee held a fifth hearing on HB 375 legislation introduced by Rep. Matt Huffman (R-Lima) that would levy a severance tax on well owners of oil and gas severed from horizontal wells, while creating a nonrefundable income tax credit for the amount of horizontal well severance tax paid; repealing a cost recovery assessment imposed on oil and gas well owners; reducing the severance tax rate on natural gas extracted from non horizontal wells; and excluding from the tax base of the commercial activity tax (CAT) gross receipts from the sale of oil or natural gas severed through use of a horizontal well.

As we have reported in previous bulletins, the current language before the committee includes a personal income tax reduction and CAT exemption, both of which would reduce revenue coming into the state general revenue fund and thus reducing the amount of revenue available to the remaining Local Government Fund (LGF) distribution formula. In addition to this issue, there also remains a great deal of concern surrounding the omission language that would direct a small percentage of resources generated by the new tax to assist communities impacted by the increase in demand for services, generated by the significant and anticipated up-tick in drilling activity. Wednesday's House Ways and Means Committee, like last week's hearing, hosted a number of local officials from areas of Ohio that are in the shale drilling region, asking legislators for relief from the fiscal challenges they are under from this growing industry.

A sixth hearing is scheduled for *Wed., Feb. 5, 2014, 10:30 AM, Hearing Room 116* which will again be an opportunity for municipal officials from impacted communities to share any concerns with committee members on how a greater partnership can be developed between the state and their local partners to address issue critical to all of Ohio.

"PREDATORY" TOW TRUCK LEGISLATION RECEIVES SECOND HEARING

The House Commerce, Labor and Technology Committee held a second hearing this week on HB 382, legislation introduced in December of last year by Reps. Mike Duffey (R-Worthington) and Heather Bishoff (D-Blacklick) which will revise the procedures and penalties governing the nonconsensual towing of motor vehicles and to require the Public Utilities Commission to adopt certain rules regarding a for-hire motor carrier engaged in the towing of motor vehicles. The sponsor's of the bill have stated that the proposal is motivated to address "predatory" tactics in the towing industry that they feel are "rampant" in parts of the state. The legislation in its current form would:

*Make explicitly illegal any and all bogus "administrative" charges or other fees not explicitly authorized in the Ohio Revised Code.

*Require signage at tow-away zones to clearly explain what qualifies as an "authorized vehicle," including the purpose and hours for which vehicles may park.

*Provide a 24-hour "grace period" for supplemental storage fees, also known as overnight fees.

*Requiring that towed vehicles travel no further than 15 miles if possible or 25 miles maximum.

*Require tow trucks to accept major credit cards for payment, both onsite at the towing spot if caught in progress and at the storage facility once the tow has been completed.

*Prior to towing, a tow truck service must take at least one photograph of the vehicle showing it is parked illegally, and shall record the time and date of the photograph.

*"Stop, Drop and Pay Half," which requires the tow truck operator to actively notify the vehicle owner of their existing legal right to pay half of the normal tow charge for release if caught in the process.

*Tow trucks will be required to display business phone numbers on both sides of their trucks.

*The Public Utilities Commission of Ohio (PUCO) will be provided rule-making authority to aid in the enforcement and implementation of the provisions in this bill.

The introduction of the bill has generated a significant interest from tow truck industry representatives, citizens who have had experiences with towing situations and from local governments. For municipalities specifically, concerns with the bill relate to how the legislation may affect a recent Ohio Supreme Court decision striking down a section of Ohio towing law which was passed in 2003 by the Ohio General Assembly, putting PUCO in charge of regulating towing companies as for-hire motor carriers. In a unanimous decision handed down by the Ohio Supreme Court last week, a majority of justices upheld as constitutional the first sentence of R.C. 4921.25, which gives the Public Utilities Commission of Ohio (PUCO) the authority to regulate towing companies. However, the Court severed the statute's second sentence, finding a violation of home rule, which states that towing companies are not subject to municipal ordinances, rules or resolutions that provide for the licensing, registration or regulation of those companies. Specifically, the majority of the court determined, "R.C. 4921.25 is a general law that will prevail over conflicting municipal ordinances, but the second sentence of the statute purporting to limit municipal home-rule authority violates Article XVIII, Section 3 of the Ohio Constitution." Justice Judith Ann Lanzinger, who wrote the opinion for the majority, said "It is enough to say that municipalities may supplement state law in these unregulated areas, areas in which the PUCO has not regulated 'for-hire motor carriers,' provided that the city ordinances do not conflict with general laws." She explained that the General Assembly may not enact laws that prohibit the municipal home-rule authority granted in the Ohio Constitution.

We will be watching this bill closely as the committee continues to address the issue of tow truck operations and will alert our members to any new developments.

If there are any additions we will alert our members. Have a great weekend.

CRACKING THE NUT - CHANGING DIFFICULT AND RESTRICTIVE TERMS OF UNION CONTRACTS

The Ohio Association of Public Safety Directors (www.oapsd.org) is sponsoring an event on February 28 that will address how public employers can prepare for and work to modify terms of unions contracts. This session will: 1) Identify specific restrictive contract provisions, 2) Prepare support/justification for modifications, 3) Include examples of successfully changed contract provisions, and 4) Provide specific resources, research to support proposals for modifications. Contract provisions to be addressed will include: health/medical insurance, manning/manpower provisions, drug testing, discipline, and past practice provisions. This session is designed for those who negotiate and/or administer union contracts.

Date: February 28, 2014

Time: 8:30-9:00am registration, Session from 9:00-12:00

Place: Cuyahoga Valley National Park, Hines Hill Conference Center, 1403 West Hines Hill Road Peninsula, OH 44264

Costs: \$20 per person - pay at the door, make checks payable to "Ohio Association of Public Safety Directors"

The primary speakers will be Jonathan Downes & Patrick Hoban

Register by emailing: jbrown@omloho.org

Flyer for this conference can be found at www.oapsd.org

[Preliminary Committee Schedule](#)

Past Bulletins:

[2014](#)

[2013](#)

[2012](#)

[2011](#)

[2010](#)