

**BOLIVAR
TOWN COUNCIL MEETING
MINUTES**

Tuesday, September 5, 2017 @ 7:30p.m.

**Helen Dettmer, Mayor
Sarah Gordon
John Paul Heafer-Mayor Pro Tem
Stephen J. Paradis
Jerry Powell
Scott Whetsell
P. Jean Reed, Recorder**

Mayor Dettmer asked everyone to stand for a moment of silence and the Pledge of Allegiance.

Call to Order

The regular meeting of the Bolivar Town Council was called to order by Mayor Helen Dettmer on Tuesday, September 5, 2017 @7:30p.m. Councilperson Scott Whetsell was absent for this meeting.

Treasurers Report

The Treasurers Report for July 1, 2017-August 31, 2017 is as follows (see report for complete details). Treasurer Eric Lewis reported to date our income is \$46,645 and our expenses are \$63,260. We spent \$16,615 more than we took in. Our target % is 17 and we are at 11%. We have a budget revision tonight that deals with the audit due to increased cost of audit. Mayor Dettmer asked for a motion to approve the Treasurers report as presented by Mr. Lewis. **Councilperson John Paul Heafer moved to approve the Treasurers report as presented. Councilperson Sarah Gordon seconded the motion. Motion passed.**

Recorder Reed read the Budget Revision Resolution 2-General Fund (2017-2018) to move \$630 from #440 City Hall to #418 City Auditor due to increase in Auditors Salary which was not planned in our budget.

Councilperson Sarah Gordon moved to approve Budget Revision #2 General Fund (2017-2018) as presented. Councilperson Steve Paradis seconded the motion. Roll call was as follows:

Jerry Powell	No
Stephen Paradis	Yes
John Heafer	Yes
Sarah Gordon	Yes
Scott Whetsell	Absent
P. Jean Reed	Yes

Motion passed.

Mr. Lewis gave a presentation and explained the Budget Analysis sheet from 2012-2013 through a portion of 2017-2018, and submitting the budget to the State Auditor. Mr. Lewis explained we put together a budget and submit it to the State Auditor. When approved, we follow that budget just as presented. We do Budget Revisions if the amount budgeted for that particular line item does not have enough money. We cannot make the expenditure until money is transferred into that particular category by doing a Budget Revision before the expenditure is made.

Councilperson Steve Paradis asked if Franchise Fees was Business Licenses. Mr. Lewis said no, Franchise Fees would be utilities that do business in Bolivar.

Mayor Dettmer said we received an excellent on our audit. We received one sighting and that was Segregation of Duties.

Minutes

Approval of Minutes for August 1, 2017 Regular Meeting

Recorder Reed will make one spelling correction (page 3) under Street Committee Steve Paradis, correct spelling of Billy Ray's Striping. **Councilperson Steve Paradis moved to approve the minutes of August 1, 2017 Regular Meeting with one correction. Councilperson Jerry Powell seconded the motion. Motion passed.**

Attendee Concerns:

- Carrie Gauthier-did not want to talk, just signed in.
- Dan Jimeno-Bolivar's representative to Flip Flop Festival. Dan thanked everyone for their support on the Byron Bridge Resolution. After a terrible weather day, the Flip Flop Festival was successful. Some changes for the April 28, 2018 and April 29, 2018 Festival will be changed into a networking Festival Houses, Children's Programs, Music Events and also involve our Parks and Rec. Members. Dan asked everyone to put on their thinking caps and also thanked everyone again for their support.

Town Attorney, Dave Hammer

Attorney Hammer said he wants to address two issues tonight.

1. Air BnB's or Equivalent Business Issues (There are pros and cons to this).

- Air BnB's are Internet based-sign-up to stay or rent a room, whole house in a private home.
- Different than hotels because you are allowing temporary usage of private property.
- This is an issue nationwide right now, it is new, our ordinances do not address this issue and
- Anytime you have an increase use of property for these purposes you have increase in traffic, parking, and other problems.
- Looked at our ordinances, planning and zoning file. Page 15, **Bed and Breakfast: Any owner-occupied residential dwelling in which rooms are rented to paying guests on an overnight basis. Rental bedrooms are limited to four. Such facility is not a home occupation. Boarding or Rooming House: A residence in which, for compensation, lodging or meals, or both, are furnished to not more than twelve (12) guests. A boarding or rooming house shall not be deemed a home occupation.**

Planning and zoning Page 28, Permitted Uses, Zoned Residential-**Bed and Breakfast and Tourist Homes maintained by any person in his/her dwelling used by her/him as his/her private residence and accepting guests for not more than four guest rooms at any one time; and providing such use does not involve any outward evidence of such use other than one sign three square feet in size which otherwise complies with the definition of signs (3' in size).**

Page 29, **Nothing in the establishment of Zone "R" uses shall prohibit the rental of properties for accepted "R" uses.**

Attorney Hammer said our 2009 Ordinances already permit the Air BnB's type use of property. That is not the end of the inquiry since this is still by definition a business. If it is a business it is subject to our article on Business Licenses. Any business that has a gross business of \$1000 per year, you must have a business license.

Councilperson John Paul Heafer asked if they have to have a State License! Attorney Hammer said if you are a sole proprietorship, you do not have to have a State License but you would need a License if you are a Business or Corporation Partnership. If you do not obtain a license, you are in violation of the law and are subject to a fine.

Deb Hale asked if someone has a business in their home (Bed and Breakfast) they are taxed a higher rate. Mrs. Hale is talking about the County Tax Office.

Carrie Gauthier asked if you have a whole house and renting it, are you charging rentals. Attorney Hammer said if you are paying for a \$25.00 license you are OK. If anyone has a house they are renting, they need a business license.

Councilperson Sarah Gordon said most of these single house rentals are not charging 7% sales tax.

Carrie Gauthier said so if you are a sole proprietor, you do not have to have a State License. Attorney Hammer said you do not have to pay Business Franchise Tax if you are the single sole proprietor.

Lisa Kovatch said she is planning to open a Bed and Breakfast on Union Street and when ready she will get her license and pay taxes.

Deb Hale also asked about the number of parking places for these rentals and Bed and Breakfasts especially on Union Street.

Attorney Hammer said when we redo the Ordinances we will take a look at these.

Carrie Gauthier asked about being Grandfathered in. Attorney Hammer said that is called Non-Conforming Use and the magic word is 6 months dormant.

Sheriff Dougherty said he is working with the Assessor for the number not collecting Air BnB's Tax.

Attorney Hammer feels this is so new the Codes have not caught up yet.

Councilperson Steve Paradis asked if for vacation rentals, do we need 6 parking places! We will need to address this in the Ordinances.

2. WV Law School Report

Planning Commission and Board of Zoning Appeals

Attorney Hammer said he saw nothing wrong with the way we handle the Planning Commission and Board of Zoning Appeals.

Only problem Attorney Hammer found was we give 60 days to appeal and state only requires 30 days. We probably should fix this.

Mayor's Report

- Mayor Dettmer said Bill Clark of Region 9 sent out a packet of \$195.5 million road work for Berkeley, Jefferson, and Morgan Counties. This will be placed on a referendum in October.
- Barbara Hume, Harpers Ferry Water Dept. PSC Rate change.
 - First Reading of Rate Increase will take place on 9/11/17 at H. F. Town Council Meeting.
 - Will be published in the newspaper around 9/20/17
 - Second Reading will be 10/9/17 at H. F. Town Council Meeting with Public Hearing and Vote.
 - If adopted it will be sent with October Water Bill. Less than 30,000 gallons no change in rate.
 - This will amount to about a 28% increase or \$9.00 over their current water bill.
- Chris Price, Guide Shack will attend the October Meeting to discuss his race with the Marine Corp. and also an event in Bolivar on 10/14/17 @ the Event Barn.
- Also, the 16th Annual Ceremony will be held in recognition of 9/11 @ 9:58a.m. @ Independent Fire Company on September 11..

Sheriff's Department Report and Public Comment

Sheriff Dougherty reported a total of 82 direct patrols for the month of August. There were two domestic violence calls and three verbal domestic calls. The other calls involved 1 animal bite, 1 attempt to locate, 2 disturbance calls, 1 overdose (during the first 6 months, in the County, there were 61 overdoses and 9 deaths), 1 suspicious activity, 4 reckless driving, 4 traffic stops, 1 warrant service, 1 writ service, 1 alarm call, 1 assault not in progress, 2 controlled burns, 1 EMS assists, 2 public service calls, 2 suspicious vehicle, 1 stolen tag, 1 trespassing call and 4 welfare checks. The level of activity this month was within the normal range. Councilperson Gordon asked Sheriff Dougherty if the drug overdose resulted in a death and was he continuing patrols of that area. No death and yes we continue to patrol that area. Sheriff Dougherty said we are working 12 hour shifts especially night patrols. He said drugs continue to be a major problem in this area. We have had some success with people that have addictions. The addicts seem to go back to drugs when they don't deal with other issues. Sheriff Dougherty said he had lunch with 2 guys that had been sober for 6 months. Councilperson Gordon asked if we have an information base that people could access such as the Bank Robbery or weather related issues. Sheriff Dougherty said the only problem with that right now is everyone gets the text message. They are working on the Jefferson County Website where you could leave tips and remain confidential. Mayor Dettmer thanked Sheriff Dougherty for the three nice officers that attended the movie night. Councilperson Gordon said there has been very good feedback on Sgt. Williams at Jefferson High.

Street Committee (John Paul Heafer)

- Bill Hoak has started working on repairing the streets.
- He will check out the guardrail we talked about last month
- Checked out sign on Union Street, there are 2 signs there now.
- The area near John Kusner's Property appears to be fixed, no water running out into the street
- On Union Street, the drains need to be cleaned out to keep water from running into basements
- Dead end sign missing on Taylor Court. Councilperson Heafer will check on this
- Our speed sign as you enter Bolivar does not record data

Bolivar Planning Commission (Steve Paradis)

Attorney Hammer conducted the Open Meeting Training for the Planning Commission Members

Park and Recreation Committee (Laura Whittington)

Nothing to report

Mayor Dettmer said Eric Eastman will be attending the Jefferson County Parks and Rec. meeting on September 12 at noon and representing Bolivar.

Old Business

New Business

1. Resolution in support of the Byron Bridge

Betsy Bainbridge spoke about this bridge, spoke about ownership, fixing circular staircase and spending the money awarded to them in 2014. This will not cost Bolivar any money.

Councilperson Steve Paradis moved to adopt the Resolution in support for the Byron Bridge.

Councilperson Sarah Gordon seconded the motion. Councilperson John Heafer voted No. Motion passed.

2. Advertise for Bolivar-Harpers Ferry Library Board position

Mayor Dettmer said Lucille Allen resigned and we need to advertise for a new member.

Councilperson John Heafer moved to advertise for the Bolivar-Harpers Ferry Library Board position.


Councilperson Jerry Powell seconded the motion. Motion passed.

Councilperson Jerry Powell asked if Rt. 340 will be closed for a month. Mayor Dettmer said she will leave the paperwork in the office from Region 9 if anyone wants to read it. We don't have enough information about this to discuss tonight.

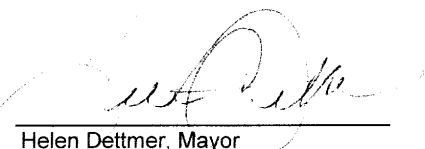
Adjournment

Councilperson John Paul Heafer moved to adjourn the meeting. Councilperson Sarah Gordon seconded the motion. Motion passed. Meeting adjourned @9:04p.m.

Respectfully submitted,



P. Jean Reed, Recorder



Helen Dettmer, Mayor