

**Minutes of the Special Council Meeting  
October 25, 2012**

**Call to Order – 5:30 P.M.**

**Pledge of Allegiance**

**Roll Call:** Ben Prescott, Bill Zoller, Giles Seith, Linda Schilling, Paul Janson, Marty Hura.

**Others:** Mayor Linda Clark, Clerk-Treasurer Jenny August, Assistant-Clerk Susan Skrovan, Solicitor Michele Stuck.

**Public:** Aaron Snopek

**LEGISLATION:**

**ORDINANCE 2012-46: AN ORDINANCE ENACTING SECTIONS 171.09 (f) AND (g) OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES IN ORDER TO ESTABLISH A RESIDENT REGISTRY FOR INCOME TAX PURPOSES.**

**(PREVIOUSLY TABLED)** The Mayor asked Council to take this off the table so that we can discuss it and then put it back on the table. She also would ask that Council allow Bill Zoller to participate in the discussion. Motion to bring off the table made by L. Schilling with a second from B. Prescott. B. Zoller abstained, all other ayes on vote. Mayor Clark said the issue with this is that the language is confusing. We need it to be public friendly. Michele explained Section 171.09 (f), which is a form for all landlords. A form is filled out when they get a new tenant and a form is filled out when someone moves out. The Mayor said the problem is when someone additional moves in without the landlord's knowledge. Michele said if their tenant snuck someone in without the landlords knowledge, then of course they are relieved from any burden. The way it is written, if the landlord has knowledge of it, they would then be held responsible. Paul wondered why the landlord could not just inform the Village about an additional tenant. Michele said we only need the pertinent information. Paul asked why they even need that. Michele said they need their name at least. Linda Schilling said Jenny would need their social security number right? Jenny said no, the name and address would be sufficient to enter them in the system; she would get their social when they file their tax return.

Marty asked Bill if his rental agreement does or does not allow someone to move in with the leaser. Bill said it is somewhat vague and depends on the way the lease is written up. There was more discussion on lease agreements and how to cover additional tenants. Mayor Clark said leases need to have language in them with a disclaimer that anyone who leases and all tenants must register with the Village of Mantua. Giles said this is a good start, nothing says we cannot change it later down the road. Paul said our goal is to be fair, to get everyone paying income tax that lives in the Village, we all pay our income tax, it's that simple. Paul did have one thing on the back page there should be a change from "Employer" to "Company/Contractor". Bill felt it should be separate. Michele said these two forms will be separate forms; they are only together on the legislation for the purpose of review. Mayor Clark asked if we could put a form number on each of them; something like 171.09f & 171.09g, because if you are reading #g, it does not say that the property owner would be responsible for the \$150 fine. Michele said if you do not want the property owner to have any burden, you would strike item #f completely. Then #g would cover each new resident of the Village. Bill asked where in our legislation was the contractor registration. Jenny said it is in our original codified ordinances. Bill said all he found was in Chapter 941, contractors needing to register with the Village. If that were it, you would never find it because Chapter 941 says Water Lines, Sanitary and Storm Sewer Regulations.

Michele said it should be in Chapter 171. Jenny said she knows it was in our original booklet established in 1976, she does not know how that was put into our codified. Mayor Clark said this covers companies like Mantaline or Compass who hire contractors to do work here. Bill said then it needs to be clarified. Linda Schilling said it also goes to the contractor that is working at a house when it is going to take them more than three days. Mayor Clark said most contractors know they need to register. Jenny said we do want to post signs in the Village. Michele reviewed the codified book, 171.03, but could not find anything on registering; it talks about who must pay taxes. It really should have its own Section.

The Mayor thought we could take #G, 3 & 4 and make it #H, 1 & 2. Michele said 4 needs to be in all Sections, it could be divided out as #I to simplify. Take #F out altogether. Move #G to #F.

#G would become #F and would be "Resident registration".

#H would become #G and would be "Contractor registration".

The next letter would be for the "Fine/Penalty", which would be fined by the courts, not by us.

The Mayor would still want the property owner to be responsible for sending in the new tenant information. All of Council agreed.

Paul added that it should say, "any resident or occupant". F, 1 & 2, can be left alone, #3 should change to any resident or occupant. Michele said you would have a huge enforcement problem if you say, "any resident" because this Section F is putting a burden on a landlord. To solve that, #3 Penalty will be stricken from this Section altogether.

G, 1 & 2, can be left alone, #3 becomes #H, 1, "Contractor Registration" and change the word from "Employers" to "Companies and/or Contractors".

#4 would be #I. This would refer back to H, G & F and would have the penalty separate. Jenny suggested taking out the \$150 fee/penalty and just say it would be a minor misdemeanor; that way anytime that fee changes, we do not have to change this language. Michele said yes.

Motion to make the necessary amendments as noted made by B. Prescott with a second from L. Schilling. B. Zoller abstained, all other ayes on vote. Motion to table made by L. Schilling with a second from P. Janson. B. Zoller abstained, all other ayes on vote.

**ORDINANCE 2012-55: AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF MANTUA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2013.**

**3<sup>rd</sup> READING.** Jenny said she revised it based on the recommendations made by Council in their last workshop and italicized and highlighted those changes. Ben asked how the final total on this report changed from the original report. Jenny said the figure in the middle column is what we submitted to the County Auditor in June. The figure for 2013 is where we are right now based on the changes Council has made to date. The General Fund is \$5,608 off. We still need to make cuts. Sue's wages of \$2,950 were split between the water and sewer funds. Jenny had figured that amount for "each" fund originally. The Mayor said we can not reduce the Parks wages because about \$3,500 was covering Sue's wages. Jenny said her notes said half of that was to go to Park Operating. The Mayor said that originally Sue's wages shown out of General Fund was \$17,100, which left a balance of \$6,466.40. Council approved dividing \$2,945.80 between water and sewer, which left \$3,520.60. Jenny thought Marty had said half of the remaining wages to Parks. The Mayor said that was from the second workshop. Linda Schilling said yes and that was supposed to be split according to her notes. Jenny said that would still be

General Fund. The original ones she did, she figured one hour to water, one hour to sewer per day. When Council revised it, it was one hour for both. Bill asked about the salt, \$1,850 for Parks. Mayor Clark said that is in materials and supplies for Parks. Jenny said for Village Hall; we have \$2,500 set aside for natural gas. Last year we used \$1,513 and this year to date we have used \$1,366. We could take \$800 or even \$1,000 out of there for Sue. Marty asked why the income tax fund increased so much. Jenny said that is the additional \$10,000 for the Saint-Gobain money that will be reserved next year for a special project. We did not have a time limit on that. Council felt they could reduce that amount to \$6,000 for next year and then it would cover everything; leave the natural gas alone. Appropriations will now be \$2,124,016.

Motion to make the amendments on the appropriations of the \$6,000 from the Income Tax Refund made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to approve as amended made by B. Prescott with a second from M. Hura. All ayes on vote.

**ORDINANCE 2012-60: AN ORDINANCE VACATING THE WESTERN PORTION OF COLLEGE STREET BETWEEN MAIN STREET AND ITS WESTERN TERMINUS. 3<sup>rd</sup> READING.** Mayor Clark again asked Council to allow Bill Zoller to participate in the discussion. The Mayor passed out a map for review. She and Michele spoke with Barky Zoller last week regarding an easement; his concern was that down the road he might want to move this existing driveway west butting up to the property line. That is not a problem except if we only have 15 feet, we would have to follow the zoning for a driveway and keep it away from the property line 10 feet. Bill does not think it says 10 feet in the zoning code, he believed it was 3 feet off the property line; and under Village Center, it could go to a zero lot line. Bill said the driveway itself is 15 feet. The Mayor said that is a concern of ours to consider. Barky did say if he decided to move the driveway, he would do the excavation work and gravel it.

Mayor Clark wanted to toss out a couple options; option one would be to purchase 20 feet from Barky. If we vacate all of College Street and we put our half up for bid, Barky purchases it, he would own all the way up to our Police garage and we would have to ask him for an easement. Maybe have it surveyed before we vacate it, keep a small rectangle out for our parking area and Barky could purchase the rest and then move in both directions. Bill said as a Councilperson, he measured this area, keep a 30 x 60' parking area and then drop down for the drive for a 20-foot easement. Michele said it is a landlocked right-of-way for our public use. Bill talked about two easements, one for Barky and one for us, why can we not just trade easements. Michele said when you dispose of property; you have to advertise it for sale. Barky wants to purchase the property, not have an easement. Another option would be to go ahead and vacate the street; we keep ours and put a driveway down to Main Street. Barky has his 15 feet and all of his property behind his building and he never has to give us any easement. Linda Schilling said if we take College Street, we have to pave it, how are we going to pave it. Michele said it would be 15' x 100'. The Mayor said option 1 is taking our chances that Barky is not going to move the driveway for 10 years, status quo, keep an easement. Options 2 is to see if Barky would sell us 20 feet and then when we vacate College Street, have it surveyed and keep the parking area. Paul wondered if we are vacating it, does it have to be split up the middle. Michele said yes, she researched case law and it would have to be divided down the middle and advertised for sale. Does this Council want to authorize a survey done on the property to determine the layout? Paul felt we should talk with Barky first; option 2 is the way to go, long term. Council should not make a commitment then before talking with Barky. We could scan the map and send it to him for his review. The Mayor and Michele agreed to meet again with Barky. Motion to table made by B. Prescott with a second from L. Schilling. B. Zoller abstained, all other ayes on vote.

**RESOLUTION 2012-66: A RESOLUTION EXPRESSING SUPPORT FOR THE INCREASED NEED FOR FUNDING FOR WATER INFRASTRUCTURE AND TO BRING THE SUBJECT OF "WATER INFRASTRUCTURE" INTO NATIONAL DISCUSSION, AND DECLARING AN EMERGENCY.** They are reaching their deadline on this. Michele said this is a resolution either in support of it or in opposition. It goes to the Ohio Water Environmental Association. Motion to suspend the rules made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. All ayes on vote.

Next on the agenda was Ronyak Bros. Paving Co. regarding repairs on High Street. We have an anonymous donor to contribute to these road repairs. They had put everything on hold, however, Anthony, Michele and Mayor Clark met with them and the project is back on track. We will need to increase our appropriations through legislation for the donated amount. They would like us to get this done before the snow comes.

**ORDINANCE 2012-67: AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2012 APPROPRIATIONS AND DECLARING AN EMERGENCY.** This is for the High Street project. Motion to suspend the rules made by L. Schilling with a second from G. Seith. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. All ayes on vote.

**ORDINANCE 2012-68: AN ORDINANCE RETROACTIVELY ACCEPTING AN EASEMENT FROM THE CRESTWOOD SCHOOL DISTRICT AND DECLARING AN EMERGENCY.** This is housekeeping. Motion to suspend the rules made by L. Schilling with a second from M. Hura. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. All ayes on vote.

Last on the agenda tonight was enforcement procedures of our employee handbook on page 32, D. personal cell phones/calls. The Mayor has seen employees texting on their phones while at work. She asked for Council approval to send a directive to all three departments to enforce what we have in our handbook. Linda Schilling asked how that would work for Jenny since she is an elected official; she really does not have anyone over her except the people that elected her. Michele said Jenny could not be disciplined for violation of these policies as an elected official. Mayor Clark said only any employee that works under her direction.

Mayor Clark also brought up the timesheets; we have forms for sick leave, personal time, etc., she felt these forms should be attached to their time sheets. The forms need to be used. She was asked by department heads to sit down and look at some things. Giles brought up the "breaks" smokers have compared to a phone call; he sees them as the same thing. Paul said it all comes down to abuse, if there is none; it is not an issue. Bill felt if it is in the rules it should be enforced, supervisors are some of the biggest offenders.

Motion to adjourn the hearing at 7:11 p.m. made by L. Schilling with a second from B. Prescott. All ayes on vote.

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Linda Clark, Mayor

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Jenny August, Clerk-Treasurer