

**COUNCIL MEETING
AGENDA
February 11, 2013
8:00 PM
BLUFFTON TOWN HALL**

MINUTES January 28, 2012

BILLS

ORDINANCE NO. 01-13 **3RD READING**
AN ORDINANCE TO LEVY ASSESSMENTS FOR THE SOUTH DIXIE/MAIN
STREET ANNEXATION SEWER PROJECT FOR THE VILLAGE OF BLUFFTON,
OHIO PURSUANT TO OHIO REVISED CODE SECTION 727.25.

RESOLUTION NO. 04-13 **1ST READING** **EMERGENCY**
A RESOLUTION MAKING CERTAIN TRANSFERS AND DECLARING AN
EMERGENCY.

SOLICITOR'S REPORT

ADMINISTRATOR'S REPORT

SAFETY

FINANCIALS

MEETING DATES

February 11, 2013	Utilities Committee	7:00 PM
February 11, 2013	Finance Committee	7:30 PM
February 11, 2013	Council	8:00 PM
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February 12, 2013	Parks Advisory Board	5:30 PM
February 25, 2013	Council	8:00 PM

Regular Council

January 28, 2013

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

Mr. Gallant moved, seconded by Mr. Sehlhorst to approve the minutes of the regular council meeting held on January 14, 2013. Roll Call: Yeas (6) Messrs: Gallant, Sehlhorst, Collier, Kingsley, McGarrity, and Steiner. Nays (0), motion approved.

Mr. Sehlhorst moved, seconded by Mr. Kingsley to approve the bills as presented. Total non-payroll of \$302,606.85 and payroll of \$32,511.56. Roll Call: Yeas (6) Messrs: Sehlhorst, Kingsley, Collier, Gallant, McGarrity, and Steiner.. Nays (0), motion approved.

Mr. McGarrity moved, seconded by Mr. Gallant to approve the second reading of Ordinance No. 01-13: AN ORDINANCE TO LEVY ASSESSMENTS FOR THE SOUTH DIXIE/MAIN STREET ANNEXATION SEWER PROJECT FOR THE VILLAGE OF BLUFFTON, OHIO PURSUANT TO OHIO REVISED CODE SECTION 727.25. Roll Call: Yeas (6) Messrs: McGarrity, Gallant, Collier, Gallant, Kingsley, Sehlhorst, and Steiner. Nays (0), motion approved.

The Fiscal Officer announced the following meetings:

February 4, 2013	Parks & Recreation	4:00 PM
February 11, 2013	Utilities	7:00 PM
February 11, 2013	Finance	7:30 PM
February 11, 2013	Council	8:00 PM

Mr. Steiner moved, seconded by Mr. McGarrity to authorize the Village Administrator to enter into a thirty-six (36) month contract with APG & E for Village electrical accounts in Allen County, with the exception of the Street Lights, at a cost of \$.0565/kwh. Roll Call: Yeas (6) Messrs: Steiner, McGarrity, Collier, Gallant, Kingsley, and Sehlhorst. Nays (0), motion approved.

Mr. Kingsley moved, seconded by Mr. Collier to approve the memorandum of understanding between Lima-Allen County Regional Planning Commission (LACRPC) and the Village of Bluffton in support of LACRPC serving as the metropolitan planning organization for the Allen County, Ohio study area. Roll Call: Yeas (6) Messrs: Kingsley, Collier, Gallant, McGarrity, Sehlhorst, and Steiner. Nays (0), motion approved.

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

Mr. Gallant moved, seconded by Mr. Collier to approve exiting from executive session. Roll Call: Yeas (6) Messrs: Gallant, Collier, Kingsley, McGarrity, Sehlhorst, and Steiner. Nays (0), motion approved. No action taken.

Mr. Gallant moved to adjourn.

MAYOR

FISCAL OFFICER

Village of Bluffton
Bills to be paid
2/11/2013

PAYROLL:

Village	\$	31,869.71
Fire & Rescue	\$	3,233.20
TOTAL PAYROLL	\$	35,102.91

NON-PAYROLL:

Income Tax	Refund	\$	11.65
Income Tax	Refund	\$	43.00
All Terra	Snow Removal	\$	7,827.50
Alloway	Lab Analysis	\$	127.50
All Service Aeration	Portable Toilets & Rooting	\$	502.50
Allied Waste	Refuse Service	\$	21.65
Aramark	Uniforms- Service Dept.	\$	295.08
Bailey's	Uniforms- Police	\$	159.00
Bluffton Fire Dept	Reimburse Hancock Co Meeting	\$	254.37
Bluffton Flying Service	Management Fee & Electricity	\$	5,150.52
Bluffton Presbyterian Church	Electricity- Blaze of Lights	\$	357.15
Marbee	Business Cards & Tax Return Postcards	\$	936.01
Bureau of Workers' Comp	2012 Premium	\$	22,715.16
Centre at Bluffton	Apprecation Dinner	\$	1,681.75
F. Stephen Chamberlain	Legal Services	\$	1,320.00
Family True Value	UPS, Brackets, Maglite, Batteries, Pick	\$	263.07
Grainger	Safety Fuel Can, Misc Parts	\$	153.05
Greg's Pharmacy	Batteries	\$	10.47
Lyle Henry	Town Hall Concert	\$	603.00
Marathon	Gasoline	\$	109.43
Moore Medical	Drug Tags	\$	103.84
NWOhio Security	Elevator & Alarm Monitoring	\$	104.90
AEP	Electricity	\$	19,851.68
OUPS	2013 Assessment	\$	77.40
Perry Corp	Maintenance Agreement	\$	206.67
Everett J. Prescott	Fittings	\$	112.08
Pro Am Safety	Relief Valves	\$	149.92
Radio Hospital	Portable Radio Batteries	\$	3,620.00
Riley Creek Mercantile	Boots, Jacket, Gloves	\$	192.97
David Shafer	Income Tax Forms	\$	72.92
KOI Siferd Hosselman	Oil Filters & Vehicle Maintenance	\$	290.50
Staples- Business	Cleaning Supplies	\$	88.00
Stop Stick	Stop Stick	\$	84.00
Streacker Tractor	Tractor Repair Parts	\$	21.88
Technicore	AED Recertification	\$	182.25
Treasurer of State	VFFDF Assessment	\$	150.00
ACH Treasurer of State	Court Costs	\$	420.00
Centurylink	Telephone Service	\$	1,681.26
Vetter	Fasteners, Bldg Wire, Screws	\$	108.43
W.C.O.I.L.	Internet	\$	4.95
Zoll Medical	AED Batteries	\$	1,240.44
	Total Non-Payroll	\$	71,305.95

Mayor/ Council President

X: Then and Now Approved by Council

Statement of Cash Pos w/MTD

AS OF: 02/01/2013

YEAR: 2013

FUND NO.	FUND DESCRIPTION	STARTING ACCOUNT:		ENDING ACCOUNT: z			UNEXPENDED BALANCE	OUTSTANDING ENCUMBRANCE	ENDING BALANCE
		BEGINNING BALANCE	Y-T-D	M-T-D	Y-T-T-D	Y-T-T-D			
A1	GENERAL FUND	1691047.78	126696.60	327858.80	327858.80	1489885.58	334013.84	1155871.74	
B1	STREET FUND	40415.89	160986.21	16964.66	16964.66	184437.44	43233.16	141204.28	
B2	STATE HIGHWAY FUND	33381.90	893.56	0.00	0.00	34275.46	0.00	34275.46	
B3	CEMETARY FUND	17109.82	2050.00	5417.25	5417.25	13742.57	10528.96	3213.61	
B4	PARK FUND	12088.90	0.00	474.11	474.11	11614.79	13688.40	2073.61	
B5	BENROTH MEMORIAL BR	534.63	0.00	0.00	0.00	534.63	0.00	534.63	
B6	FEMA GRANT	0.00	11902.00	0.00	0.00	11902.00	0.00	11902.00	
B7	COURT COMPUTER	4039.14	42.00	0.00	0.00	4081.14	0.00	4081.14	
B8	DUI ENFORCEMENT & E	494.01	0.00	473.00	473.00	21.01	0.00	21.01	
B9	PERMISSIVE LICENSE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
C1	STREET DEBT SERVICE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
C2	SWIMMING POOL DEBT	863.28	0.00	0.00	0.00	863.28	0.00	863.28	
D1	CAPITAL IMPROVEMENT	18742.16	0.00	0.00	0.00	18742.16	0.00	18742.16	
D2	STORM SEWER IMPROVE	11621.58	0.00	0.00	0.00	26176.21	4750.00	30926.21	
D3	FIRE & RESCUE IMPRO	363686.26	33.82	37797.79	37797.79	363720.08	0.00	363720.08	
D4	SWIMMING POOL IMPRO	37093.29	0.00	0.00	0.00	37093.29	0.00	37093.29	
D5	EQUIPMENT REPLACEMENT	83.98	0.00	0.00	0.00	83.98	0.00	83.98	
D6	AIRPORT IMPROVEMENT	580.19	0.05	0.00	0.00	580.24	0.00	580.24	
D7	STREET IMPROVEMENT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
D8	TOWN HALL IMPROVEMENT	213038.41	20074.32	0.00	0.00	233112.73	0.00	233112.73	
D9	POLICE EQUIPMENT RE	3137.58	0.00	2186.30	2186.30	951.28	32033.00	31081.72	
E1	WATER FUND	306563.23	71427.74	66469.44	66469.44	311521.53	462144.76	150623.23	
E2	SEWER FUND	226237.39	61859.31	77975.10	77975.10	210121.60	265943.92	55822.32	
E3	SEWER DEBT SERVICE	200924.50	2050.25	0.00	0.00	202974.75	0.00	202974.75	
E4	SEWER DEBT SERVICE	40401.59	20500.00	0.00	0.00	60901.59	245310.00	184408.41	
E5	WATER DEBT SERVICE	0.00	0.00	216567.22	216567.22	216567.22	251107.39	467674.61	
E6	SEWER REPLACEMENT &	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
E7	REFUSE FUND	54596.97	16190.95	32123.75	32123.75	38664.17	154004.33	115340.16	
E9	WATER/ SEWER IMPROV	174512.08	0.00	118870.40	118870.40	55641.68	55641.68	0.00	
F1	WATER CONSTRUCTION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
F2	COMMUNITY EVENTS	5880.77	0.00	0.00	0.00	5880.77	0.00	5880.77	
F3	COMMUNICATIONS FUND	1192.24	11000.00	0.00	0.00	12192.24	8280.00	3912.24	
F4	POLICE CONTINUING PR	649.87	0.00	0.00	0.00	649.87	0.00	649.87	
F5	UTILITY RECOVERY	16459.88	0.00	0.00	0.00	16459.88	0.00	16459.88	
G2	UNCLAIMED MONIES TR	225.20	0.00	0.00	0.00	225.20	0.00	225.20	
G3	INCOME TAX FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
G4	CEMETARY TRUST - C/	1326.66	0.00	0.00	0.00	1326.66	0.00	1326.66	
G5	CEMETARY TRUST - MA	524.37	0.00	0.00	0.00	524.37	0.00	524.37	
H1	SPECIAL ASSESSMENT	897.17	0.00	0.00	0.00	897.17	0.00	897.17	
H2	SPECIAL ASSESSMENT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
H4	SPECIAL ASSESSMENT	849.41	0.00	0.00	0.00	849.41	0.00	849.41	
H5	SPECIAL ASSMT - MAI	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
H6	SPECIAL ASSMT - JAC	119.67	0.00	0.00	0.00	119.67	0.00	119.67	
	TOTAL:	3479319.80	505706.81	903177.82	903177.82	3081848.79	1880679.44	1201169.35	

* End of Report: VILLAGE OF BLUFFTON *

ORDINANCE NO. 1-13

AN ORDINANCE TO LEVY ASSESSMENTS FOR THE SOUTH DIXIE/MAIN STREET ANNEXATION SEWER PROJECT FOR THE VILLAGE OF BLUFFTON, OHIO PURSUANT TO OHIO REVISED CODE SECTION 727.25 AND DECLARING AN EMERGENCY

WHEREAS: The Village of Bluffton, Ohio has completed a public improvement known as the South Dixie/Main Street Sewer Project, and,

WHEREAS: An emergency exists in that time limitations placed upon the assessment process do not allow for several readings all for the protection of the health, safety and welfare of the Village of Bluffton, Ohio, and,

WHEREAS: The actual cost of the public improvement for the project has been ascertained, the Council of the Village of Bluffton, Ohio hereby assesses the costs of the improvement pursuant to Resolution No. _____.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO, at least three-fourths of the members elected thereto voting in the affirmative, THAT:

SECTION 1. The adjusted assessment of the cost of the improvement of the South Dixie/Main Street Sewer Project in the Village of Bluffton, Ohio, as reported to this Council and filed in the office of the Clerk, and aggregating Two Hundred Twenty Thousand Five Hundred Fifty Six and no/100 Dollars (\$220,556.00), is adopted and conformed.

SECTION 2. There are hereby levied and assessed upon the lots and lands bounding and abutting on the improvement the several amounts reported in the adjusted assessment, which assessments are at the rate of Six Thousand Six Hundred and Eighty Three and 53/100 Dollars (\$6,683.53) per parcel. The assessments do not exceed any statutory limitation.

SECTION 3. The adjusted assessments are in the same proportion to the estimated assessments as the actual cost of the improvement bears to the estimated cost upon which such estimated assessments were based.

SECTION 4. The total assessment against each lot and parcel of land shall be payable in cash to the Treasurer of the Village within thirty days after passage of this ordinance, or, at the option of the property owner assessed, in seven (7) annual installments with interest at the same rate as the bonds issued in anticipation of the collection of the assessments. All assessments and installments which have not been paid at the expiration of the thirty-day period shall be certified by the Clerk of Council to the County Auditor, to be placed on the tax duplicate and collected the same as other taxes, as provided by law.

SECTION 5. The Clerk of Council directed to cause notice of the passage of this ordinance to be published once in a newspaper of general circulation in the Village as required by law.

SECTION 6. The Clerk of Council is authorized and directed to keep the adjusted assessments on file in his office for as long as any of them remain unpaid.

SECTION 7. The Clerk of Council directed to cause notice of the levy of the assessments herein to be filed with the County Auditor within twenty days after the passage of this ordinance.

SECTION 8. The Council of the Village of Bluffton finds that all discussion and debate on the foregoing Ordinance was had in open public meetings of Council in compliance with the laws of the State of Ohio.

SECTION 9. The Council finds that this Ordinance is an emergency for the reasons set forth herein and shall be in full force and effect immediately from and after its passage.

Passed as an emergency this _____ day of December, 2012.

Attest:

Clerk

Mayor

Approved as to form:

Village Solicitor

RESOLUTION NO. 4-13

A RESOLUTION: MAKING CERTAIN TRANSFERS AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to make certain transfers between funds of the Village of Bluffton.

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

SECTION 1: That the following transfers are hereby made:

To: Storm Sewer Improvement Fund D2-0I-41920 Transfers In +\$40,000 Water Debt Service E5-0I-41920 Transfers In +\$216,567.22	From: General Fund A1-7X-52710 Transfers Out -\$40,000 Water Fund E1-7X-52710 Transfers Out -\$216,567.22
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SECTION 2: 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 for the further reason that this appropriation transfer is needed so expenditures can be made.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed and Adopted this _____ day of _____, 2013 by the governing body of the Village of Bluffton, Ohio by the following vote:

Ayes: _____ Noes: _____ Abstain: _____

Attest:

FISCAL OFFICER

MAYOR

Approved as to Form:

SOLICITOR

**To: Mayor Fulcomer
Council Members**

Waterline Projects Update

The contractor started switching services to the new line yesterday (Feb. 7th) on Sunset. If works progresses well, all service should be switched over by midweek.

Electrical Aggregation Update

After considerable delay, it appears that progress is forthcoming on the electrical aggregation contract. According to Bill Bradish from palmer Energy, representatives of First Energy will be forwarding an addendum to the Allen County Commissioners within the next week to add Bluffton and Beaverdam to the County's contract. This was supposed to have taken place months ago. According to Mr. Bradish, once the addendum has been signed by the Commissioners, First Energy will collect data and send out the opt-out cards to eligible customers. He indicated that the data collection usually takes a couple of weeks. However, he has assured us that he will keep in contact with us and provide regular updates as to the progress of the program.

Floodplain Regulations

In order for the Village to continue to participate in the National Flood Insurance Program, we will need to adopt new, updated Floodplain Management Regulations that meet the minimum requirements of the NFIP prior to May 2, 2013 when our new Floodplain Maps (DFIRM) goes into effect. LACRPC provided us (and the other communities in Allen County that need to update their regulations) with a sample draft of regulations that meet the minimum standards. I am in the process of reviewing these regulations and comparing them to the current regulations that were adopted by the Village in 1995. Additionally, the Ohio Department of Natural Resources provides examples of higher standards (that exceed the minimum requirements) that are optional for communities to adopt. ODNR must review the proposed regulations and have an opportunity to comment prior to them being adopted. The draft provided by LACRPC is based on the Model Regulations provided by ODNR. Unless we make changes that are not compatible with the minimum NFIP regulations, the review should be quick. I would like to have the first reading of an ordinance to adopt the regulations at the second Council Meeting in February so that we can pass the legislation by the second meeting in March.

One important item that arose at the Floodplain training that I attended on February 7th was that, with the implementation of the new DFIRMs (Digital Flood Insurance Rate Map) that go into effect for Allen County and the Village on May 2, 2013 is that there are some structures that were previously not in the SFHA (Special Flood Hazard Area) depicted on the FIRM (Flood Insurance Rate Map) that will be, and, conversely, some structures that were previously in will now be out. The problem is in determining, based on the maps, which properties and structures are affected. The new maps incorporate aerial photos that simplify the determination process. However, the old maps did not incorporate aerial photos. Regional Planning and the Allen County Drainage Engineer compiled a list of

approximately 2,400 properties that will be impacted by the new DFIRM in this manner by overlaying the aerial photos and the FIRM and comparing it to the DFIRM. It was discussed how to notify property owners prior to the May 2nd effective date of the DFIRM to give property owners the opportunity to acquire required Flood Insurance at reduced costs as part of a NFIP program. If we are able to generate a list of Bluffton properties that will be impacted we will notify owners. Unfortunately, if someone asked me for a determination based on the maps that I have (FIRM and DFIRM) I would not be able to provide a definitive answer.

Water

Councilman Sehlhorst advised me that he had occasion to speak with Mayor Meyer from Ottawa and he learned that the Ohio EPA had approved the previously submitted plans to address the TTHM issue. I confirmed this with Ottawa's Water Director, Jason Phillips. When he is available, I will be meeting with him to gather additional information on the plan and the timelines. Additionally, he indicated that he would be willing to attend either a Utilities Committee meeting or a Council meeting to provide an update on their progress. On a positive note, our 1st quarter TTHM sample came back below the 0.080 MG/L standard. However, because the reportable level is based on a running annual average, our average will still be above the maximum contaminant level even with this positive result.

Gateway Landscape Project

The Bluffton Chamber of Commerce Board has expressed its commitment to the Gateway Landscape Project by agreeing to financially support the design process for the project. I am working on scheduling a preliminary meeting with an experienced, local landscape architect who has assisted on previous Village projects.

Executive Session Request

I would like to request an Executive Session to discuss contracts during Monday evening's Council Meeting.

Case Number	Date	Defendant	Disposition	Total Received	Victim's of Crime - \$9	Indigent Def Support \$40	Drug Law/ Justice \$3.5	ADMHS \$1.50	Belt \$30/\$20	Child Safe \$25	Local Fund	Computer Fund
2013-001	1/2/2013		Guilty	110	9	40	3.5	1.5			50	6
2013-002	1/2/2013		Guilty	10							10	
	1/3/2013			2							2	
	1/3/2013			2							2	
	1/3/2013			2							2	
	1/3/2013			2							2	
	1/4/2013			0							0	
2013-003	1/7/2013		Guilty	110	9	40	3.5	1.5			50	6
2013-004	1/7/2013		Guilty	110	9	40	3.5	1.5			50	6
2013-005	1/9/2013		Guilty	110	9	40	3.5	1.5			50	6
2013-006	1/16/2013		Guilty	110	9	40	3.5	1.5			50	6
2013-007	1/18/2013		Guilty	110	9	40	3.5	1.5			50	6
2013-008	1/21/2013		Guilty	110	9	40	3.5	1.5			50	6
2013-009	1/30/2013		Guilty	150	9	40	3.5	1.5			90	6
	1/30/2013			5							5	
Total				943	72	320	28	12			463	48