

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

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**MINUTES**    February 17, 2014

**BILLS**

**ORDINANCE NO. 02-14**                      **3<sup>RD</sup> READING**  
AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FOR CERTAIN  
PROPERTY LOCATED ON NORTH MAIN STREET WITHIN THE VILLAGE OF  
BLUFFTON, OHIO.

**RESOLUTION NO. 03-14**                      **2<sup>ND</sup> READING**                      **EMERGENCY**  
A RESOLUTION TO ENTER INTO A CONTRACT WITH THE OHIO  
DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTION PROGRAM  
SERVICES AND DECLARING AN EMERGENCY.

**RESOLUTION NO. 04-14**                      **1<sup>ST</sup> READING**  
A RESOLUTION ADOPTING A WEATHER RELATED CLOSING POLICY FOR  
THE VILLAGE OF BLUFFTON, OHIO.

**TOM AUGSURBER- BLUFFTON SPORTSMAN'S CLUB**

**ADMINISTRATOR'S REPORT**

**SAFETY**

**FINANCIALS**

**MEETING DATES**

March 3, 2014	Streets, Alleys, Lights and Sidewalks Committee	7:30 PM
March 3, 2014	Council	8:00 PM
March 4, 2014	Streets, Alleys, Lights and Sidewalks Committee- Council as a Whole	5:30 PM
March 17, 2014	Council	8:00 PM

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

Mr. Kingsley moved, seconded by Mr. Collier to approve the minutes of the regular council meeting held on February 3, 2014. Roll Call: Yeas (5) Messrs: Kingsley, Collier, Sehlhorst, Warren, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mrs. Augsburger to approve the bills as presented. Total non-payroll of \$91,945.23 and payroll of \$40,719.90. Roll Call: Yeas (5) Mr. Sehlhorst, Mrs. Augsburger, Messrs: Collier, Kingsley, and Warren. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Warren to approve the second reading of Ordinance No. 02-14: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FOR CERTAIN PROPERTY LOCATED ON NORTH MAIN STREET WITHIN THE VILLAGE OF BLUFFTON, OHIO. Roll Call: Yeas (5) Messrs: Sehlhorst, Warren, Collier, Kingsley, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Kingsley moved, seconded by Mr. Warren to approve the first reading of Resolution No. 03-14: A RESOLUTION TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTION SERVICES. Roll Call: Yeas (5) Messrs: Kingsley, Warren, Collier, Sehlhorst, and Mrs. Augsburger. Nays (0), motion approved.

The Fiscal Officer announced the following meetings:

February 25, 2014	Sidewalks Appeal Board Hearing	5:30 PM
March 3, 2014	Streets and Alleys	7:00 PM
March 3, 2014	Council	8:00 PM

Mr. Warren moved, seconded by Mr. Collier to accept the 2013 financial statements as presented. Roll Call: Yeas (5) Messrs: Warren, Collier, Kingsley, Sehlhorst, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Collier moved, seconded by Mrs. Augsburger to accept the estimate of \$17,374 from Go Green for brush dump grinding. Roll Call: Yeas (5) Mr. Collier, Mrs. Augsburger, Messrs: Kingsley, Sehlhorst, and Warren. Nays (0), motion approved.

Mr. Burrell arrived at this time.

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

The Mayor presented the January Mayor's court report.

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

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

Mr. Sehlhorst moved, seconded by Mr. Burrell to accept the resignation of Jerry Cupples, effective February 21, 2014. Roll Call: Yeas (6) Messrs: Sehlhorst, Burrell, Collier, Kingsley, Warren, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Warren moved, seconded by Mrs. Augsburger to accept the resignation of Chad Cupples from the police department and NOT the fire or EMS departments, effective February 7, 2014. Roll Call: Yeas (6) Mr. Warren, Mrs. Augsburger, Messrs: Burrell, Collier, Kingsley, and Sehlhorst. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Burrell to accept the resignation of Drew Probst as an auxiliary police officer. Roll Call: Yeas (6) Messrs: Sehlhorst, Burrell, Collier, Kingsley, Warren, and Mrs. Augsburger. Nays (0), motion approved.

Mr. Kingsley moved, seconded by Mr. Warren to approve the amended severance agreement with Chad Cupples. Roll Call: Yeas (6) Messrs: Kingsley, Warren, Burrell, Collier, Sehlhorst, and Mrs. Augsburg. Nays (0), motion approved.

Mr. Kingsley moved to adjourn.

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MAYOR

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FISCAL OFFICER

**Village of Bluffton**  
**Bills to be paid**  
**3/3/2014**

**PAYROLL:**

Village	\$	50,336.33
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<b>TOTAL PAYROLL</b>	<b>\$</b>	<b>50,336.33</b>
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**NON-PAYROLL:**

Allen Co Awards	Years of Service Plaques	\$	95.00
Alloway	Lab Analysis	\$	1,377.10
All Service Aeration	Portable Toilets	\$	317.50
Allied Waste	Refuse Service	\$	16,574.66
Apollo	CPR Cards	\$	30.00
Bailey's	Uniforms	\$	315.00
Bluffton Flying Service	Electricity- Jan & Feb	\$	552.60
Bluffton Presbyterian Church	Reams Display- Electricity	\$	264.84
Bluffton Stone	Small Berm	\$	216.40
F. Stephen Chamberlain	Retainer	\$	1,320.00
Reineke Family Tire & Service	Cruiser Maintenance	\$	979.75
Guth Labs	BAC Solution	\$	33.22
Kalida Truck	Plow Parts	\$	254.48
Marathon	Gasoline	\$	527.62
Ohio Assn of Chiefs of Police	Chiefs' In-service & Conference	\$	499.00
Village of Ottawa	Water Usage	\$	43,102.93
Perry Corp	Copier Maintenance	\$	124.26
Rhodes & Co.	Bridge Inspections (3)	\$	2,100.00
Staples- Business	Battery Back-up & Toner	\$	220.09
Streacker Tractor	Replacement Windshield- Backhoe	\$	470.66
Time Warner Cable	Wideband Internet	\$	933.25
United Healthcare	Hospitalization	\$	8,296.27
United Healthcare	Life Insurance	\$	90.00
US Plastics	Gate Valve- Sportsmen Club	\$	75.60
Utility Sales Agency	Water Line Parts	\$	124.53
Verizon	Cell Phone & Air Card	\$	171.24
Dominion	Natural Gas	\$	4,387.24

<b>Total Non-Payroll</b>	<b>\$</b>	<b>83,453.24</b>
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 Mayor/ Council President

X: Then and Now Approved by Council

**RESOLUTION NO. 04-14**

**A RESOLUTION ADOPTING A WEATHER RELATED CLOSING POLICY  
FOR THE VILLAGE OF BLUFFTON, OHIO.**

**WHEREAS,** the weather in Northwest Ohio has the proven ability to cause hazardous road conditions from time to time; and

**WHEREAS,** it is necessary to have a standard procedure to address closing administrative offices when hazardous weather requires.

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

**Section 1:** The attached "WEATHER RELATED CLOSING POLICY" is hereby adopted by the Village of Bluffton, Ohio.

**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 \_\_\_\_\_, 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:

\_\_\_\_\_  
F. Stephen Chamberlain  
VILLAGE SOLICITOR

**VILLAGE OF BLUFFTON**  
**WEATHER RELATED CLOSING POLICY**

The following Weather Related and Emergency Closing policy is hereby set in place for the Village of Bluffton Administrative Offices. All other Departments of the Village of Bluffton are considered to be essential services and those employees are considered essential to the operations of the Village of Bluffton during a weather related emergency.

A “Level 1” Roadway Advisory indicates that Allen County roadways are snow or ice covered with possible drifting. Driving conditions are hazardous. Extreme caution is advised.

A “Level 2” Roadway Warning indicates that all roadways in Allen County are extremely dangerous due to heavy, drifted or blowing snow. Some roads may become impassable causing danger to stranded drivers and occupants. Only motorists with extreme necessity and specialized equipment should attempt to drive in these unsafe conditions. In the interest of public safety, motorists are strongly advised to stay off roadways until conditions improve.

A “Level 3” State of Emergency provides that extremely dangerous conditions exist. Travel should be limited to those persons with emergencies or extreme necessity. This level will be accompanied by a formal “State of Emergency” declaration by the Board of Allen County Commissioners.

In the event of a “Level 2” Roadway Warning being declared by the Allen County Sheriff, the following course of action will be implemented:

- If a “Level 2” Roadway Warning is in effect any time between 10:00pm and 7:00am prior to a workday, the Village Offices opening may be delayed until 12:00pm of that particular work day.
- If a “Level 2” Roadway Warning is in effect at 7:00am on a workday, the Village Offices opening will be delayed until 12:00pm of that particular work day.
- If the Village Offices opening is delayed until 12:00pm due to a “Level 2” Roadway Warning, the Village Offices will remain closed for that workday if the “Level 2” Roadway Warning is in effect at 10:00am.
- The Village Administrator will be responsible for contacting local media and Village Administrative personnel to notify them of the delay in opening or the closing of the Village Offices.

Whenever a “Level 2” Roadway Warning is declared by the Allen County Sheriff during any part of a scheduled work day, employees who report to work at the Village Offices shall leave work as soon as possible in order to get home safely. The Village Administrator will be responsible for contacting local media notifying them of the closing of the Village Offices.

The Village of Bluffton recognizes that on other days it may also be difficult or impossible for a scheduled employee to report to work due to inclement weather for which a "Level 2" Roadway Warning has not been declared by the Allen County Sheriff. The Village encourages its employees to report to work, only if in the employee's judgment, they are able to do so in a safe manner.

If inclement weather conditions exist, the following policy specifies the guidelines for the payment of wages on such days and the procedure for the closing of facilities.

1. Whenever the Village Offices are closed due to a "Level 2" Roadway Warning which is declared by the Allen County Sheriff, employees will be compensated for the hours they were scheduled to work. If the Village Offices remain open during severe weather conditions in which a "Level 1" or no roadway advisories are declared by the Allen County Sheriff, employees may decide to leave early or not report to work with the approval of their immediate supervisor, however, those employees shall not be paid and such absence(s) will be charged to the employee's available vacation or compensatory time. Such absence is not a legitimate use of sick time.
2. Employees not scheduled to work on a day in which the Village Offices close, (i.e. unscheduled work day, employee is on approved sick leave, scheduled vacation day or leave of absence) shall not receive inclement weather pay for the hours the Village Offices are closed due to a weather emergency. The employee will be charged for the pre-scheduled leave regardless of the declared emergency.
3. A non-salary employee may be required to work even though the Village Offices are closed due to an emergency. A non-salary employee will receive overtime pay or compensatory time for any hours worked in overtime status (over 40 hours per week).

The Mayor of the Village of Bluffton reserves the ability to otherwise alter the hours of the Village Offices in the event of any other weather related or non-weather related emergency.

**To: Mayor Gallant  
Council Members**

**Bridge Inspection Program**

I am requesting that Resolution No. 03-14 be passed as an emergency on the second reading in order to forward it to ODOT so that we can be included in the program before they begin the consultant selection process.

**Resolution No. 04-14**

Mayor Gallant requested that the Village consider a weather closing policy similar to the one recently adopted by the Allen County Commissioners. Commissioner Noonan forwarded me the policy that they adopted and I modified it for our purposes.

**OPWC Grant Notification**

The Village received a notice that our request for financial assistance in the form of a grant has been approved for the Kibler Street Water Main Replacement project in the amount of \$113,100. Our application for financial assistance for the Garmatter Water Main Replacement Project has been forwarded to the Small Community Program and that process is still ongoing. A copy of the notification is attached.

**Snow and Salt**

As I am typing this report, the National Weather Forecast is predicting a Winter Storm with accumulating snow of 8+ inches between Saturday morning and Monday morning. As of this morning, our salt bins are at capacity, which represents approximately 125-150 tons on hand. Since we began the winter season at full capacity, we have only taken delivery of 100 tons of our 150 ton reserve of salt. Depending on the timing and severity of the winter storm, I'll need to wait until Sunday to make the decision on whether to have All Terra clean the downtown area and municipal lots on Sunday night.

**Time Warner Notification**

I have attached a notice from received from Time Warner concerning their proposed merger with Comcast. The notice advises that there is no action required by us at this time, but I wanted to forward it on.

**Community Fiber Solutions Notification**

The Village has received a Notice of Service Pursuant to Video Service Authorization from Community Fiber Solutions which is attached to this report. It is my understanding, after speaking with a representative from the Benton Ridge Telephone Company, that their intent is to provide Video Service subscriptions in our market and this notice is required per the Ohio Revised Code and the Ohio Department of Commerce.





The Ohio Public Works Commission  
65 East State Street, Suite 312, Columbus, Ohio 43215-4213

*Commission Chair* Michael Keenan      *Director* Michael Miller  
*Commissioners* Janine Conrad      Lonnie Miles      William Morgan  
                         Alan Ross                      Tom Waniewski      Dave Wondolowski

**COPY of CEO Letter**

James R. Mehaffie  
Administrator  
154 North Main Street P.O. Box 63  
Bluffton, OH 45817

Re: Project No. CM22R

Dear Mayor Gallant:

Your request for financial assistance in the form of a grant has been approved for the project entitled Kibler Street Water Main Replacement in the amount of \$113,100. Please note the following:

- A. An Agreement will be released by the Commission on July 1, 2014, assuming budget authority is in place.
- B. You must not award a construction contract or begin construction until our Agreement has been fully executed and returned.
- C. You must not begin construction until you have forwarded a Request to Proceed for the contractor and received a Notice to Proceed in return.
- D. You may initiate at your own risk engineering and design services.
- E. You may advertise for bids providing: 1) you follow the contractual requirements as posted on our web site at <http://www.pwc.state.oh.us/>, and 2) you meet conditions B & C above.

The Project Manager named in the Agreement will receive a separate mailing pertaining to our program requirements detailed on our web site at <http://www.pwc.state.oh.us/> including the Request to Proceed, contractual requirements for bid documents, and reporting of in-kind or force account contributions. Your Chief Fiscal Officer will also receive a mailing pertaining to project financial information.

If you have questions please contact your Program Representative, Abbey DeHart, at 614/728-2466.

Respectfully,

Michael Miller  
Director

cc: James R. Mehaffie, Nancy Kindle



February 19, 2014

James Mehaffie, Village Administrator  
The Village of Bluffton  
100 East Elm Street  
Bluffton, Ohio 45817

Dear Mr. Mehaffie:

## **Time Warner Cable to Merge with Comcast Corporation to Create a World-Class Technology and Media Company**

Last week, Comcast Corporation (Nasdaq: CMCSA, CMCSK) and Time Warner Cable (NYSE: TWC) announced that their Boards of Directors have approved a definitive agreement for Time Warner Cable to merge with Comcast. The agreement is a friendly, stock-for-stock transaction in which Comcast will acquire 100 percent of Time Warner Cable's 284.9 million shares outstanding for shares of CMCSA amounting to approximately \$45.2 billion in equity value. Each Time Warner Cable share will be exchanged for 2.875 shares of CMCSA, equal to Time Warner Cable shareholders owning approximately 23 percent of Comcast's common stock, with a value to Time Warner Cable shareholders of approximately \$158.82 per share. The transaction will generate approximately \$1.5 billion in operating efficiencies and will be accretive to Comcast's free cash flow per share while preserving balance sheet strength. The merger will also be tax free to Time Warner Cable shareholders.

This transaction will create a leading technology and innovation company, differentiated by its ability to deliver ground-breaking products on a superior network while leveraging a national platform to create operating efficiencies and economies of scale.

The new company, which will be led by President and CEO Neil Smit, will generate multiple pro-consumer and pro-competitive benefits, including an accelerated deployment of existing and new innovative products and services for millions of customers. Comcast's subscribers today have access to the most comprehensive video experience, including the cloud-based X1 Entertainment Operating System, plus 50,000 video on demand choices on television, 300,000 plus streaming choices on XfinityTV.com, Xfinity TV mobile apps that offer 35 live streaming channels plus the ability to download to watch offline later, and the newly launched X1 cloud DVR. Comcast is also a technology leader in broadband and has increased Internet speeds 12 times in the past 12 years across its entire footprint.

Time Warner Cable owns cable systems located in key geographic areas, including New York City, Southern California, Texas, the Carolinas, Ohio and Wisconsin. Time Warner Cable will combine its unique products and services with Comcast's, including StartOver, which allows customers to watch programs up to three days after they air live, all without DVR. Time Warner Cable also has been a leader in the deployment of community Wi-Fi, and will combine its more than 30,000 hotspots, primarily in Los Angeles and New York City, and its in-home management system, IntelligentHome, with Comcast's offerings.

Through this merger, more American consumers will benefit from technological innovations, including a superior video experience, higher broadband speeds, and the fastest in-home Wi-Fi. The transaction also will generate significant cost savings and other efficiencies. American businesses will benefit from a broader platform, and the Company will be better able to offer advanced services like high-performance point-to-point and multi-point Ethernet services and cloud-based managed services to enterprises. Additionally, the transaction will combine complementary advertising platforms and channels and allow Comcast to offer broader and more valuable packages to national advertisers.

Through the merger, Comcast will acquire Time Warner Cable's approximately 11 million managed subscribers. In order to reduce competitive concerns, Comcast is prepared to divest systems serving approximately 3 million managed subscribers. As such, Comcast will, through the acquisition and management of Time Warner Cable systems, net approximately 8 million managed subscribers in this transaction. This will bring Comcast's share of managed subscribers total to approximately 30 million. Following the transaction, Comcast's share of managed subscribers will remain below 30 percent of the total number of MVPD subscribers in the U.S. and will be essentially equivalent to Comcast Cable's subscriber share after its completion of both the 2002 AT&T Broadband transaction and the 2006 Adelphia transaction.

The companies said the merger agreement between Comcast and Time Warner Cable is subject to shareholder approval at both companies and regulatory review and other customary conditions and is expected to close by the end of 2014.

There is no action required from your community at this time – this is just an informational update. Please do not hesitate to reach out to me with any questions or concerns.

Thanks.  
Brian



Brian Young, Director of Government Relations  
Time Warner Cable  
Phone: 419.429.7450  
Email: [brian.young@twcable.com](mailto:brian.young@twcable.com)



February 20, 2014

James R. Mehaffie, Village Administrator  
Village of Bluffton  
PO Box 63  
154 N Main Street  
Bluffton, OH 45817

RE: Notice of Service Pursuant to Video Service Authorization, Amendment No. 01  
VSA No. 2011-VSA-0065

Dear Mr. Mehaffie:

Video service providers are required to obtain video service authorizations (VSAs) from the Department of Commerce to provide video service in Ohio. Changes require the provider to obtain approval for an amended VSA. Community Fiber Solutions, Inc. (dba Benton Ridge Telephone Company, WATCH Communications, BR Cablevision Company, and BR Cablecomm, Inc.) recently applied for an amended VSA. This letter is to notify you that on February 14, 2014, the Ohio Department of Commerce granted an amended VSA to Community Fiber Solutions, Inc., which is effective immediately.

Before it provides or sells video service to one or more subscribers within its video service area or any additional service area, a video service provider must provide ten days' advance written notice of that service or additional service to the respective municipal corporation or township in all or part of the video service area (Ohio Rev. Code Sec. 1332.27 (A)). You are hereby advised that in no less than ten days following the date of this letter, Community Fiber Solutions, Inc. (dba Benton Ridge Telephone Company, WATCH Communications, BR Cablevision Company, and BR Cablecomm, Inc.) will begin providing video service in the Village of Bluffton under the amended VSA issued to it on February 14, 2014.

You are advised to review Ohio Rev. Code Sec. 1332.21 through 1332.34 to determine your rights and responsibilities under the VSA law.

Community Fiber Solutions, Inc., WATCH Communications, BR Cablevision Company, and BR Cablecomm, Inc. are all wholly-owned subsidiaries or registered trade names of Benton Ridge Telephone Company.

We look forward to serving your community.

Sincerely,

A handwritten signature in cursive script that reads "Martin L. Ellerbrock".

Martin L. Ellerbrock  
Office Manager / 419-859-2245

cc: Director, Ohio Department of Commerce