
MUNICIPALITY OF CARLISLE COUNCIL MINUTES
REGULAR MEETING OF COUNCIL
August 14, 2018 – 7:00 P.M.
760 CENTRAL AVENUE, CARLISLE, OHIO

Mayor Randy Winkler called the Carlisle, Ohio Municipal Council Regular Meeting of Tuesday, August 14, 2018 to order in Council Chambers at the Carlisle Town Hall building, 760 Central Avenue, Carlisle, Ohio. The meeting was opened at 7:02 p.m. with the Pledge of Allegiance.

Roll Call:

Mr. William Bicknell	present
Mr. Randal Jewett	present
Mr. Brad McIntosh	present
Ms. Barb Tankersley	present
Mr. Tim Humphries	present
Mayor Randy Winkler	present

Staff members present: Village Manager Julie Duffy
Clerk of Council Jennifer Harover

The minutes of July 24, 2018 were presented to Council for review. Ms. Tankersley made a motion to suspend the clerk from reading the minutes, seconded by Mr. Bicknell.

Roll Call:

Ms. Tankersley	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Mr. McIntosh	yes
Mr. Jewett	yes
Mayor Winkler	yes

Mr. Bicknell made a motion to approve the minutes as presented, seconded by Mr. Jewett.

Roll Call:

Mr. McIntosh	yes
Mr. Jewett	yes
Ms. Tankersley	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Mayor Winkler	yes

Public Forum:

None

Council Report:

Mr. Jewett reminded residents that we are moving back into the school year and there will be many kids out and about around the school. He would like to have everyone slow down, keep your eyes on the kids and start out on a good note for this school year.

Mr. Bicknell thanked the Carlisle Police Department, JEMS, and Carlisle Fire Department for their presence at the National Night Out this past week. It had a very good turnout and it was a very good time for everyone. He appreciates the Police Department putting it together and seeing the community come out to support it. On Saturday, JEMS will be putting on another CPR training which is free to the residents of Carlisle and Franklin Township. He would also like to remind the community about school beginning, and the increased traffic associated with that and sporting events, to be cognizant of your surroundings and watch out for children.

Mr. McIntosh congratulated Mr. Bicknell on the birth of his third child. He also echoed the comments about National Night Out and thanked Chief Bruck, Officer Czarnota and everyone on the Police Department as well as the Fire Department, JEMS, all vendors, State Farm agency, the Lions Club, Church In The Village, and others there making this a great night. It was a good event and he was impressed with the attendance. He believes there is room to make it even better in the coming years. He commends everyone on their hard work and for pulling it together. He thanked all citizens that have applied for the open Council seat. Council will begin reviewing those applicants and work through that process. This is the most interest they have had in a while for a Council vacancy so he does appreciate it. He gave a quick reminder about Railroad Days this coming weekend, Friday and Saturday, with the parade on Saturday morning. The Lions Club is having their Big "T" Day at the Lions Club facility on Park Avenue instead of Phil's Auto. Please come out and support both events this weekend.

Ms. Tankersley thanked everyone who came out for National Night Out. It was a good turnout.

Mr. Humphries followed up on the Carlisle Crossing apartments (aka Dubois Apartments). He thanked staff for following through with the topic. The management of the apartments has presented a one-year plan with quarterly timelines so it appears that something is going to be done. There is an action plan and he believes this is a positive for this area of town. He also would like to say that National Night Out was a success. The businesses that stepped up to support it financially as well as physically showing up demonstrates that our community can come together and have a great event. He hopes to see more things of that nature come around.

Mayor's Report:

Mayor Winkler thanked all of the people involved in National Night Out and making it a success. It was a great event. He enjoyed being there and talking with a lot of citizens. He asked Council about their interest in joining the Railroad Days parade on Saturday morning. The parade will begin at 9:00am with line-up beginning at 8:00am. Council was in favor of being a part of the parade. He would also like to put together a schedule for Council members manning the booth on Friday evening and Saturday. Council will sign up for set times to be at the booth.

Manager's Report:

Mrs. Duffy requested that Council let her know of any special equipment needed for the Railroad Days booth. There will be a tent as well as table and chairs. The parade will begin at 9:00am. Historically, it

has been 10:00am but a lot of the participants in the parade are also working the festival so the parade will begin at 9:00am this year. Line-up will be at Roscoe Park at 8:00am. The parade will end at the High School traveling down Park to Central to Jamaica.

At Roscoe Park, we have a Carlisle graduate who will be offering a free boot camp to the community on Sunday mornings. Emilie Sannes is a 2014 Carlisle graduate. She attended the University of Rio Grande specializing in sports and physical activities. She is offering this program from 7:00am until 8:00am beginning this Sunday near the Mary Beachler Shelter which is closest to the park restroom facilities. The boot camp is described as "muscular strength and endurance is the name of the game, it is to raise your heart rate, build muscle and strength and improve your overall fitness. Strength and cardio come together in this class to make for a great workout." She has indicated that the only thing you need to bring is a positive disposition and water. It is for all fitness levels and all ages. There is no cost! She is wanting to do something proactive in the community using her perks. She has three or four Sundays earmarked for this event to test it out and see if the community is receptive. Emily is super fun and everyone is sure to have a great time!

Mrs. Duffy gave a special thank you to our sponsors of National Night Out. We had approximately 30 sponsors that helped us pull off this event. There were sponsor from in-town as well as out-of-town businesses that have been long-time supporters of our community. Without our Village staff, this event would not have happened. National Night Out is to promote police and fire services with community partnerships along with neighborhood camaraderie so it is an off-shoot of the old style neighborhood block parties. It gets people out and talking with neighbors as well helping them to meet the people that protect them on a daily basis. Our staff also deserves individual recognition for their part as we know them as a group of individuals but it is nice to put a name with who they are for our community. We have a phenomenal. If you attended the event, you were able to tell that for those individuals, this is not just a job. They care as much about this town as all of those living in the community. They definitely serve with pride. From our Police Department was Chief Bruck, Dave Czarnota, Taylor Armstrong, Jerry Krebs, Ethan Bens, Zack Meszaros and Justin Thurman; in our Fire Department was Lt. Roger Hurley, Jake Warren, Michael Paul, Kelsey Davis, Cory Davis, Chantel Banks and Holden Parker. The most popular booth at the event was run by our Service Department as they had a sand digging pit for the kids with an obstacle course. Those individuals helping out were Dan Casson, Mark Riley, Jon Thorton, Rick Dixon and John Coffey. All of these people are very much appreciated for their daily service to our community!

Committee Report:

Mr. Humphries detailed the meeting of the Community Events Committee which was held on July 24th. The agenda was to pick a chairman of the committee which ended up being Mr. Humphries. The meeting itself was to get a better understanding of what they were going to do. They determined they would focus on the marketing of our local events (i.e., National Night Out, Railroad Days). One of the things they will begin working on is the Tree Lighting Ceremony taking place on the first Monday in December. Between the Carlisle Community Church and the Hillcrest Baptist Church, it is their understanding that multiple things could be going on that evening and the sooner they begin on that, the more organized and more successful it will be for the community. As of this moment, there is not another meeting scheduled but they will be moving forward.

Mr. McIntosh detailed the meeting of the Finance Committee that met just prior to this evening's Council meeting. They discussed two topics; one of a proposed amendment to the current tax code that allows for an income tax filing exemption for individuals that have no current or foreseeable taxable income. This would be permanently retired or permanently disabled individuals. It gives them a little bit of paperwork to fill out to grant them the exemption but they would not have to file a return every year. That piece is actually on the Agenda for this evening under First Readings. The second item was the second quarter update for 2018 given by Mr. Rushing. It is reported that 10.4% more income tax was collected in 2017 than in 2016, and year-to-date, we have collected 1.73% more in income tax than for this period last year. Mr. Rushing went through fund by fund to give us an update but he will not give it all here. Funds are performing as expected if not better than expected. There are no real anomalies. The only issue was in the water department and that has been explained and it is a net effect as there is less coming in but it is less going out as well. A full copy of the Second Quarter Finance Report will be included in tonight's meeting record so everyone will have access to that if they would like it.

Old Business:

None

New Business:

Mr. McIntosh stated that a letter of resignation has been received from our Community Events Committee for Mrs. Shawn McAtee.

Mr. McIntosh made a motion to accept Mrs. Shawn McAtee's resignation from the Community Events Committee, seconded by Mr. Jewett.

Roll Call:

Mr. Bicknell	yes
Mr. McIntosh	yes
Mr. Jewett	yes
Mr. Humphries	yes
Ms. Tankersley	yes
Mayor Winkler	yes

Mr. McIntosh also mentioned that with the departure of Mr. McEldowney, there were several board and committee seats left open. He has only heard interest in filling one of these seats which is the Economic Development Committee. Mr. Humphries has indicated that he would like to fill that seat.

Mr. McIntosh made a motion to appoint Mr. Humphries to the Economic Development Committee; seconded by Mr. Bicknell.

Roll Call:

Ms. Tankersley	yes
Mr. Humphries	abstain
Mr. Bicknell	yes
Mr. Jewett	yes
Mr. McIntosh	yes
Mayor Winkler	yes

First Reading of Ordinances and Resolutions:

RES 13-18 A RESOLUTION APPROVING A VARIANCE TO SECTION 1230.05 CURBS AND GUTTERS OF THE ZONING CODE FOR THE SINGLE-FAMILY HOME AT 420 SUNSET DRIVE, AND IS ON AS A SINGLE READING

Mrs. Duffy explained the “single reading” as it is new a new concept. This resolution is on to waive Section 1230.05 which is the requirement in our subdivision regulations of the Zoning Code that requires all improvements to be made to include curbs and gutters. Staff has received a request to build a single-family home on approximately 5 acres of land on Sunset Drive. This parcel of land is better known as the “back half of the Post property” which is on the corner of State Route 123 and Sunset Drive. The builder is Mr. Rod Morris and he has purchased the acreage as well as submitted plans for a single-family home. When the plans were submitted, it did not include improvements that were required by the Zoning Code which includes sidewalks, street widening, connection to public water system and curbs/gutters. Planning Commission reviewed the proposed plans at their August 2nd meeting. At that meeting, they reviewed improvement requirements and Mr. Morris’ request to waive those requirements so he could build his home. The Code does allow Planning Commission the authority to grant waivers for connection to public water, street widening and sidewalk improvements but the Code does not grant Planning Commission the authority to waive the requirement for curbs and gutters. Those can only be granted by Planning Commission in R-1, M-1 and M-2 districts and the proposed lot is zoned as B-3 so Planning Commission did not have the authority to waive the requirement of curbs & gutters. Planning Commission has opted to formally recommend to Council, who does have the authority, that they grant the waiver of curbs & gutters. The reason it is on as a single reading is that the developer has submitted the building plans and is waiting to building the home. This waiver is holding up the building of this home. A single reading would allow Council, without emergency language, to waive the three readings by a vote of five but it does not waive the 30-day enactment period. There is still a referendum period for the public should they choose to exercise that option. A single reading would have a two-step process; to waive the three readings and then to adopt the waiver request. Mr. Morris is in the audience if there are any questions specifically for him.

Ms. Tankersley commented that when the request for more than one home was brought to Council, she agreed with the curbs & gutters. However, this is the first time she is hearing this tonight that he is now only building the one home. While everyone knows that she is related to Mr. Morris, they do not talk every day. Her personal issue that she believes Council should think about is there is already a home there on several acres that was granted what he is asking. She feels that needs to be taken into consideration when making this decision. Mrs. Duffy explained that her understanding is that if Ms. Tankersley abstains from voting on the issue because of the relationship then she should also abstain from any conversation about it.

Mr. Humphries acknowledged that this issue has been visited once before. He has looked at the layout and he did attend the Planning Commission meeting where this was discussed. There was not a discussion that there would not be more homes built, it was just mentioned that there are no plans to build more at this time. On this 4.8 acres, the home that is being built first is proposed closest to the most immediate neighbor by the rail spur allowing the other land to be subdivided later. This has

already come to Council and there was no motion made to approve the waiver so it failed. He does not care for the single reading and feels that this has already been determined by Council as denied.

Mrs. Duffy explained the difference between this issue and the previous Sunset Estates. Planning Commission has granted all of the waivers except for curbs & gutters. Mr. Morris would have the ability to build his home but he would have to install curbs & gutters. He would not have to widen the street because Planning Commission did not tie the street widening requirement like they did previously with the curb & gutters. It is possible that, if Mr. Morris wanted to, he would be in compliance by building his home, installing the curbs & gutters which would, in fact for the portion of Sunset Drive, narrow the street because there is no widening component that was required by Planning Commission. If Council chose not to grant the waiver of curbs & gutters, there would be a true disconnect. That is what makes this different from the one presented earlier and that is Planning Commission, with Sunset Estates, tied street widening with curbs & gutters as a package deal. They did not do that in this circumstance.

Mr. Scott King, legal counsel for Mr. Rod Morris approached Council. He handed out additional documentation for Council's review on this matter. He pointed out that while this matter was brought before Council in March, this is a completely different proposal. In March, it was proposed to have five acres (slightly less than one acre each) and this is for a single parcel with a single residence proposed to be placed on it. His handouts reflect a map showing the parcel in question. Prior to 2013, the Posts owned this property all the way down the railroad tracks on Sunset. This property was sold in 2013 to Mr. Boyer and he constructed a single-family home. The current proposal before Planning Commission was to build a home adjacent to that property. After Council did not consider the prior proposal, Mr. Morris made a proposal to Mrs. Duffy to inquire whether or not this property could be eligible for a lot split. The Zoning Code allows a lot split for a minor subdivision and this parcel fell within that category. His handout includes an application for a minor subdivision lot split. The proposed used that Council is being asked to consider is for a one house residence for Mr. Morris on this property. There is also a handout which reflects a survey for the split of this lot. The lot split was approved by Mrs. Duffy in accordance with Section 1222.11 because it falls within the parameters. The General Warranty Deed from the Posts and the remaining acreage is included and it was conveyed to Mr. Morris and his wife for a residence. Mr. Morris has submitted a building permit application that is included in the handouts. It is Mr. Morris' view that the approval of the building permit is something that could be accomplished administratively. Mr. Morris does not believe that the subdivision regulations apply after there has been a lot split into a single family residential lot. Nonetheless, Mr. Morris went through Planning Commission and, as already discussed, was approved unanimously with one exception of the waiver to curb & gutters and they left that approval to Council. Looking at the map on the first page, if Mr. Morris were to construct curbs and gutters, it would constructing an orphan as there are no curbs & gutters on the other side of Sunset. There is no curbs & gutters on the north side toward the Post property and there is no curbs & gutters on the south so there would literally be an orphan piece of construction that would interfere with storm water drainage and potentially interfere safety. Mrs. Duffy has already mentioned that given the current width of the road, there would be a parcel with curbs & gutters that actually narrow the existing road. For all of these reasons, this is a different proposal than what was before Council earlier and Mr. Morris requests that you approve this proposal.

Mayor Winkler commented that this a different dynamic. Obviously, there was a mistake made on the first section there with Mr. Boyer's property. His biggest concern is that the property across the street

from this area is going to be developed at some point. He has spoken with the property owner and he has indicated what his thought process is but there is no set timeline. If his plans come to light, it will generate more traffic in that area so we definitely don't want to narrow the street. Mrs. Duffy explained that it was approved through the provision of a minor lot split which is something that can happen if certain criteria are met at a management level. A minor lot split was approved for this five acres and a previous lot split was approved by previous administration for the Boyer property. The reason why Mr. Morris went through the Planning Commission process was that the manager does have ability to approve lot splits without it being formally platted if it is not more than five lots or parcels less than five acres in size after it has been subdivided. The original parcel of land would have been the Post property which would have included where the Boyer residence now sits. When the Boyer property was split off, it became two lots. Now the property under question has been split and we are now at three lots. Once concern that Planning Commission did briefly discuss is if, in the future, Mr. Morris would want to split off part of his property, he would need to go through a similar process. The minor subdivision lot split allows management to do the lot split but it specifically says that it is not contrary to applicable subdivision or zoning regulations. Although she can approve the lot split, she does not have the authority to waive any of the requirements, only Planning Commission and/or Council can approve. In the future, if Mr. Morris (or any future owner of the parcel) would want to split off that lot, it would have to go through an approval process because each split would be a new issue with the Zoning Code. Even though the Boyer property was done the way it was or not, this is its own issue. Any future proposal would not automatically be approved, it would go through the applicable Zoning Code requirements. For example, the property across the road would be examined at the time it is proposed under those current conditions with the property.

Mr. King made note that it actually would not be able to happen in the same way again as the minor lot split definition says the original track shall be considered to have been completely subdivided when all of the lots created are as a result of any subdivision are less than five acres. That has been completed so it cannot happen again. It would have to be platted and that requires starting with Planning Commission.

Mayor Winkler asked if the intention is to do lot splits later on and try to continue to build more homes or are you going to build in the center of it. Mr. Morris replied that at this point, the plan is for one home on one lot. The property is situated on the south side, closer to the Boyer property, for several reasons; one, to get further away from the highway, two, it will offer a walk-out basement because of the slope of the land there and, three, it gives him flexibility in the future if he does decide that he doesn't want to take care of that much ground, he can have the ability to come back and subdivide it. Mrs. Duffy explained that as presented, any future lot splits on this acreage would have to go through Planning Commission. Mr. Morris stated that he cannot make the numbers work with five lots so if he came back and subdivided it would be a small cul-de-sac or something similar. It currently gives him that flexibility but he has no plans of doing any splits right now.

Mr. McIntosh commented that regardless of how it was handled the first time, or even how the votes went the second time, he thinks sidewalks, water, curbs, gutters and street widening should be a

package deal. It seems silly to waive all of them but one. Regardless of how he feels about the other ones that were approved, he thinks it is unnecessary to stick to one of them and not the others.

Mr. Bicknell agreed with Mr. McIntosh but his thought process is that we understand the waivers were approved for the Boyer property and, if waivers are approved for Mr. Morris, what happens when he comes back to ask for additional lot splits and waivers. It becomes a vicious cycle of who received the waivers and who did not. Two wrongs do not make a right but once the precedent is set, right or wrong, that precedent is set. If the waiver is not granted for this and the street ends up being narrowed by the curbs & gutters, how could we grant any future waivers that would leave this section of curbs & gutters there by itself? Mrs. Duffy explained that through previous conversations with their law director, there is no precedence. When it comes to Zoning Code, each waiver, each consideration is valued independently. You do want connectivity to best that you can but just because this was granted does not automatically mean that it is granted forever for everybody. Mr. Bicknell stated that perhaps then it will not be a precedent but it will weigh heavily on any future decisions made on such waivers. Mrs. Duffy stated there was more conversation at Planning Commission but when those waivers were considered part of the discussion was looking at the connectivity issue to the south of Sunset and that they recognized there was a difference on that street from one side to the other. For conformity's sake, that was the rationale if she remembers correctly. It makes is not so much precedence as it is looking at how does it fit in with the neighboring areas. Mr. McIntosh stated that regardless of the previous waivers, he is not sure how you can ask someone to put in curbs & gutters after you have already waived street widening. He does not necessarily agree with those waivers but they were granted. There is some common sense and using good judgement on what is presented that seems silly. For whatever reason, the Charter only gives Council the ability to waive this one item. Regardless of how he feels about the others, this seems silly now not to grant the waiver.

Mr. McIntosh made a motion to suspend the rules requiring three readings, and have one reading by title only, seconded by Mr. Jewett.

Roll Call:

Mr. Humphries	no
Ms. Tankersley	abstain
Mr. Bicknell	yes
Mr. Jewett	yes
Mr. McIntosh	yes
Mayor Winkler	yes

Mrs. Duffy explained that in order to waive the three reading requirement, there needs to be a vote of five so based on the lack of five votes for the motion, it would require the three readings.

Ms. Tankersley asked why she should abstain from this vote when she has no monetary connection to Mr. Morris what so ever. Mrs. Duffy explained that there are normally seven votes but there is one vacancy on Council so there are six votes and the requirement is five to pass. Mrs. Duffy commented that our law director stated that Ms. Tankersley did not have enough separation in her relationship with

Mr. Morris and therefore recommended that she abstain from this issue. Since the waiver of three readings did not pass by five votes, the issue would continue in Council with two additional readings and then be voted on by Council to pass. Mrs. Duffy offered to call our law director for answers to questions on this issue and Council was in agreement.

Mr. McIntosh made a motion to recess while contact is made to our law director to answer questions regarding votes on this issue; seconded by Mr. Bicknell.

Roll Call:

Mr. Jewett	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Ms. Tankersley	yes
Mr. McIntosh	yes
Mayor Winkler	yes

Council recessed at 7:48 p.m.

Mr. Jewett made a motion to enter back into regular session; seconded by Mr. McIntosh.

Roll Call:

Mr. Bicknell	yes
Mr. McIntosh	yes
Mr. Jewett	yes
Mr. Humphries	yes
Ms. Tankersley	yes
Mayor Winkler	yes

Council entered back into regular session at 8:03 p.m.

Mrs. Duffy did make contact with our law director and commented on his remarks. She stated that Ms. Tankersley also had time to speak with the law director for advice on abstaining or voting on this issue. On a procedural issue, he recommended that for this to be reconsidered as a vote was already taken, there would need to be a motion to reconsider the waiving of the three readings, it would need to be seconded and a vote taken. There would then be a new vote on the three readings. Before it can come back to the table, it would need to have a motion to reconsider. Ms. Tankersley explained her conversation with the law director. He told her that cannot tell her “yes” or “no” because she is not voting on the final issue, she is actually voting on the Council procedure for how the process of the vote will happen. Because we are down one Council seat, he left that decision to her. She is only permitted to vote on the Council procedure and not on the actual legislation. Mrs. Duffy explained that the original adoption was a two vote process; one to waive the three readings and one to adopt. The three readings is a procedural vote and the merits of the case are in the second vote. The law director’s

opinion to Mrs. Duffy was that any procedural issues of a merit case should be dealt with as a package deal. If you abstain on one of them, you should abstain on both. However, it is up to Ms. Tankersley to decide what she would chooses to do. Ms. Tankersley commented that she only asked to speak on the procedural portion of the vote and did not ask about voting on the merits of the issue.

Mrs. Duffy explained that if a motion is made to reconsider this vote and is seconded, it would require a vote of four to pass. If that happens then a motion would need to be made and seconded to waive the three readings which would still take a vote of five. If all of that happens then a vote to adopt would have to pass by a vote of four as we are not waiving the enactment period with emergency language.

Mr. Humphries commented that this formality on what we are doing is just reversing what we are already choose not to have a nomination for in prior months. Mr. Jewett remarked that the difference is the exception of the Planning Commission in changing what they recommended. He understands Mr. Humphries comments but Planning Commission totally changed what they did. Mr. Humphries remarked that what Planning Commission did was basically put it into Council's lap so they didn't have to worry about it themselves. Mr. Jewett commented that he did not disagree with that comment.

Mr. McIntosh believes they are here to vote and believes there has been a history with Council and Planning Commission to avoid difficult decisions by not making motions. Emotion is not a vote so we still have to vote. He does not have a problem voting and thinks that is why they are here.

Mr. McIntosh made a motion to reconsider the vote; seconded by Mr. Jewett.

Roll Call:

Ms. Tankersley	yes
Mr. Humphries	no
Mr. Jewett	yes
Mr. McIntosh	yes
Mr. Bicknell	yes
Mayor Winkler	yes

Mr. Jewett made a motion to suspend the rules requiring three readings, and have one reading by title only, seconded by Mr. Bicknell.

Roll Call:

Mr. Jewett	yes
Mr. McIntosh	yes
Ms. Tankersley	yes
Mr. Bicknell	yes
Mr. Humphries	no
Mayor Winkler	yes

With no further discussion, Mr. Bicknell made a motion to adopt, seconded by Mr. McIntosh.

Roll Call:

Mr. Bicknell	yes
Mr. Humphries	no
Ms. Tankersley	abstain
Mr. McIntosh	yes
Mr. Jewett	yes
Mayor Winkler	yes

Mayor Winkler stated to Mr. Morris that, as he understands it, his waiver has been granted.

Resolution passed on this day will be entered into Resolution Record Book as Res. 13-18.

ORD. 14-18 ORDINANCE AMENDING CHAPTER 881 INCOME TAX BY ADDING A NEW SECTION 881.09(A)(3)(a) TAX FILING EXEMPTION AND IS ON AS A SINGLE READING.

Mr. Ryan Rushing addressed Council. He introduced the Village Tax Administrator, Dinee Kier. She handles the income tax office on a day-to-day basis. She has been with the Village for just over a year and she has done a great job learning the many complications and nuances of municipal tax code. The State has a tendency to change tax law that we are forced to enact. Although it can be frustrating at time, Mrs. Kier has been a great employee for the Village.

Before Council is an ordinance to amend the current tax code. Staff is recommending the amendment to the tax code so that it allows a prescribed form for individuals who are permanently disabled or permanently retired with no income as well as no foreseeable income. This will give those individuals the ability to fill out a form, prescribed by the tax administrator, to be exempt from filing an income tax return for the Village. Currently, the Village has mandatory tax filing regardless of income liability. If you are 18 years or older, you have to file a tax return with the Village. For example, if you are 90 years old and you have been on Social Security for 25 years and you have no taxable income for that entire time, you are still required to file a tax return with the Village. Mrs. Kier has noticed is that not all communities have mandatory filing, they do have options for residents to fill out a form. This is not automatic, an individual would need to fill out a form stating that you are either permanently retired or permanently disabled, provide documented proof of disability or retirement and submit it to the tax office. Once that has been approved, we would inactivate the individual's tax account so that you no longer have to file a tax return each year. This is more or less a convenience and customer-service tool. We do have residents that forget to file because they are not working and have no tax liability. There is then correspondence from us for non-filing and, if need be, they are even sent to Mayor's Court for court action of non-filing. In most court cases like this, the most we would ever receive would be \$25 late fee. Staff views this as a way to not only provide a customer service opportunity but to also provide relief from our tax administrator. Mrs. Kier spends many hours every single day auditing accounts and sending out correspondence to non-filers, processing them through Court. There are a lot of staff hours on this procedure when many of our residents have no tax liability. By adopting this exemption, we will still mandate tax return filings for our residents with taxable income but, if you provide proof, you complete the form and is approved, you can be exempt from having to file. This will not be decreasing

any revenue but actually decreasing the cost of doing business as well as improve the work efficiency of the tax office. It is his understanding that the previous tax administrator informally deactivated accounts as a courtesy but this is a good way to clean-up by making this process formal. Management can make this a set procedure knowing what documentation is needed to make this unbiased and available to all residents. It is on for a single reading due to the fact that our third vendor which processes, prints and mails out tax returns, has many other customers and has a deadline to meet their end-of-the-year schedule. This will allow us to process the information with enough time to get it to the printer in time for the year's end. There is a memo in Council's packet regarding this as well as a memo from Dinee Kier explaining this issue. The proposed language is also included in the packet.

Mr. McIntosh appreciates the work the Mrs. Kier and Mr. Rushing have done on this topic. He believes it is a common-sense initiative. Ms. Tankersley agreed with Mr. McIntosh. Mr. Jewett said he knows that his grandmother has received those notices in the past and it causes her to worry. He appreciates the steps that Mrs. Kier has made with this proposal. Mr. Humphries questioned the documentation that states in the past five years there have been over 500 tax returns, he wants to know if this means 100 for each of the five years or a total of 500 individual retirees and/or disabled in the Village. Mrs. Kier explained that there are at least 500 each year but when you break it down, a lot of those are the same every year. There are some that just don't have income for that particular year but only those that are permanently disabled or permanently disabled would qualify for this exemption.

Ms. Tankersley made a motion to suspend the rules requiring three readings, and have one reading by title only, seconded by Mr. Jewett.

Roll Call:

Mr. McIntosh	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mr. Jewett	yes
Ms. Tankersley	yes
Mayor Winkler	yes

With no further discussion, Mr. Bicknell made a motion to adopt, seconded by Mr. Jewett.

Roll Call:

Ms. Tankersley	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Mr. Jewett	yes
Mr. McIntosh	yes
Mayor Winkler	yes

Ordinance passed on this day will be entered into Ordinance Record Book as Ord. 14-18.

Second and Third Readings of Ordinances and Resolutions:

None

Mayor Winkler announced that there would be an Executive Session this evening to discuss Personnel, to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation. There will be possible action to follow.

Ms. Tankersley made a motion to enter into Executive Session; seconded by Mr. Bicknell.

Roll Call:

Mr. McIntosh	yes
Mr. Jewett	yes
Mr. Humphries	yes
Mr. Bicknell	yes
Ms. Tankersley	yes
Mayor Winkler	yes

Council entered into Executive Session with possible action to follow at 8:21 p.m.

Mr. Bicknell made a motion to enter back into regular session; seconded by Mr. McIntosh.

Roll Call:

Mr. McIntosh	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mr. Jewett	yes
Ms. Tankersley	yes
Mayor Winkler	yes

Council entered back into regular session at 8:50 p.m.

Mr. McIntosh made a motion to appoint Mrs. Brandie Peets to the Parks & Recreation Board; seconded by Ms. Tankersley.

Roll Call:

Mr. McIntosh	yes
Mr. Jewett	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Ms. Tankersley	yes
Mayor Winkler	yes

Mrs. Brandie Peets has been appointed to the Parks & Recreation Board.

With no further business, Mr. Bicknell made a motion to adjourn, seconded by Mr. Jewett.

Roll Call:

Mr. Jewett	yes
Mr. McIntosh	yes
Ms. Tankersley	yes
Mr. Bicknell	yes
Mr. Humphries	yes
Mayor Winkler	yes

Meeting adjourned at 8:51 p.m.

Date: 8-28-18



Mayor

Attest: 

Clerk of Council

PDF Attachment: <Quarterly Municipal Finance Report FY2018 Second Quarter Ending June 30, 2018>