

PUBLIC HEARING FOR ZONING AMENDMENTS

September 21, 2021
6:30 PM

Mayor Clark called the meeting to order at 6:30pm

ROLL CALL: Tammy Meyer, Heather Paisley, Marty Hura, Chuck Peterson and Scott Weaver.

Other Village Personnel: Mayor Linda Clark; Clerk- Treasurer Jenny August; Village Solicitor Michele Stuck, Village Administrator Maryann Fabian.

Citizens Present: Pete Pruszynski, Ed Wurm, Linda Schilling, Kate and Simon Garner, Nina Schroeder, Lorraine Harbaugh, Tony Vicich, Miranda Brothers, and Stacy Turner from The Villager.

DISCUSSION:

ORD. 2021-32 AN ORDINANCE AMENDING SCHEDULE 305.02 AND SECTION 400.01.F OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA RELATING TO AGRICULTURAL USES.

Kate Garner said she has a small farm on Canada Road with 10 acres. She has had chickens in the past and would like to have them again, including a rooster. She would appreciate it if Canada Road could be excluded from this ordinance. Scott Weaver said it was an over sight by the Planning Commission and they will address it at their next meeting.

Steve Thorn said he lives in R2 zoning and would like to be rural residential but that is not likely to happen. He said he would like Council to allow conditional uses relating to agriculture. Agriculture includes a lot of different animals. If you don't allow roosters, you cannot fertilize your own eggs. That is not an unreasonable request. Scott said people in the village have roosters and chickens that are not penned up and they are a nuisance. Steve asked if they would be allowed if they are penned up. Scott said the noise complaint is a lot of the issue here.

Lorraine Harbaugh said she is afraid that it came about due to her chickens and rooster. They received a notice from the village and they did get rid of their chickens and rooster. Scott said that she wasn't the only one that had chickens. Maryann Fabian said she had a resident call her and ask if they could have chickens on their property in the village. When she looked into it, the answer was no. She knew other people had them, so if she is going to say no to one person, then she needed to send out letters to the people she knew had chickens. Maryann said this was not brought up because someone was complaining, but because someone was inquiring as to whether or not they could have them.

Nina Schroeder asked how Council arrived at 5 acres. Mayor Clark said it was already in the books.

ORD. 2021-40 AN ORDINANCE AMENDING SECTION 410.02 OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA REGARDING FENCES, WALLS AND HEDGES.

Maryann said she would like to add driveways to the language here. We have a resident that is building a home in the township and a portion of the property is in the village. He needs to build the driveway over the village portion which is a vacant lot.

ORD. 2021-41 AN ORDINANCE AMENDING SECTION 480.07 OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA REGARDING RESPONSIBILITY FOR EXTERIOR MAINTENANCE OF PROPERTIES.

Mayor Clark said if a property owner is not available to make decisions, we can send the letter to someone else who is in possession or has control of the property who can address the problem.

Adjournment

Heather Paisley moved to adjourn at 6:46 pm with a second from Chuck Peterson. All ayes on vote.

Mayor Linda Clark

Jenny August, Clerk-Treasurer

**REGULAR COUNCIL MEETING
MINUTES
September 21, 2021
6:45 PM**

Mayor Clark called the meeting to order at 6:45pm and led the Pledge of Allegiance.

Roll Call: Chuck Peterson, Tammy Meyer, Scott Weaver, Heather Paisley, and Marty Hura.

Other Village Personnel: Mayor Linda Clark; Village Solicitor, Michele Stuck, Village Administrator Maryann Fabian, and Gene Arters of C.T. Consultants.

Citizens Present Pete Pruszynski, Ed Wurm, Lorraine Harbaugh, Nina Schroeder, Linda Schilling, Tony Vicich, Miranda Brothers, and Stacy Turner from The Villager.

Mayors Report:

Mayor Clark said on Sept 8, Ben Prescott, who has served on Council for many years has resigned due to health reasons. We advertised for the open seat and received two applications. One was from Kevin Maloney who is ineligible because he had not lived here long enough. Our Codified Ordinances state that you must live in the village for one year before you can serve on Council. Mayor Clark will ask him if he has any interest serving on any of our other boards. The other is Nina Schroeder who is here tonight. She meets the qualifications and is also on the ballot for this November.

❖ Motion to appoint Nina Schroeder to fill the remainder of Ben Prescott's term by Tammy Meyer, seconded by Heather Paisley. All voted aye.

At this time, Solicitor Michele Stuck administered the Oath of Office to Nina and she took her seat at the Council table.

Mayor Clark said we have two special event forms. One is the Advanced Rehab Turkey Trot on Nov. 25th from 8am to 1pm on the east Headwaters Trail. It is a walk and run and they have provided insurance. Also, on October 23rd from 9:00 am to 11:00 am is a 2 mile Trick or Treat Scavenger Hunt which is also sponsored by Advanced Rehab and they have provided insurance.

❖ Motion to approve both special events by Scott Weaver, seconded by Marty Hura. All voted aye.

At this time Tammy Meyer asked to be excused due to illness.

❖ Motion to excuse Tammy Meyer by Heather Paisley, seconded by Nina Schroeder. All voted aye.

Next, Mayor Clark said we received our first check from Energy Harbor. Residents have the opportunity to opt out if they would like to. Changing to Energy Harbor has dropped our kilowatt rate down from 4.9 cents to 4.4 cents. Out of 562 mailouts, 96 residents opted out and 466 are in. In the first four months the residents have collectively saved \$17,000, and the businesses have saved \$2,000. We get a stipend that Council has decided to use to install LED lights in all of the village buildings over a period of time.

We had a donation of a painting from Artist Mr. Kroeger. He was at Restoration 44 doing paintings and he donated one to us. It has a value of \$500, so we will need to formally accept this donation.

- ❖ Motion to accept the donation of the painting valued at \$500 by Scott Weaver, seconded by Heather Paisley. All voted aye.

Citizens: No comments

Financial Reports:

Jenny wanted to mention something for all of the new people. She would appreciate it if everyone would leave their Council packet with the paper work on the table in front of their seat at the end of the meeting. This way, she can reuse the legislation for the next reading. She is careful to put everyone's legislation in their packet in case notes were written on someones copy. She will recycle everything else. If you like to keep your legislation to study for next month, keep in mind that she emails everyone an electronic packet and you would have it in that format.

Also, Jenny promised to look into what was mentioned in Finance that there are late fees on the water bills. She pulled every single water bill we have paid so far and there is not a single late fee. The day after Council approves payment of the Bills of Resolution, she personally hand delivers that bill and most others that are local so she doesn't have to worry about problems with the post office. She said she has never charged mileage for that either. Mayor Clark said there was an unpaid balance from July.

Jenny reviewed the financial reports:

- All funds are stable.
- There were no adjustments on the cash summary report.
- Revenues were great at \$286,166. Some of the reasons why they were so high for August are the OPWC pass-through receipt of \$88,566 for W. Prospect St. and we also got the \$53,000 for ARPA funds, plus the second half property tax check.
- Expenditures were also pretty high and included the OPWC pass-through payment for West Prospect. The receipt and expense for pass through payments always offset each other but must be recorded. We also paid our local share to the contractor and CT Consultants for W. Prospect.
- You can see by the credit card report that we are getting a lot of work done, which means we are spending a lot of money too. I would encourage department heads to keep an eye on their appropriations until the end of the year.
- Revenues are mostly on track with the exception of license tax and she has no explanation as to why we are not getting our revenues. We are still down more than 40%. We are also low on park rental revenues and interest rates were lowered significantly earlier this year.
- Appropriations overall look good.
- No adjustments on the bank rec.

Chuck said his sister-in-law renewed her tags and the first year was full price but the second year is half price.

- ❖ Scott Weaver moved to approve the Financial Reports with a 2nd by Marty Hura. All voted yes.

Correspondence: Mayor Clark already spoke about the letter she received regarding the electric aggregation.

Bills of Resolution, Addendum Bills of Resolution

Maryann asked about the Anthem invoice and asked why it is so much higher than previous months. Jenny said it represents a few months of coverage from our new employee.

Jenny wanted to add the invoice from Municipal Signs that was in her mailbox today so they don't have to wait a month to get paid. It is adding \$139 to Parks.

- ❖ Motion to add the Municipal Signs invoice for \$139 to the addendum Bills of Resolution by Chuck Peterson with a 2nd by Heather Paisley. All ayes on vote.
- ❖ Motion to approve the Bills of Resolution and Addendum as amended by Scott Weaver, seconded by Marty Hura. All ayes on vote.

Minutes:

- ❖ Heather Paisley moved to accept the minutes from the August 17, 2021 regular council meeting, with a second from Marty Hura. All ayes on roll call.
- ❖ Heather Paisley moved to approve the minutes from the Sept. 15, 2021 Special Council meeting with a second from Marty Hura. All voted yes.

Legislation:

ORD. 2021-32 AN ORDINANCE AMENDING SCHEDULE 305.02 AND SECTION 400.01.F OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA RELATING TO AGRICULTURAL USES. 3rd Reading.

- ❖ Motion to table it so it can be sent back to the Planning Commission for further review by Chuck Peterson, with a second by Heather Paisley. All ayes on vote.

ORD. 2021-39 AN ORDINANCE ESTABLISHING THE APPOINTED POSITION OF VILLAGE FISCAL OFFICER IN ACCORDANCE WITH THE PROVISIONS OF OHIO REVISED CODE SECTION 733.262, AND ABOLISHING THE ELECTED POSITION OF VILLAGE CLERK-TREASURER. 2nd Reading.

Michele said this would establish a fiscal officer at the end of Jenny's term, but since Jenny is resigning at the end of October, we have created new legislation 2021-49 and 2021-50 which relates to creating a fiscal officer position when a vacancy occurs. Michele said the cleanest way to eliminate this ordinance is to postpone it indefinitely.

- ❖ Motion to postpone indefinitely by Scott Weaver, with a second by Heather Paisley. All ayes on vote.

ORD. 2021-40 AN ORDINANCE AMENDING SECTION 410.02 OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA REGARDING FENCES, WALLS AND HEDGES. 2nd Reading.

- ❖ Motion to amend by adding driveways by Scott Weaver, with a second by Heather Paisley. All ayes on vote.
- ❖ Motion to suspend the rules by Chuck Peterson, seconded by Heather Paisley. All ayes on vote.
- ❖ Motion to approve by Scott Weaver, seconded by Marty Hura. All ayes on vote.

ORD. 2021-41 AN ORDINANCE AMENDING SECTION 480.07 OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA REGARDING RESPONSIBILITY FOR EXTERIOR MAINTENANCE OF PROPERTIES. 2nd Reading. No discussion.

ORD. 2021-42 AN ORDINANCE ENACTING CHAPTER 723 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, REGULATING MOBILE FOOD VENDORS WITHIN THE VILLAGE OF MANTUA. 2nd Reading. No discussion.

RES. 2021-46 A RESOLUTION AUTHORIZING THE ALLOCATION AND EXPENDITURE OF PUBLIC FUNDS OF NO MORE THAN TWO HUNDRED FIFTY DOLLARS FOR THE PURCHASE OF BEVERAGES AND LIGHT SNACKS FOR THE BENEFIT OF VILLAGE EMPLOYEES AND THE GENERAL PUBLIC. 1st Reading

Mayor Clark said on some hot summer days the Village Administrator asked the Service Committee if she could purchase Gatorade and water for employees to keep their electrolytes up. The Service Committee said yes, but it was brought to our attention that it might be an audit issue. Research was done and the Auditor said it could be done. After discussion, Council said they would like to remove “light snacks” and also remove “the general public” from this legislation. Michele said this \$250 is until it runs out, and then new legislation must be approved. Nina asked if this would be in place for someone who might have low blood sugar. Mayor Clark said it is to keep people safe and hydrated on hot days. Jenny asked if the Police Dept. has to do their own legislation if they want to do this. Michele said this legislation is for all employees.

- ❖ Motion to amend by removing “light snacks” and “general public” by Heather Paisley, with a second by Chuck Peterson. All ayes on vote.

ORD. 2021-48 AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF MANTUA, OHIO AND DECLARING AN EMERGENCY. 1st Reading. This is annually updating our ordinances and some state legislation.

- ❖ Motion to suspend the rules by Marty Hura, seconded by Scott Weaver. All ayes on vote.
- ❖ Motion to approve by Marty Hura, seconded by Scott Weaver. All ayes on vote.

ORD. 2021-49 AN ORDINANCE ESTABLISHING THE APPOINTED POSITION OF VILLAGE FISCAL OFFICER IN ACCORDANCE WITH THE PROVISIONS OF OHIO REVISED CODE SECTION 733.262, AND ABOLISHING THE ELECTED POSITION OF VILLAGE CLERK-TREASURER. 1st Reading.

Mayor Clark said this is just changing it from an elected position to a hired position so we can start advertising since Jenny is leaving at the end of October.

- ❖ Motion to suspend the rules by Marty Hura, seconded by Scott Weaver. All ayes on vote.
- ❖ Motion to approve by Marty Hura, seconded by Scott Weaver. All ayes on vote.

ORD. 2021-50 AN ORDINANCE ADOPTING A JOB DESCRIPTION AND PAY SCALE FOR THE APPOINTED POSITION OF VILLAGE FISCAL OFFICER, AND DECLARING AN EMERGENCY. 1st Reading.

Mayor Clark said a workshop was held describing the job description. We still need to set the pay range. Scott asked what the going rate is. Michele said Garrettsville is full time and started at \$55,000 per year. Jenny said Hiram is also full time at makes \$49,000 per year, and both have full time assistants. Heather said Peninsula has a part time fiscal officer that makes \$24 per hour up to 780 hours per year. The village of Antwerp gets \$26,802. Linda Schilling asked if they have to live in the village. They do not. Scott said the pay should be negotiable depending on their experience. Linda Schilling asked if the position could be combined with any other positions. Mayor Clark said not at this time. They have reached out to other municipalities and have found a few that are willing to help out if the new person is not trained.

Nina asked if \$18 is too low for someone who is qualified. Mayor Clark said if we see that it is not enough we can amend it. Linda Schilling asked if we can make sure the fiscal officer is not paid more than the police chief because that will start a war.

- ❖ Motion to amend the pay range to say \$20 to \$28 per hour by Scott Weaver, seconded by Heather Paisley. All ayes on vote.
- ❖ Motion to add that the fiscal officer will have established hours which will be worked at the village hall between the hours of 8:00am to 4:00 pm Monday through Friday plus evening meetings by Heather Paisley, seconded by Scott Weaver. All ayes on vote.
- ❖ Motion to suspend the rules by Scott Weaver, seconded by Marty Hura. All ayes on vote.
- ❖ Motion to approve by Scott Weaver, seconded by Marty Hura. All ayes on vote.

ORD. 2021-51 AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2021 APPROPRIATIONS AND DECLARING AN EMERGENCY. 1st Reading.

Mayor Clark explained that this is an increase of \$20,000 in the Street Maintenance fund because appropriations are getting tight and we need additional appropriations to continue paying bills.

- ❖ Motion to suspend the rules by Heather Paisley, seconded by Marty Hura. All ayes on vote.
- ❖ Motion to approve by Marty Hura, seconded by Scott Weaver. All ayes on vote.

Department Heads and Village Engineer

Police Chief Urso:

Scott Weaver gave the Chiefs report since he is on vacation. Chief received a donation for the K9 fund in the amount of \$60.

- ❖ Motion to accept the donation of \$60 by Heather Paisley, seconded by Marty Hura. All ayes on vote.

Tony Vicich was already introduced earlier but Council needs to formally promote him to a part time police officer.

- ❖ Motion to approve hiring Tony Vicich as a part time officer effective Sept. 19, 2021 by Heather Paisley, seconded by Marty Hura. All ayes on vote.

Also, Chief reported that the Potato Festival went well with only one incident. The next safety meeting will be October 6 at 6:00 pm. Trick-or-Treat will be Sunday, October 31 with the time to be determined. The radar sign has been ordered but has not come in yet.

Village Administrator's Report:

Village Administrator Maryann Fabian said the report is in the Council packet. There were no questions.

Gene Arters from C.T. Consultants:

Gene said Council has his report. Buchert Park Phase 2 is done, and we are waiting on one more cancelled check to submit to Natureworks for the final reimbursement. Buchert Park Phase 3 will be designed this winter and the expectation is that it will be completed next summer. We applied for the OPWC Round 36 application for Franklin Street, and the executive group was supposed to let us know by Sept. 14 and they have not gotten back to us yet. We can apply for LTIP or SCIP funding. CT registered and will apply in the new OPWC Workwise portal.

Mayor Clark said we typically have a yearly Capital Planning meeting to decide what we want to apply for next year in the OPWC funding. She will email out the list from last year of proposed projects.

Committees

Scott Weaver for Service, and Planning:

Service- The service report will be suspended until next month since Scott was on vacation.

Tammy attended but is not here tonight.

Planning- Mayor Clark said planning was cancelled but they did have a special meeting to approve a lot combo for the Hawkins.

Tammy Meyer for Finance-

Scott gave the Finance report for Tammy since she had to leave. They discussed the water bills, Jenny leaving and reviewed legislation.

Marty Hura for Parks and Shade Tree:

Parks: Parks will meet tomorrow night. Parks met with Phil Rath and he spoke on behalf of the DMRC. They have a lot of money and would like to help us do more things. Mayor Clark said we have done several phases of the Buchert Park Trail, are working on their request to put real bathrooms in at the park. We have concerns about the money and also the maintenance. Scott said this is going to be an ongoing conversation for the next few meetings. DMRC said it would cost \$40,000 to build the four stalls (two for men and two for women) plus additional costs for the tie ins in fees. Mayor Clark shared the design with CT Consultants, and they came up with two quotes. The first one was for a precast concrete building at a cost of \$69,100 not including tie ins. This one is for a left and right (two bathrooms with one stall in each). Another quote they got was for a rustic wooden and sheet metal building which was a larger bathroom (also two bathrooms with one stall each) for a cost of \$88,000. They would need to bring in a crane to help assemble this one. Phil Rath also suggested connecting it to the park lodge. Mayor Clark said the concern with this is that if someone is renting the lodge for the day, would they agree to sharing the bathrooms? Scott said the cost of water, electric, toilet paper, cleaning etc. all has to be considered. Mayor Clark said these are reimbursable grants and we have to pay for everything up front out of the General fund.

Shade Tree: Marty said they will meet tomorrow night.

Mayor Clark for Cemetery & Board of Zoning Appeals:

Cemetery- The mausoleum roof was just repaired. A tree was removed also.

Board of Zoning Appeals- Nothing on the agenda right now, but more murals are being worked on.

Portage County Regional Planning:

PCRP- Mayor Clark said that Ben Prescott has resigned so we still have to determine who will replace him at those meetings.

Heather Paisley for Safety: There was no monthly meeting, and all of the issues have been discussed. They are still working on getting quotes for fixing the front steps. For a future project something may be done with the rocks out front. She has been working with Ron Kotkowski from Lakeside Sand and Gravel and she was able to get him to donate the bowling ball size rocks that we would use to bring the front wall back to where it was.

Chuck Peterson for Fire Board: They are looking into purchasing a new ambulance. The last meeting, they replaced two of the cameras. One was 12 years old and unreliable, and the other was five years old but was dropped a few times. Both were not working well.

New and Other Business- Linda Schilling asked if someone can pull weeds in front of the Police Department. Maryann Fabian agreed that it looks bad out front, and she said that they trimmed it back a little bit when the windows were cleaned. They are getting quotes for the steps being repaired, and they will address the front landscaping at that time. She did not want to have two full time people pulling all of that out right now. They weeded in the spring and that was the only time this year.

Anything else that may properly come before Council- nothing

Adjournment

❖ Heather Paisley moved to adjourn at 8:03 with a second from Chuck Peterson. All ayes on vote.

Mayor Linda Clark

Jenny August, Clerk-Treasurer