

# Village of Bluffton Council Meeting Agenda

Bluffton Town Hall, Third Floor  
154 North Main Street, Bluffton  
September 9, 2019 at 7:00 PM



## Opening Ceremonies

Call to Order, Mayor Johnson presiding  
Pledge of Allegiance

## Minutes

Approval of the minutes for the Village Council meeting held on Monday, August 26, 2019.

## Bills

### Committee Reports

Parks & Recreation – August 29  
Utilities – September 4  
Streets, Alleys, Lights and Sidewalk – September 4

### Commissions/Board Reports

Tree Commission – August 15

## LEGISLATION

### Ordinance No. 08-19

### 2<sup>nd</sup> Reading

An Ordinance repealing Ordinance 07-03 and establishing a Tree Commission for the Village of Bluffton, Ohio, setting forth its duties, powers and rights of appeal from its decisions.

### Resolution No. 18-19

### 3<sup>rd</sup> Reading

### Emergency

A Resolution authorizing the Village Administrator to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program and to execute contracts as required and declaring an emergency.

## Administrator's Report

- Public Works Department Report

## Safety Services Reports

## Meeting Dates (meetings held at the Town Hall unless otherwise noted)

Council Meeting – Monday, September 9 at 7:00  
Pathway Board – Thursday, September 12 at noon  
Tree Commission – Tuesday, Sept. 17 at 7:00  
Council Meeting – Monday, September 23 at 7:00

## Public Comment

**Adjournment** – Motion and Second

Village of Bluffton - Regular meeting August 26, 2019 at 7:00 p.m.

Mayor Johnson presiding. Messrs: Cupples, Stahl, Sehlhorst, Steiner, Talavinia and Kingsley present.

Sehlhorst motioned, seconded by Cupples, to approve the minutes from the regular council meeting held on August 12, 2019. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved.

Talavinia motioned, seconded by Kingsley, to approve the bills as presented. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved.

The fiscal officer gave the following readings:

3rd Reading :

Ordinance No. 05-19 – An Ordinance to levy an annual license tax that shall be in addition to the tax levied by Ohio Revised Code Sections 4503.02, 4503.07 and 4503.18 pursuant to Ohio Revised Code Section 4504.171, by the Village of Bluffton. Sehlhorst motioned to approve the third reading, seconded by Cupples. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved.

Ordinance No. 06-19 – An Ordinance to levy an annual license tax that shall be in addition to the tax levied by Ohio Revised Code Sections 4503.02, 4503.07 and 4503.18 pursuant to Ohio Revised Code Section 4504.172, by the Village of Bluffton. Stahl motioned to approve the third reading, seconded by Kingsley. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved.

1st Reading:

Ordinance No. 08-19 – An Ordinance repealing Ordinance 07-03 and establishing a Tree Commission for the Village of Bluffton, Ohio, setting forth its duties, powers and rights of appeal from its decisions. Stahl motioned to approve the first reading, seconded by Sehlhorst. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved.

2nd Reading:

Resolution No. 18-19 – A Resolution authorizing the Village Administrator to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program and to execute contracts as required. Steiner motioned to approve the second reading of the Resolution, seconded by Talavinia. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved.

Steiner motioned to add new Fiscal Officer Kevin Nickel as a signer to all Citizens National Bank, First National Bank, and STAR Ohio accounts, seconded by Cupples. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved.

The Village Administrator requested that the GMC dump truck with plow, Dodge pickup, aluminum shade structure from the swimming pool, modified push box, 2 diving boards, and 2 sets of extra galvanized bleachers be declared surplus. Steiner motioned to classify the GMC dump truck with plow, Dodge pickup, aluminum shade structure from the swimming pool, modified push box, 2 diving boards, and 2 sets of extra galvanized bleachers as surplus, seconded by Cupples. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved.

Kingsley motioned for the Village to award a grant of \$5,000 to the Bluffton Chamber of Commerce to be used for expenses for the benefit of Main St. in Bluffton, seconded by Steiner. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved.

Kingsley motioned for the Village to award a grant of \$5,000 to the Bluffton Center for Entrepreneurs in support of their mission supporting entrepreneurial activity in Bluffton, seconded by Sehlhorst. Roll Call: Yes (1) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia and Stahl. No (0), Abstain (1) Steiner, motion approved.

Stahl motioned that two application for special events be approved, seconded by Talavinia. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved. College Ave. between Jackson St. and Main St. will be closed September 6, 2019 from 4 – 11:30pm for the YFC 5<sup>th</sup> Quarter event. Garau St. will be closed September 28, 2019 for the Fall Festival.

Talavinia motioned to hold an executive session for personnel and legal matters and to include Council, Administrator, Assistant Administrator, Fiscal Officer, Solicitor and Mayor, seconded by Steiner. Roll Call: Yes (6) Messrs: Cupples, Sehlhorst, Kingsley, Talavinia, Stahl and Steiner. No (0), Abstain (0), motion approved.

Talavinia motioned to adjourn the executive session. Council returned to regular session.

Steiner motioned to adjourn the meeting.

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

Parks & Rec Committee – Thursday, August 29 at Noon  
Utilities Committee – Wednesday, September 4 at 4 p.m.  
Streets, Alley's & Sidewalks Committee – Wednesday, September 4 at 5:30 p.m.  
Pathway Board – Thursday, September 5 at Noon  
Council Meeting – Monday, September 9 at 7:00 p.m.

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MAYOR

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FISCAL OFFICER

VILLAGE OF BLUFFTON  
VOUCHER REPORT 9/9/19

<u>VENDOR</u>	<u>AMOUNT</u>	<u>DEPT</u>	<u>DESCRIPTION</u>
360 IINTERACTIVE	\$825.00	POLICE	CAMERA SUPPORT
ALLOWAY	\$642.50	WWTP	TESTING
ANDERSON TRACTOR SUPPLY	\$78.50	STREETS	PARTS
AQUIONICS	\$64,505.70	SEWER	UV CABINET
BLUFFTON CENTER FOR ENTR.	\$5,000.00	ADMIN	SUPPORT GRANT
BLUFFTON CHAMBER OF COMM.	\$5,000.00	ADMIN	CONTRIBUTION
BLUFFTON FLYING SERVICE	\$5,000.00	AIRPORT	AIRPORT MANAGEMENT
BLUFFTON PRECAST	\$1,259.00	STORM SEWER	GRATE IMPROVEMENT
BLUFFTON STONE	\$278.00	MULTIPLE	STONE
CENTURY LINK	\$469.13	ADMIN	PHONES
CHOICE ONE ENGINEERING	\$4,181.00	STREETS	JEFFERSON ST.
COMMUNITY MARKETS	\$165.56	MULTIPLE	NNO & POLICE SUPPLIES
CULLIGAN	\$16.50	EMS	BOTTLED WATER
DOMINION ENERGY	\$36.21	MULTIPLE	NATURAL GAS
DOTY'S ALIGNMENT	\$936.16	POLICE	CRUISER REPAIR
FAMILY TRUE VALUE HARDWARE	\$338.36	MULTIPLE	SUPPLIES
FISHER SCIENTIFIC	\$29.88	POLICE	TESTING
GLOBAL ELECTRIC	\$10,638.80	MULTIPLE	STREET LIGHT AND WWTP REPAIRS
GRAINGER	\$201.41	MULTIPLE	SAFETY SUPPLIES
GREEN OPTIONS	\$2,586.70	TOWN HALL IMP.	LED UPGRADES
JOHN'S BODY SHOP	\$1,824.00	EMS	REPAIRS
KLEEM	\$86.28	STREETS	SIGNS
KOI	\$895.92	STREETS	PARTS
LEIBER'S GARAGE	\$365.59	ADMIN	REPAIRS
M&R PLUMBING	\$2,563.17	MULTIPLE	VILLAGE PARK RR & SUPPLIES
MARATHON	\$1,562.36	MULTIPLE	FUEL
MARSH VIEW ENTERPRISES	\$1,758.00	CEMETERY	FOUNDATIONS
MID-AMERICAN CLEANING	\$400.00	ADMIN	TOWN HALL CLEANING
MIDNET MEDIA	\$4,305.00	ADMIN	WEBSIRE DESIGN & HOSTING
NAVITAS	\$1,324.09	ADMIN	PHONES
NEIDERT'S MOWERS & SALES	\$91.74	STREETS	EQUIPMENT
NORTHWESTERN OHIO SECURITY	\$39.95	EMS	MONITORING
NORTHWESTERN OHIO SECURITY	\$64.95	ADMIN	MONITORING
OHIO POLICE & PENSION FUND	\$50.00	ADMIN	PENSION
OHIO PUBLIC EMP.	\$114.48	ADMIN	PENSION
REPUBLIC SERVICES	\$21,160.91	ADMIN	TRASH
SMARTBILL	\$774.43	WATER/SEWER	UTILITY BILLING/POSTAGE
SOFTWARE SOLUTIONS	\$2,000.00	ADMIN	IT MIGRATION/UPDATES
STAPLES	\$349.31	MULTIPLE	SUPPLIES
TOKIO MARINE	\$2,500.00	ADMIN	LEGAL EXPENSE
TOMMY TIRE	\$28.00	STREETS	REPAIRS
USA BLUE BOOK	\$1,020.35	WATER/SEWER	PUMP & SUPPLIES
UTILITY SERVICE CO.	\$13,539.50	WATER	TOWER PEDISPHERE
VETTER LUMBER	\$391.05	MULTIPLE	SUPPLIES
WILSON, JENNIFER	\$128.57	NNO	SUPPLIES
IT REFUNDS	\$20.00	INCOME TAX	REFUND
TOTAL	\$159,546.06		
BIWEEKLY PAYROLL 8/30	\$48,171.09		
MEDICARE	\$669.00		
OPERS	\$4,313.01		
OP&F	\$3,294.30		

Council Signature : \_\_\_\_\_

Date : \_\_\_\_\_

Tree Commission  
Village of Bluffton  
August 15, 2019

Present: Jonathan Andreas, Becky Ramey, Nancy Benroth, Ben Stahl, Jon Sommer, Jesse Blackburn

Minutes- The minutes from the July 9, 2019 meeting of the tree commission were approved.

Tree list- The list of recommended small street trees needs to be revised and a final list compiled before we consider plantings for the W. Elm St. project.

Ordinance- Two suggestions were discussed for revision of the tree ordinance:

- Section 6: Remove "shrubs and other woody vegetation".
- Section 8: Revise tree spacing to reflect the recommendations from the Ohio Department of Natural Resources Forestry Department: small trees spaced 15 feet from the nearest tree, medium trees spaced 25 feet from the nearest tree, and large trees spaced 40 feet from the nearest tree.

Additionally, the commission recommended a tree cost sharing program similar to one in Delaware, OH, which includes a 50/50 cost sharing between the village and residents, and/or the planting of a resident-supplied tree which meets with the tree commission's approval.

Stump removal- Stumps have been ground in Riley Creek Village, and still need to be ground on West College at Main.

Tree removal- A request for the removal of three trees at W, College and Main was considered. Action on the request was delayed pending other more urgent considerations.

Monarch USA- This program could be adopted for Bluffton if leadership is forthcoming. The village arboretum was considered as a site to set up the program.

Sudden oak death- Cases of sudden oak death have been reported in our region. Commissioners and village employees are encouraged to familiarize themselves with the condition and its symptoms.

David Anderson, Bluffton resident, met with the tree commission and encouraged the commission to consider several actions: looking at successful flowering tree plantings in communities around the country; lending support for a Bluffton Foundation established to help fund tree and flower plantings and related beautification projects such as the alley project; revising the tree ordinance to reflect the unique nature of Bluffton. The commission thanked David for his suggestions and his vision for a more vibrant and attractive community.

The next meeting of the Tree Commission is scheduled for Tuesday, September 10, 2019 at 7:00 pm in the town hall.

Jon Sommer  
Secretary

**Village of Bluffton  
Utility Committee Meeting  
September 4, 2019 @ 4:00PM**

Utility Committee members present: David Steiner & Jerry Cupples

Staff present; Jesse Blackburn, Village Administrator and Kevin Nickel, Fiscal Officer

The Village Administrator reviewed delinquent utility accounts with the committee.

The Village administrator reviewed work being done by Wessler Engineering to update our utility ordinance to better control the materials entering the sanitary sewer system.

At 4:50 PM the committee adjourned the meeting.

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David Steiner

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Jerry Cupples

## Streets, Lights, Alley & Sidewalk Committee

September 4, 2019

Start: 5:30 PM End: 6:37 PM

Present: Joe Seihorst, Jerry Cupples, Admin Jesse Blackburn

### **Topic 1: Jefferson St. Bridge Decorative Space**

- Anchor size 3'10"W x 2'10" H (4 quadrants)
  - o If flag design chosen, must be lighted.

### **Topic 2: Ph. 1 Jefferson St.**

- On Schedule, BCI has begun tearing out sidewalks, curbs, and road.

### **Topic 3: No Parking 3 AM – 5 AM Locations**

- Maintenance Staff identified locations. Please see attached page.
- Committee recommends to council for the removal of all signs. If problem presents itself in future, signs to be placed back.

### **Topic 4: Speed Signs Update**

- Solar 14" Evolis Radar Speed Sign Quote# S03358
  - o \$13,000-\$2,002 (Twin Pack Special)= \$11,373 for 4 Solar Signs
- Administration or Police Chief to contact representative to see how long quote honored.
- If monies allow, we would like to have the signs for 2019, especially when SR103 reopens.

### **Topic 5: County Line/SR 103 Intersection Road Signage**

- Committee recommends to Council the removal of Blinking Light.
- Utility pole (power supply) to be removed at Diamond Manufacturing Corner.

### **Topic 6: Welcome Entrance Sign Discussion**

- Administration considering plans for a "Welcome to Bluffton" sign on Bentley Rd.
- Additional locations could be considered too.

### **Topic 7: Alley Vacation at 650/656 S. Main St.**

- Petition presented. Administration to move forward.

### **Topic 8: Sidewalk Repair/Replace Status**

- Administration to compile list ASAP in order to present bid package.
- Timeline expectation. 2019 and/or 2020?

### **Topic 9: Jefferson St. Phase I Access Points**

- Administration to schedule follow-up meeting to present findings with party in question.

### **Topic 10: SR 103 Speed Study**

- Tom Mazur, Regional Planning, advised to wait until later date.

### **Topic 11: Sunset Drive – project development**

- Discussion continues regarding options for Sunset Dr.

### **Topic 12: Update Bentley Road Re-Alignment (Jan. 11, 2019)**

- Stakes have been placed. Administration to discuss with party involved.
- Note: In 2021, ODOT is schedule to repave all of State Route 103 through Village.

### **Topic 13: Main St. Lighting Improvements (Jan. 11, 2019)**

- On hold. More information needed.

### **Topic 14: ADA Curbs Update**

- Administration to ensure October deadline is met.

### **Topic 15: Update Bowden/Downtown Main St. Alley (March 6, 2019)**

- Administration needs to collect signed agreements.
- Project will include paving and 3 catch basins installed. 2019 Completion Goal.

### **Topic 16: 2019 Paving Schedule to begin in October**

### **Topic 17: Vance Street Crosswalk (May 2, 2019) On Hold**

### **Topic 18: Inventory of Alleys (May 2, 2019)**

- Administration still compiling list to make residents aware

**No Parking 3am – 5am**

Lawn Ave. = Kibler to Franklin

Grove Rd. = Main – Kibler

Jackson = Grove – Kibler

Campus Dr. / College View

High St. = Main – Spring

College Ave. = Main – Spring

Franklin = Main – Spring

Vine St. = Jackson – Spring

Spring St. = College – W. Elm St.

West Elm = Mennonite Home – Bentley



**ORDINANCE NO. 08-19**

**AN ORDINANCE REPEALING ORDINANCE NO. 7-03 AND ESTABLISHING A TREE COMMISSION FOR THE VILLAGE OF BLUFFTON, OHIO, SETTING FORTH ITS DUTIES, POWERS AND RIGHTS OF APPEAL FROM ITS DECISIONS**

WHEREAS: The Village of Bluffton has found it necessary to make changes to the existing duties of the Village Tree Commission, and;

WHEREAS: The Village of Bluffton desires to set forth new duties, responsibilities and powers of that commission,

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

**SECTION 1. REPEALING OF ORDINANCE 7-03:**

Ordinance 7-03 of the Codified Ordinances of the Village of Bluffton, Ohio is hereby repealed in its entirety. [The text of said Ordinance No. 7-03 is incorporated herein by reference to the record of ordinances of the Village of Bluffton, Ohio].

**SECTION 2. CREATION OF TREE COMMISSION:**

There is hereby established and created a Tree Commission for the Village of Bluffton, Ohio which may be referred to as the Tree Commission. The said commission shall consist of no less than five members and no more than seven members being citizens and electors of the Village of Bluffton, Ohio. Each member shall be appointed by the Mayor of the Village of Bluffton, Ohio with the advice and consent of the Village Council and shall serve at the pleasure of the Mayor and Council. The Tree Commission for the Village of Bluffton, Ohio shall be a public body and all meetings thereof shall be conducted in accordance with the laws of the State of Ohio regarding open meetings. The Mayor of the Village shall be an ex officio member of the Tree Commission. One member of the Village Council of the Village of Bluffton shall serve as a non-voting liaison to the Tree Commission. Such liaison shall be appointed annually by the Mayor from the elected members of Council.

**SECTION 3. TERMS OF OFFICE:**

The terms of each member of the Tree Commission shall be for three years. Successor members shall be appointed at the end of term pursuant to Section 2. In the event of vacancy, the Mayor shall appoint, with the advice and consent of the Village council, a qualified person to serve the unexpired term of that member. **Notwithstanding the repealment of Ordinance No. 7-03, the members of the Tree Commission serving at the time of the enactment of this ordinance shall continue in their offices for the remainder of their unexpired terms.**

**SECTION 4. COMPENSATION:**

Members of the commission shall serve without compensation. The Mayor shall not receive additional compensation for his service as ex officio member and the Member of Council appointed as liaison shall not receive additional compensation for his service.

**SECTION 5. ORGANIZATION, OFFICERS, MEETINGS:**

The Tree Commission shall choose a chairperson and vice-chairperson. The chairperson shall preside at all meetings of the Tree Commission, execute all notices on behalf of the commission, issues summonses on behalf of the commission and shall preside at any hearings of the commission. In the chairperson's absence, the vice-chairperson shall perform these duties. The Tree Commission shall make its own rules and regulations and keep a journal of its proceedings. A quorum will be required for the transaction of business, for purposes of the tree commission and quorum shall exist when at least 51% of the current members are in attendance.

Actions of the commission shall be upon motion made by a member, seconded and passed by a simple majority of those members present at the time of the vote. No vote shall be made by proxy and each member must vote upon each question or motion presented unless there is a claim of person conflict of interest.

**SECTION 6: DEFINITIONS USED IN THIS ORDINANCE:**

Street Trees- are trees on land within the right of way of any village road, street, avenue, alley or way within the Village of Bluffton.

Park Trees – are trees on land owned, controlled or maintained by the Village of Bluffton, Ohio.

Public Trees - are all Street Trees, Park Trees or other trees designated as public trees by this ordinance.

Private Trees – are trees on land not owned, controlled or maintained by the Village of Bluffton, Ohio.

**SECTION 7: DESIGNATION OF SPECIES FOR STREET TREES:**

It shall be the duty and responsibility of the Tree Commission to designate the official street tree species that may be planted or remain as street trees in the Village of Bluffton Ohio. Such species shall be designated by list compiled and published not less than annually by the Tree Commission. The planting or maintaining of any other species than designated by the Tree Commission shall be deemed a violation of this ordinance.

The Tree Commission may grant permission to plant another species of tree in writing by majority affirmative vote of the commission.

## **SECTION 8. SPACING OF STREET TREES:**

Street trees shall be spaced in accordance with regulations established by the Tree Commission. Any planting in violation of a regulation of the Tree Commission shall be deemed a violation of this ordinance.

In establishing spacing of street trees, the Tree Commission shall require at least the following minimum spacing:

- Small Tree Species, 15 feet of space between the small tree and any other tree
- Medium Tree Species, 25 feet of space between the medium tree and any other tree
- Large Tree Species, 40 feet of space between the large tree and any other tree

The Tree Commission may grant permission to plant at variance with its regulations in writing by majority affirmative vote of the commission.

## **SECTION 9. DISTANCE OF TREES FROM CURBS AND SIDEWALKS:**

Street trees may be planted in any right of way of the Village of Bluffton including those areas between the curb or curb line of any street, alley or public way and a sidewalk in accordance with the regulations established by the Tree Commission. Any planting in violation of regulation of the Tree Commission shall be deemed a violation of this ordinance.

In establishing distance of trees from curbs and sidewalks for street trees, the Tree Commission shall require at least the following minimum:

- Small Tree Species, 2 feet of space between the small tree and both the curb or curb line and sidewalk [minimum 4 foot tree lawn]
- Medium Tree Species, 3 feet of space between the medium tree and both the curb or curb line and sidewalk [minimum 6 foot tree lawn]
- Large Tree Species, 4 feet of space between the small tree and both the curb or curb line and sidewalk [minimum 8 foot tree lawn]

The Tree Commission may grant permission to plant at variance with its regulation in writing by majority affirmative vote of the commission.

## **SECTION 10. DISTANCE OF TREES FROM CORNERS AND FIRE HYDRANTS:**

The Tree Commission shall make no regulations nor allow or suffer any street tree to be planted within 10 linear feet of any fire hydrant.

The Tree Commission shall make no regulation nor allow or suffer any street tree to be planted within 35 linear feet of any street corner. Said corner being measured from the point nearest intersecting curb or curb line of any street, alley or public way.

**SECTION 11. CARE OF PUBLIC TREES:**

The Tree Commission shall be the conservator, and agent for the Village of Bluffton for the care of any public tree as defined in this ordinance. The Tree Commission shall, subject to this ordinance, have the right to plant, maintain, and remove trees, plants, and shrubs within the right of way of any street, alley or public way of the Village of Bluffton including, but not limited to any other public grounds.

The Tree Commission shall have the right to cause to be removed all or part of any tree that by reason of its condition or location is unsafe to persons or property, interferes with any utility or public improvement, or which is affected by any injurious fungus, insect or other pest.

In executing its duty as conservator of the Public Trees of the Village and exercising the powers granted in this section, the Tree Commission shall be guided by two overriding principles:

- Insure public safety at all times, and,
- The symmetry and beauty of public grounds and ways.

**SECTION 12. CARE OF TREES ON PRIVATE PROPERTY:**

The Tree Commission shall, by written notice to the owner of private property, cause said owner, or if the owner fails to do so within a reasonable period of time, cause the Village of Bluffton to prune any branch or branches of any tree so that the branches do not obstruct the light from any street lamp. Obstruct the view of any traffic control device, street sign or directional marker, obstruct any intersection of streets or directional marker, obstruct any intersection of streets or public ways by not having a clear space of at least eight feet (8') above the surface of any street or public way.

The Tree Commission shall, by written notice to the owner of private property, cause said owner, or if the owner fails to do so within a reasonable period of time, cause the Village of Bluffton to remove any tree that is dead or diseased on private property when such dead or diseased tree constitutes a danger to public safety, or is infested with disease or insects that present a danger and threat to other trees within the Village of Bluffton.

Should removal or care of tree that is the responsibility of a property owner be undertaken by the Village of Bluffton, Ohio due to the owner's failure to remedy the situation within a reasonable time, then any and all expenses incurred by the Village of Bluffton shall be assessed to the property owner and shall be placed upon the real property tax duplicate according to law.

Notice to the owners shall be as set forth in this Ordinance.

**SECTION 13. OTHER PROHIBITED ACTS AS TO TREES:**

- (A) No person shall prune, remove, top, disfigure, mutilate or damage any public tree of the Village of Bluffton without the express consent of the Tree Commission

- (B) No person shall attached or place any rope, wire, sign, posters, handbill, or other thing to any public tree of the Village of Bluffton without the express consent of the Tree Commission
- (C) No person shall place or discharge any gaseous, liquid or solid substance which is harmful to trees upon any public tree, its roots or its leaves of the Village of Bluffton without the express consent of the Tree Commission.
- (D) No person shall, after removing a public tree, fail to remove the stump of that tree to a level below the surface of the surrounding ground and backfill the area to an even grade
- (E) No person shall interfere, obstruct or delay the Tree Commission or its agents in the performance of its functions under this ordinance.

**SECTION 14. GENERAL DUTIES OF THE TREE COMMISSION:**

In addition to the duties and responsibilities set forth herein, the Tree Commission shall do all of the following:

- (A) Create, update, develop and administer a written plan for the care, preservation, planting, replanting, removal, pruning and disposition of public trees in the Village of Bluffton and present such a plan or revisions thereof to the Council of the Village of Bluffton for its approval on or before March 1, of each year.
- (B) Make investigations, reports and findings to the Village Council, the Mayor or Department Heads as to any matter within its jurisdiction upon request.
- (C) Provide writing notice to owners of private trees and notice to adjoining landowners of public trees when the Tree Commission considers planting, moving, replanting or removing any tree within its jurisdiction.
- (D) Provide an opportunity to be heard at a public meeting of the Tree Commission by the property owner, the public, and the Village administration when the Tree Commission considers planting, moving, replanting or removing any tree within its jurisdiction. Notice of the date, time and place of this hearing shall be provided in the notice to the owners not less than 20 days prior to the meeting and a copy provided to the Village Administrator.
- (E) Provide counsel, guidance, and recommendations to the Village of Bluffton Administration on any public work, street project, or the like that may affect any tree within the Tree Commission's jurisdiction.
- (F) Approve the Tree Plan for any new subdivision of the Village of Bluffton.
- (G) Any notice issues by the Tree Commission shall be in substantially the following form:

BY THE TREE COMMISSION OF THE VILLAGE OF BLUFFTON, OHIO

DATE:

TO: [property owner or adjacent property owner]

This is to advise that the Tree Commission of the Village of Bluffton, Ohio has determined that a tree on [ ] public property adjacent to your property or [ ] on your property is subject to action by the Village as follows:

You are advised that the Tree Commission will meet on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_.M. to consider this matter. You are invited to be present at that time to express your views to the Commission.

#### **SECTION 15. APPEAL TO VILLAGE COUNCIL:**

Any person who, after hearing before the Tree Commission, disagrees with the determination of the Tree Commission's decision as to any issue shall have a right to appeal to the Council of the Village of Bluffton, Ohio.

Such appeal shall be perfected by delivering a written request for appeal to the Clerk of Council within 10 business days of the date of the Tree Commission's decision.

Upon appeal, the Chairperson of the Tree Commission shall reduce to writing, the decision of the Tree Commission and file the same with the Clerk of Council within 5 business days of the perfection of the appeal.

The matter will then be scheduled for a hearing before the Village Council at a regularly scheduled meeting. The Clerk shall cause notice of the date and time of the hearing to be sent to the property owner involved, the Village Administration and the Chairperson of the Tree Commission.

After a hearing and opportunity to be heard by the interested parties, the Village Council shall vote on the question by motion. Said motion shall be substantially in the following form: "Moved, that the decision of the Tree Commission of the Village of Bluffton shall be affirmed".

In order to affirm the actions of the Tree Commission, a majority vote is necessary. If the motion fails to pass by a majority vote, the decision of the Tree Commission shall be set aside and the Village Council shall then determine the issue before it on appeal. Such decision of the Village Council shall be final.

In voting to affirm or overrule the decision of the Tree Commission, the Council shall be guided by the same principles as the Tree Commission and unless undue hardship is demonstrated, abuse of authority by the commission is evident or evidence is presented that the Tree Commission exceeded its authority, the determination of the Tree Commission should be affirmed.

## **SECTION 16. VILLAGE DEPARTMENTS TO CONSULT WITH COMMISSION**

In order to complete its mandate, it is necessary that all Village Officials, Departments and Employees co-ordinate their activities with the Tree Commission where any activity of the Village of Bluffton will impact public trees.

Each Department, Official or Employee of the Village of Bluffton, Ohio shall report to the Tree Commission any activity undertaken that involves the pruning, cutting, removal or potential removal of any public tree. No activity that affects any public tree shall be commenced without reference to the Tree Commission and it has issued its decision regarding the public tree in question. It shall be the specific duty of any Department Head of the Village to advise the Tree Commission of any project or work that might affect a public tree at least 30 days prior to the commencement of any project or, if an emergency exists, as soon as practicable.

Only where there is an imminent threat to the safety of persons or property may the administration take action regarding a public tree without the consent of the Tree Commission.

## **SECTION 17. IMPROVEMENT PROJECTS TO STREETS, SIDEWALKS AND OTHER PUBLIC WAYS:**

When the Village of Bluffton undertakes any improvement project for roads, sidewalks and public areas wherein a public tree is impacted, the Tree Commission shall be advised of the project and make a report to the Council as to any possible alternative measures that could be sued to limit the impact to public trees. Such a report shall be considered by the Council prior to approval of such project.

## **SECTION 18. SPECIAL CIRCUMSTANCES:**

Where public improvement or construction results in the need for removal of public trees by the Village of Bluffton and no alternative plan is available to keep the public tree, the Tree Commission may recommend to Council, that a tree be planted on private property, at public expense, as a replacement tree. Council shall review each recommendation made by the Tree Commission and no expenditure of funds for a tree under this section shall be made without the approval of council.

## **SECTION 19. PENALTY:**

That any violation of this ordinance shall be punishable by a fine not to exceed \$100.00 for each tree affected by the violation. In addition to any other penalty imposed, a person found guilty of violation, shall provide restitution to the Village of Bluffton in an amount equal to the cost of a replacement tree.

## **SECTION 20. OTHER PROVISIONS:**

This Ordinance shall be in force and effect at the earliest period allowed by law.

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.

Passed and adopted this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the Council of the Village of Bluffton, Ohio by the following vote:

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor of the Village of Bluffton

Approved as to form:

\_\_\_\_\_  
Elliott T. Werth  
Village Solicitor

**CERTIFICATION**

The undersigned hereby certifies that the within is a true and correct copy of the Ordinance No. \_\_\_\_\_, passed by the Council of the Village of Bluffton, Ohio on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Clerk/Treasurer



**RESOLUTION NO. 18-19**

**A RESOLUTION AUTHORIZING VILLAGE ADMINISTRATOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY**

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Village of Bluffton is planning to make capital improvements to Jefferson Street Improvements Project Phase Two, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Bluffton, Ohio:

Section 1: The Village Administrator is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The Village Administrator is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: That an emergency exists in the daily operation of the village whereby failure to act will be detrimental to the public health, welfare and safety of the inhabitants thereof and in order to meet the deadline requirements for the funding opportunity.

Passed and adopted this \_\_\_\_\_ day of September 2019 by the Council of the Village of Bluffton, Ohio by the following vote:

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
Elliot T. Werth, Village Solicitor

# Administrator's Report

To: Mayor Johnson & Council Members



09-09-19

## Jefferson St. Updates:

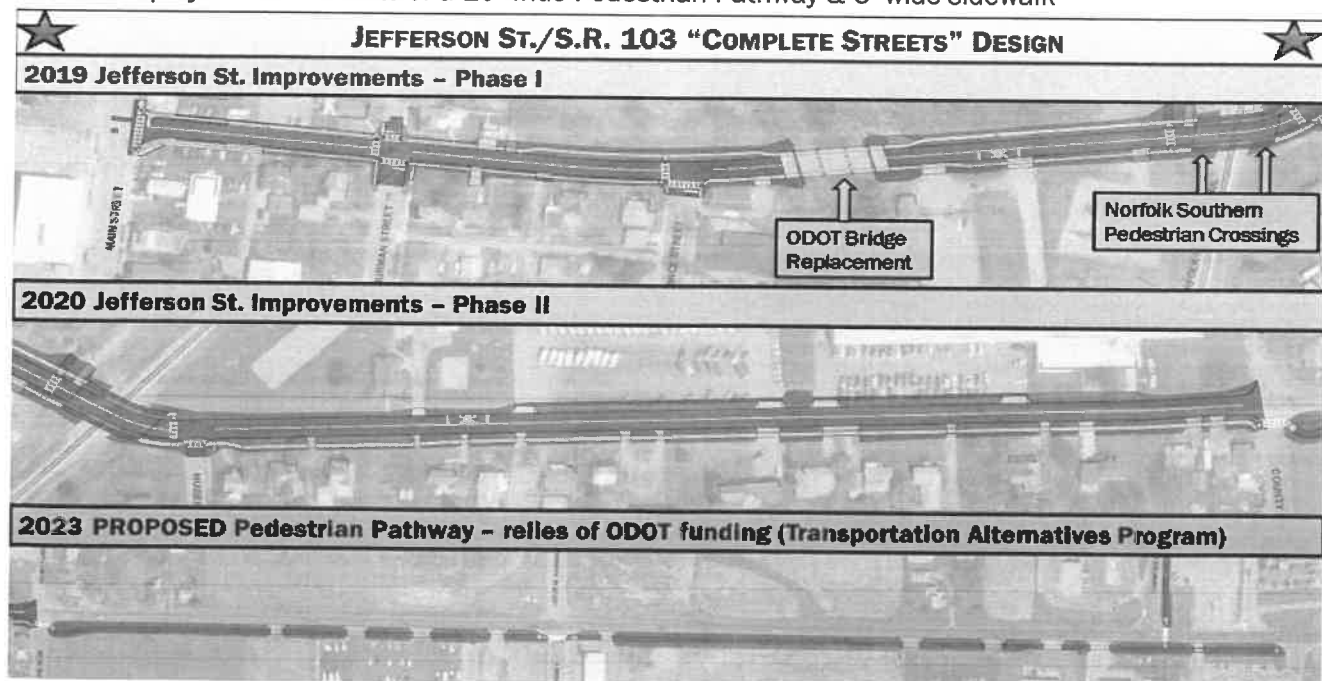
- 1. Water Main Replacement:** Retainage being withheld until final corrections are made to the asphalt patches. Scheduled to complete this work with Phase I paving in October.
- 2. Jefferson St. Improvements Phase I:**
  - Pay application #1 has been received from BCI for \$147,990.05.
    - ✓ Original Contract price: \$697,249.00
    - ✓ OPWC Grant amount: \$100,000.00
    - ✓ OPWC 0% Interest Loan: \$151,829.00
  - New asphalt sidewalk within railroad property scheduled to be installed Sept. 23 -24.
- 3. Jefferson St. Improvements Phase II:** Angie Essinger has prepared draft permanent easements that will be submitted to Mr. Werth for review. Meetings with property owners to follow approval of legal documents.

**State Route 103 Pedestrian Pathway:** The Transportation Alternatives Program (TAP) Grant application submitted by Choice One Engineering in April has been selected for funding in the amount of \$840,000!!!! See following sheet and link:

<http://www.dot.state.oh.us/Divisions/Planning/LocalPrograms/Transportation%20Enhancement%20Program%20Documents/2019%20TAP%20Awards.pdf>

## Jefferson St./S.R. 103 Pedestrian Facilities 2019 – 2023

- ◆ **Jefferson St. Improvements – Phase 1 (2019)** - Sidewalks to be installed on both sides of Jefferson St. with a 6' wide "bike friendly sidewalk" on the north side of street.
- ◆ **ODOT S.R. 103 Bridge Replacement: (2019)** - The new bridge will have 6' sidewalks on both sides
- ◆ **Norfolk Southern S.R. 103 grade crossing improvements: (2019)** - pedestrian facilities will be added to both sides of the track crossing late September 2019
- ◆ **Jefferson St. Improvements – Phase II (2020)** - 6' wide sidewalk to be installed from the railroad tracks extending east to the Co. Line Rd.
- ◆ **ODOT's Transportation Alternative Program (TAP) – S.R. 103 Bike and Pedestrian Facility (2023)** - ODOT TAP funded project that consists of a 10' wide Pedestrian Pathway & 6' wide sidewalk



## **S.R. 103 Pathway – cont.**

**Thank you** to the many members of the Bluffton community that have advanced the Pedestrian Pathways in Bluffton, positioning us to successfully compete with the entire state of Ohio for funding dollars.

Private donors – too numerous to list, Village of Bluffton Council and Mayors from 2009 to present, Bluffton Pathway Board, Bluffton Lions Club, Bluffton Lions Club Foundation,

# TRANSPORTATION ALTERNATIVES PROGRAM PROJECT SCHEDULE

## State Route 103 Pathway Project

### Village of Bluffton, Allen County, Ohio

**Note:** The following schedule is based on receiving funding through the 2019 Transportation Alternatives Program and performing construction in 2023.

- TAP Application Submitted: 5-15-2019
- TAP Application Awarded: 8-14-2019
- ODOT Scoping Meeting: 10-10-2019
- Begin Survey and R/W Research: 2-3-2020
- Environmental Initiated: 2-3-2020
- Stage 1 Plans Due: 5-15-2020
- Preliminary R/W Plans Due: 5-15-2020
- Environmental Approved: 1-21-2021
- Stage 2 Plans Due: 2-4-2021
- Final R/W Plans Due: 2-4-2021
- R/W Acquisition Complete: 2-11-2022
- Stage 3 Plans Due: 3-25-2022
- Final Tracings Due: 9-23-2022
- Sale Date: 1-19-2023
- Award Date: 3-31-2023
- Begin Construction: 4-24-2023
- End Construction: 11-1-2023

**Ordinance Codification:** American Legal Publishing has granted a final extension until Oct. 30 for final submission of Ordinances without additional fees.

**Council Committee Meetings:** We would like to schedule following meetings:

- Streets & Alleys – Phase I Jefferson St. – access management
- Parks & Recreation – Buckeye Park design
-



**To: Mayor and Village Council Members**

- ❖ **W. Elm St:** Hohenbrink completed the punch list items on Saturday 9/7/2019. They will be having a subcontractor re-seed the project this week. This will finalize the W. Elm St. reconstruction project.
- ❖ **E. Jefferson Water line:** The new water line is installed and fully functional from Main St. – County line Rd. Most of the punch list items have addressed from Huber St. – County Line with the exception of a few asphalt patches and crack sealing. Those pieces will be corrected during the installation of asphalt in the reconstruction portion of the project.
- ❖ **E. Jefferson St Phase 1:** Storm sewer is being wrapped up and road removal will begin this week. A tentative schedule of curbs being poured in a little over a week.
- ❖ **Gas line Conflict:** The Shallow gas line on E. Jefferson St. is expediting itself across Dominions desk. The job has been awarded now its time for the subcontractor to complete. They are aware of how fast the project is moving.
- ❖ **103 Bridge:** The bridge project is moving quickly. Sidewalks are scheduled to be poured this week. Eagle bridge is hoping finish in time to receive their 30% off reiki massage coupon from natural healing.
- ❖ **Buckeye Restroom:** Bockrath and associates are to present the final punch list this week.
- ❖ **Wastewater treatment:**
  - Aeration Basins:** Degan excavating is scheduled to begin cleaning one of the aeration basins next Monday 9/16/19. Dan and John have begun draining the tank as well as other prep work for this project. Once the tank is cleaned the new stainless diffusers will be installed.
  - UV cabinet:** The new UV cabinet was delivered today; our wastewater treatment team will begin developing a plan with Global Electric for the installation.

**Work completed**

- Catch basin installation
- Catch basin cleaning
- Sign installation
- Meter replacement
- Sanitary camera work
- Park Maintenance

**Upcoming projects**

- Catch basin cleaning
- Catch basin installation
- Sign installation
- Valve Turning
- Hydrant replacement
- Village Park Shelter house gables

## Recommended Projects 2019

District	SFY	Project Sponsor	Project Name	Project Description	Awarded Funding
District 1	2023	Auglaize Township	ALL - 117 - 23.98 (PID 109435)	The project will construct ADA compliant sidewalks, culvert extensions, curb & gutters w/ drainage, lighting, improved sight distance, and pavement resurfacing.	\$1,500,000.00
District 1	2023	City of Delphos	South Main Street (SR 66) Improvements, Phase 1	Construct sidewalk on the east side of South Main Street and a shared use path on the west side from Suthoff Street to the mainline railroad tracks. Construct ADA compliant curb ramps and street lighting. Include sidewalks on the Cleveland Avenue and Suthoff Street sections as well.	\$758,000.00
District 1	2023	City of Lima*	Spencerville Road and North Shore Drive Pathway	Construct 5' sidewalk (possibly 6' in some locations) along Shawnee Road, Spencerville Road, Cable Court, and North Shore Drive from Cable Road to Pierce Street.	\$750,000.00
District 1	2023	Village of Bluffton	State Route 103 Multi-Use Pathway	Construct a shared use path along the south side of SR 103/Jefferson Street from County Line Road until Wendy's. It will then cross the street and continue east on the north side of SR103. Along Commerce Lane it will turn north and connect to the Lions Way Trail.	\$840,000.00
District 2	2023	Village of Montpelier	Iron Horse River Trail Project	Construction of a network of paved trails along the St. Joseph River between Montpelier Village Hall/Senior Center and the west side of the Williams County Fairgrounds.	\$850,000.00
District 3	2023	Village of Apple Creek	Apple Creek Sidewalk	This project would construct approximately 1,000 feet of sidewalk giving a community of 100 plus homes pedestrian access to the village. This sidewalk will also drastically improve safety for pedestrians who are currently forced to walk on the shoulder of US-250 in order to access the village's primary commercial area.	\$225,000.00
District 4	2023	Ashtabula County Metroparks	Pymatuning Valley Greenway Trail, Phase 1.1	The Pymatuning Valley Greenway Trail Phase 1.1 is a 3.51-mile multi-use trail in southwestern Ashtabula County, which is the initial phase of a trail that will connect the Western Reserve Greenway Trail to Jamestown, PA and Clarion, PA. The Western Reserve Greenway Trail is also a leg of the Great Ohio Lake-to-River Greenway	\$1,125,000.00
District 5	2022	City of Zanesville	Ridge Avenue Improvements, Phase 1	Replace existing deficient sidewalk and curb along Ridge Ave from West Main Street to Hedgewood Ave, skipping a section from Brighton Blvd to Mead Street which will be done with CDBG Critical Infrastructure grant funding in 2020.	\$450,000.00
District 5	2022	Village of Hebron	US 40 Culvert Replacement (PID 104780)	The project's goal is the realignment of this sidewalk, raising its height to prevent the water restriction and still meet all of the Americans with Disabilities Act (ADA) requirements for pedestrian access.	\$199,000.00



JEFFERSON STREET MULTI-USE TRAIL  
VILLAGE OF BLUFFTON, OHIO  
CONCEPT DRAWING

REVISIONS:
FILE NAME
DRAWN BY
DMS
CHECKED BY
MJH
PROJECT NO.
DATE
1-2019
SHEET NUMBER
1 OF 1



**NOT TO SCALE**



**BLUFFTON POLICE DEPARTMENT**  
**154 N. MAIN STREET**  
**BLUFFTON, OHIO 45817**  
**(419) 358- 2961**  
**FAX (419) 358-2963**



**Police Activity Summary**  
**August 2019**

**Police Calls for Service – 677**  
**Traffic Stops –79**  
**Citations – 21**

**Citations**

Driving Under Suspension	-	3
Expired Plates	-	1
Lanes of Travel	-	1
Lights required at Dark	-	1
No OLN	-	1
OVI	-	2
Speed	-	9
Traffic Control Device -Stop Sign	-	3
<b>Total</b>	-	<b>21</b>

**Complaint Reports**

Criminal Damaging	-	5
Criminal Trespass	-	1
Civil	-	1
Driving Under Suspension	-	1
Intoxication	-	1
OVI	-	2
Miscellaneous	-	3
Sex Offense	-	1
Theft	-	3
Unruly Juvenile	-	1
Warrant	-	2
<b>Total</b>	-	<b>21</b>

- Theft loss for August is \$20.00 with \$0.00 recovered.

Calls for Service Breakdown

2019

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Intoxicated Person	0	2	0	0	1	1	1	3					8
Assault	1	0	3	0	0	0	0	1					5
Contact Complaint	0	0	1	0	0	0	5	0					6
Fire Runs	0	0	0	0	1	0	0	0					1
Prowler	0	0	0	0	0	1	0	1					2
Criminal Damaging	0	1	2	3	1	2	4	3					16
Unruly Juvenile	0	0	3	1	1	0	2	1					8
Meet the Officer	3	8	4	2	2	0	2	4					25
Escort	2	1	0	4	0	3	2	4					16
Animal Complaint	2	2	4	5	5	2	3	4					27
Breaking and Entering	0	0	0	1	1	2	8	2					14
Alarms, Burglar	14	19	19	12	12	13	10	19					118
Traffic Crash, Non-Injury	10	12	4	7	2	1	5	6					47
Traffic Crash, Injury	0	2	0	2	2	1	0	0					7
Traffic Crash, Hit-Skip	2	1	0	2	1	2	2	1					11
Intoxicated Driver	2	0	0	1	1	0	1	1					6
Investigate Vehicle	35	17	34	31	31	28	28	18					222
Motorist Assist	19	6	5	6	1	4	9	0					50
Complaint, Female	0	0	0	0	0	0	0	0					0
Rescue Needed / First Respond	2	3	2	2	4	1	0	0					14
Training / In - Service	2	1	0	0	2	1	1	0					7
Robbery Complaint	0	0	0	0	1	0	0	0					1
Domestic	0	1	0	2	1	1	3	1					9
Mental Health Emergency	4	2	0	2	3	6	4	7					28
Missing Adult	0	0	0	1	3	0	0	0					4
Missing Juvenile	1	0	1	0	0	0	0	0					2
Back Up Officer	0	0	0	0	0	0	0	0					0
Shots Fired	0	1	0	0	1	1	0	1					4





