

**REGULAR COUNCIL MEETING**  
**MINUTES**  
**January 20<sup>th</sup>, 2015**  
**7:00 p.m.**

The meeting was called to order at 7:02. Mayor Clark led the Pledge of Allegiance and a moment of silence for Janice Crowder, Buck Jones, Robert Crowder, Shirley Schuster, Joe Mullins, Patricia Vechery, Leonard Brehm, Les Hopkins, and Bob Fejes.

**Roll Call:** John Clark, Marty Hura, Paul Janson, Giles Seith, and Bill Zoller.

- Motion to excuse Ben Prescott made by Paul Janson, 2<sup>nd</sup> by Marty Hura-**All Ayes**

**Other Village Personnel:** Mayor Linda Clark; Clerk-Treasurer, Jenny August; Assistant Clerk-Treasurer; Ashlee Hawkins, Village Solicitor, Michele Stuck; Police Chief Harry Buchert; Village Administrator; Kate Rogers; Rich Iafelice of CT Consultants

**Citizens Present:** Carol Pollard, Stacy Turner of the Villager

SRO Officer Joe Urso came and introduced to council the new drug dog, Diablo. Joe said that Diablo will be with him in the schools and that state certification is coming up. Diablo has already been going into the schools with him and has been credited for two cases without even having to get out of the garage. The intimidation of having Diablo just sniff a few items turned up a few issues at the school but they have already been corrected. Chief Buchert stated that he is strictly a drug dog, not a search dog. Joe stated that he is not aggressive, he is passive, if he discovers a narcotic, he will just point, not scratch. His breathing would change, his ears would go up, his tail would be going and he would sit straight up. Most of the kids at the schools are very receptive to him. Joe added that Diablo is trained in Czech and he will listen to no one but him. He has a kennel set up in the middle school and the high school, and water in both buildings. Marty asked if Joe needed an exercise area for him, and Joe stated that he uses the front of the Village Hall, or the baseball field at the middle school and the football field at the high school. The schools have been very cooperative. They told him that whatever he needs, they will help with.

**Nomination for Council President:** John Clark nominated Paul Janson, 2<sup>nd</sup> by Bill Zoller-**All Ayes, Paul Abstained.**

Mayor Clark asked Paul if he would like to make any changes to the committees at this time and Paul stated that he would like to talk to some people.

**Approval of Minutes**

- ❖ Motion to accept the minutes from the December 16<sup>th</sup>, 2014 Council Meeting. Mayor Clark asked for a motion to make changes to fix others present. Made by John Clark, 2<sup>nd</sup> by Marty Hura
- ❖ Motion to accept as amended made by Paul Janson, 2<sup>nd</sup> by Giles Seith -**all ayes**
- ❖ Motion to accept special council meeting minutes from December 16th made by Bill Zoller, 2<sup>nd</sup> by Giles Seith-**All ayes**

**Mayor's Report**

Mayor Clark stated that she put a copy of the State of the Village address in the council packets. It shows what council had done in 2014 and the goals for 2015. She stated that Jenny will have a copy of it on file if anyone would like a copy of it. She also stated that she wanted to congratulate Hoyle West, one of the Villages part time officers. Hoyle received the Officer of the year for 2014 from Hiram Village for all great things he did throughout the year. Lastly, Mayor Clark wanted to let everyone know that the old F&S building was sold. The new owners will be reopening Italianos sometime in March or April after they complete updates and repairs

**Citizens**

**Mary Greer 8783 Weaver Rd. - Toxic Waste Information.** There are 750 chemicals of concern are in the waste that come to Portage County. They are injected into the 18 injection wells and could be dumped into the 8 other wells that are not active. Many states require extensive testing of chemicals in hydro fracking but Ohio does not. First responders and local emergency rooms can be affected by surface contamination and it's really important that first responders get the information. There are 80,000 chemicals in use in the US and only 200 have been tested. Carcinogens have been tested and they are in 51 of the most consistently present chemicals in the hydro frack waste. Many Carcinogens have not been tested by the EPA for degrees of exposure or levels of toxicity.

## **Financial Reports**

Jenny August is hoping everyone is off to a good start on a healthy, happy, and prosperous 2015. It has been a busy past few weeks with the end of the year roll over. There are new requirements from Auditor Yost this year that involved getting figures from the county relating to our overall property values and tax rates. The roll over procedure now involves 120 pages of instructions to follow, and it is not quite done, but very close. At the end of 2014, the village ended the year with about 3.5 million in debt. She remembers when she started in 2008 our debt was near 7 million. We are doing a great job of paying it down and not adding much to it. We are starting to build our fund balances to a point where we are able to cautiously appropriate what we need to run efficiently.

Jenny summarized the December financial reports; We received \$152,231 in revenues. We spent \$342,951 in operating and payroll expenses. We made our huge semi-annual debt payments and paid some other large bills in December. We fell slightly under goal on estimated revenues last year, totaling 94% of expected. We also spent slightly less than expected, spending 93% overall on our appropriations. The water & sewer and the tax software programs balanced with the UAN and bank. There were no adjustments needed on the bank statement.

Would Council like to move to accept donations in the amount of **\$1,365** in donations in memory of Jane Gonczy for the Village Cemetery?

- ❖ Motion to accept donations made by Marty Hura, 2<sup>nd</sup> by Paul Janson-**All ayes**
- ❖ Motion to approve financial report by Paul Janson, 2<sup>nd</sup> Marty Hura-**All ayes**

## **Correspondence**

Jenny received the annual tax certification from Portage County Auditor Janet Esposito. She certified that we will receive \$130,590 from property taxes to be divided as follows:

- General fund to get \$12,097
- Street Capital fund to get \$75,596
- Bond Retirement fund to get \$42,897

## **Bills of Resolution, Addendum Bills of Resolution**

- ❖ Motion to approve the Bills of Resolution and Addendum Bills of Resolution was made by Paul Janson, 2<sup>nd</sup> by Marty Hura-**All ayes**

Jenny noted that we had the lowest fuel bill since she has been here. Kate said that there was not much plowing in December. Mayor Clark asked if we plowed at all in December and Kate said no.

## **Legislation**

**ORD. 2014-52** AN ORDINANCE ESTABLISHING THE SALARY OF THE MAYOR OF THE VILLAGE OF MANTUA, OHIO FOR THE TERM COMMENCING JANUARY 1, 2016. 3<sup>rd</sup> Reading. No discussion.

- ❖ Motion to approve by Marty Hura, 2<sup>nd</sup> by John Clark-**All ayes**

**ORD. 2014-53 (amended)** AN ORDINANCE AMENDING SECTION 941.14(I) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA IN ORDER TO INSTITUTE A SEWER CHARGE REDUCTION FOR WATER USED TO FILL SWIMMING POOLS. 3<sup>rd</sup> Reading. No discussion

- ❖ Motion to approve by Bill Zoller, 2<sup>nd</sup> by Marty Hura-**All ayes**

**ORD. 2014-54** AN ORDINANCE ALLOCATING FUNDS REMAINING IN THE POLICE DEPARTMENT BUDGET AT THE END OF 2014, AND DECLARING AN EMERGENCY. 3<sup>rd</sup> Reading.

Mayor Clark stated that in Section 2 where there is no dollar amount, Jenny gave her a figure of \$5,595.18 which represents the amount received pursuant to the school resource officer contract but not expended. The funds are to be transferred from General fund 1000 to 4902, the Police Capital fund. Finance committee recommended to delete section 1.

- ❖ Motion to approve changes made by John Clark, 2<sup>nd</sup> by Paul Janson-**All ayes**
- ❖ Motion to approve by John Clark, 2<sup>nd</sup> by Giles Seith -**All ayes**

**ORD. 2015-01** AN ORDINANCE AMENDING THE ZONING MAP OF THE VILLAGE OF MANTUA BY CHANGING AN AREA OF PROPERTY FROM THE C-1 COMMERCIAL ZONING CLASSIFICATION TO THE R-R RURAL RESIDENTIAL CLASSIFICATION.

1<sup>st</sup> Reading.

Giles asked if property owners requested this. Mayor Clark stated that Planning had sent the change to Council. Stated that planning does not understand why it was changed from Rural Residential to Commercial 1 and would like to change it back. Mayor Clark said that this needs to go 3 readings and there will be a public hearing. Michele stated that there needs to be letters sent out, needs to be posted more than 30 days in advance.

**ORD. 2015-02 AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2015 APPROPRIATIONS AND DECLARING AN EMERGENCY. 1<sup>st</sup> Reading.**

Mayor Clark stated that this is for appropriating more money to the police fund. We appropriated an additional \$5,000 because Chief Buchert was going to or still may get a car. Chief Buchert stated that the funds are already available in Police Capital, it was just being appropriated.

- ❖ Motion to suspend the rules by Bill Zoller, 2<sup>nd</sup> by Marty Hura –All ayes
- ❖ Motion to approve by Paul Janson, 2<sup>nd</sup> by Bill Zoller-All ayes

**RES. 2015-03 A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN OHIO DEPARTMENT OF NATURAL RESOURCES RECREATIONAL GRANT PROGRAMS AND TO EXECUTE DOCUMENTS AS REQUIRED, AND DECLARING AN EMERGENCY. 1<sup>st</sup> Reading.**

Mayor Clark stated that this was brought before Finance to go ahead with the Clean Ohio Grant for the extension of the Headwaters trail. DMRC had come to Mayor after voted last month to reconsider. Mayor Clark told DMRC that if they brought it to Finance, they could consider sending it on to council since they were so helpful on getting the road levy passed and they were able to get Finance to approve and send to council. Paul Janson stated that they brought new information to Finance, we would not have to do as much as we originally thought, which is why we were going to wait.

Bill Zoller asked what we would have to pay for this. Mayor Clark stated that we have a letter from DMRC that states that they will pay 100% of CTs fees to do the design, and another letter from them stating that they will pay entire 25% of the grant match.

Rich said that the DMRC are saying this without knowing the cost. Rich said that he was asked last week to try and put something together. Rich indicated that just from a planning perspective its \$150-\$160K project just to get across Main St. and that's just a number they came up with today. In his opinion, there are a number of problems. We have to consider the future use of Mill St. There are easements that would need to be done. We have to negotiate the south side of Mill St, up to S.R. 44, cross Mill St. then cross S.R. 44 again. Rich thought that we would have to build a wall just to have a sidewalk. He also noted that the pavement is off center, it has shifted 20 feet into the right of way. To avoid the path being in any future property, we would have to go south into an easement which means we have to build a wall as we approach S.R. 44. He feels that we needed a concept plan first to get from the trail head to the parking lot behind McDonalds.

Paul said that his understanding is that we did not need to give them a definite plan, all we had to do was apply, and only need to give them a plan if we get approved. Rich said that is partly correct. Rich stated that the grant application requires a site plan, to show a plan. In order to provide a grant application, you need to provide a cost and in order to get a cost, and you have to do preliminary engineering to figure out what the problems and costs are. Rich said that they are contacting ODNR to see if we can adjust the route later. Rich thinks that it's the ideal time to get the money, because we have the support of AMATS and the Portage Parks District. Rich stated that he wanted council to know that a different route could be \$50,000 less. Mayor Clark asked that if we take the original route that was given it would cost \$150-\$160K, Rich stated is correct. Mayor Clark asked about a possible alternate route and Rich stated that it could be \$40-\$50K less.

Bill Zoller asked why they would not use the rail bed that is already there. Rich said that was what he suggested to use 10 years ago, but it would be up to the property owners who own the property now. Bill asked who owns the property now and Mayor Clark stated it is the Hummels and Benners. Marty stated that they were willing to give us an easement but it was 15 feet up the slope and all of it would have to be moved, Rich stated that was correct. Rich stated that going through the property with a trail could be a problem for future development of the land.

Mayor Clark stated that Rich mentioned Prospect St, she asked where on Prospect it would be, on the street? Rich stated yes, Prospect street has a 60 foot right of way, there are a few buildings that encroach on the right of way already. He thought that there could be an issue but could build it off the edge of the pavement because there is a lot of room there.

Mayor Clark asked Rich if we heard back from Charlie English today and he said no, but he owes him a call.

Rich said that since this is due Feb 1<sup>st</sup>, it has to be post marked by next Friday. He thinks we can apply and then adjust the route, but is not sure. Mayor Clark stated that she would prefer to adjust the route to get the cost down. Mayor Clark stated that it's her understanding that Charlie English was very receptive to allowing the trail on his property, over to the old railway station then directly across to McDonalds.

Paul Janson asked Michele if we can submit the application and specify that we would like the option to change the route, Michele said yes. Rich said that he doesn't want to tell us to designate a route because he does not have a recommendation to us yet. Rich said that he is fairly confident that we should be able to adjust the route because the application is really just a concept.

Marty asked where we would access Charlie's property if we come from Mill Street. Mayor Clark and Rich thought that it would be by his barn. Rich said it would be up the slope and that we would have to do some grading. Marty said that the only problem with going through Charlie English's property is getting across state route 44 safely. Mayor Clark stated that she got information from AMATS about different signage that could be used, and she also got some information from Brian Rogers. Rich said that the signs are something that they have used before. They run off solar panels at the top of the post. It would be a flashing beacon on both sides of the sign.

John Clark said that he is not opposed to it as long as we have the flexibility to change the route and as long as everyone understands that the ultimate route designation belongs to council.

Bill Zoller said that he is tired of lack of planning on DMRC part creating an emergency on our end. Giles said that the way he is hearing it, this could all just fall apart anyway, that we may not get it. Giles said that we have been trying to get this trail done for many years. Mayor Clark said that we have been trying to get a design in place since August of last year but it didn't happen, which is why in December we said no. Mayor Clark added that Chris Craycroft did not apply for something because she thought the village was going to. The DMRC worked so hard to help get the road levy passed, she told them that she would bring it to council since they are the ultimate decision makers.

Marty asked if the grant is an ongoing thing or just a onetime thing. Rich stated that it's annually. Marty said that if we don't apply this year, we can apply again next year with better planning. Giles thinks that there are plenty of people with enough sense to figure this out. Mayor Clark added that it was always going to have to come across 44 at some place.

- ❖ Motion to suspend the rules by Paul Janson, 2<sup>nd</sup> by John Clark-**All ayes**
- ❖ Motion to approve with the option to adjust the route by Paul Janson, 2<sup>nd</sup> by Marty Hura-**All ayes**

## **DEPARTMENTAL REPORTS:**

### **Chief of Police Harry Buchert**

Safety Meeting will be February 4<sup>th</sup> at 6pm. He asked the Mayor and the Finance committee about getting a car for the K-9 but we did not win the bid. He is requesting that council give permission for him to go over \$3,000, no more than \$5,000. Chief Buchert stated that he would talk to Mayor Clark and the Chair of the Finance committee if he has a car he would like to bid on. Chief Buchert stated that the \$5,000 would include total cost. Chardon is supposed to have some cars for sale soon and they are going for an average of around \$3,000. The advantage of the car that was in Florida was that it was fully equipped and only had 68,000 miles on it and the cars from around here have around 140,000-144,000 miles on them. Marty asked that would only be for a car that is to be used for the dog. Chief stated that is correct. Chief said that we currently have \$5,800 in the K-9 fund and we already paid for the dog and some insurance issues. Marty said that he has no problem allowing Chief to spend \$5,000 on a vehicle for the K-9. John Clark asked if we are able to break something like this out as a one time and Michele stated yes as long as it's in the minutes so the auditors know it was approved ahead of time.

- ❖ Motion to Approve Chief Buchert to go up to \$5,000 for a car made by Marty Hura, 2<sup>nd</sup> by Bill Zoller -**All ayes**
- ❖ Motion to approve donations for the K-9 fund-**All Ayes**

### **Village Administrator – Kate Rogers**

Last Friday Laurel from the EPA came out to inspect the repair work done at the reservoir and the hatch door and was happy with how it looks. The last thing that the needs to be done is to move the electric box to the transducers. We are working on getting pressure readings, but not able to do outdoor readings because of the cold weather in January. Has a resident on Fernway that is allowing her to use her basement and is hoping that when Harpers come back on Ambler they will allow her to use one of their spigots. Laurel is okay with it not being done by the end of January. She has suggested to Dan Mounts that if it's not done until the spring, it will be ok. Pressure readings are ongoing but just not quite on the schedule that was proposed.

They have been working in service on thinking about paving projects with money from the levy for 2015. They don't have any streets or sections picked out yet but are working on getting the most that they can in terms of square footage on the roads that they will be working on.

Kate is not sure if she would need council's permission to give back the roller that was donated to us from Lakeside. They would display it as an antique. Lakeside told us that it was running the second time that they gave it back to us, but it's not. Marty Hura said that since there is no money involved, she can do what she wants. Michele asked if Kate would say that it has no value and Kate replied that we could scrap it, which would have value, but when we accepted it back it was agreed, and it's even in minutes, that if we do not want it, it has to go back to Lakeside. Michele asked Kate if she would say that the value is under \$1,000 at this point and Kate stated yes. Michele stated that she can then do what she wants because it's under her control. Kate said that she will give it back to Lakeside.

Kate stated that there is a lot going on in Service but is all in the planning stages right now.

### **Village Engineer from C.T. Consultants**

Rich stated that they have been working for about the past week on the trail application and estimates. Stated that he does owe us a proposal that is going to help us with the road program and some photographs of some service treatments that they have done to help us extend the money and do more streets.

Kate brought forth the 2004 report on the inspection on the reservoir and he and Brian looked it over and discussed it with OPWC. We are getting funds to do repairs on the water and waste water plant but it's mostly for the water plant. Rich stated that they are going to cover the re inspection of it under authorization that he has not asked for yet. The reason why he has not asked for it yet is because they talked about getting ready to bid come spring but it's the villages discretion to get the engineering done upfront and then get reimbursed later. If he did not get councils authorization for a couple of weeks and then it was authorized at the February meeting and they start in March, by the time the invoice is rendered it would be May, and July is the agreement. It's only going to take 4-6 weeks to get the plans ready for the dig. Rich said that he owes council an authorization for that and will include the inspection of the reservoir. He said that it's the same structural engineer who did it in 2004 and he is lined up for when he is authorized. John Clark asked if it will come with cost estimates. Rich said yes, for repair and an assessment.

Mayor Clark said that we have 2 work orders from CT. One is for \$4,500 for the Clean Ohio grant and Jenny will bill DMRC for that and the other one is for \$400 which is for the time that Brian Rogers worked last month on this project.

❖ Motion to authorize work orders made by Marty Hura, 2<sup>nd</sup> by Bill Zoller-All ayes

### **COMMITTEE REPORTS:**

#### **John Clark for Service and Shade Tree**

There was no meeting last month, but there is going to be one tomorrow night, January 21<sup>st</sup> following the Parks meeting. We have had some preliminary discussions; we have met with Portage County Water Resources. Stated that we are going to be going back and forth with them. Right now we are seeing what potential is there from them, if we even want to go to the point of talking about having them move into the Village to take over the water and waste water plant. It is very preliminary right now and not going too far with it right now.

John said that they talked about the Thompson Trust, they saw a request list from the cemetery board and made some suggestions on that. The DMRC has approached them again about landscaping around the new sidewalk, which is still another plan to be.

### **Marty for Parks**

First meeting of the year is tomorrow night and he expects that there will be a few things to discuss. They should be talking about the base for the merry go round, to see if it's structurally sound enough.

The roof looks great on the lodge. Thinks we won't have as much leakage down the walls, so we may not have to replace the walls this year. He also said that Mantua Matters has to be in by the last Friday of this month.

### **Mayor Clark for Planning, Cemetery, and Board of Zoning Appeals**

Mayor Clark stated that they are reviewing a couple of subdivision regulations. Going to take a few months and go through the two that they have. Regarding the Cemetery, Kate is getting bids on mowing for the cemetery and will present to service then go to council for approval and then to the cemetery trust. Nothing for Board of Zoning Appeals

### **Ben Prescott for Finance and Regional Planning**

Not present to give a report.

### **Bill Zoller for Fire Board**

Stated that they approved to sell the 2004 Tahoe, it's getting to be cost effective and they plan on replacing possibly in April or May with another pickup truck. Chief Buchert stated that its on gov deals, Bill stated that they did approve them to put it on there.

### **Giles Seith for Safety**

Just that we have been nice and safe.

### **Executive Session for Imminent Litigation and Personnel Employment**

- ❖ Motion made at 8:10 by John Clark, 2<sup>nd</sup> by Marty Hura-All eyes
- ❖ Motion to come back into session at 8:40pm by Marty Hura, 2<sup>nd</sup> Paul Janson

### **New or Other Business**

#### **CLG certification and committee**

Giles said Carole Pollard is good and they have put a lot of time into it. Mayor Clark said that we need to separate the township and what goes on there from what we want to go on in the village. Bill Zoller stated that he feels that the Village should be represented in the Village by at least a majority of the people being Village residents so they have a say so as to what happens in the Village, not what the township or anyone else wants. John Clark and Marty Hura both agreed with him.

John Clark asked how many people are on Planning. Mayor Clark replied that there are 5 people on Planning and 3 of the people at Planning were leaning heavily towards becoming the committee, one was against it, and one was absent. Paul Janson asked what the reason was for being against it. Mayor Clark stated that the person against it said that they were not qualified. Paul asked that of the 7 members we have now, who is qualified, not is counting the 2 who are expired. Mayor Clark stated that they are all qualified in their own specific field. The state requests that when a group like this is formed, you get people that have different degrees or just general people. Stated that Randy Weaver has been working with historic landmarks through his job and he would probably be the most knowledgeable. Paul asked if he was for it and Mayor Clark stated that he is. Stated that she, Randy and Wes Hawkins were for it and Ben was not because they were not qualified to make those decisions. Stated that the 3 of them who were for it are going to think about it and hopefully everyone will be at the meeting next month and they can talk about it a little more and decide if they want to send it to council with their recommendation.

Paul asked if we are taking any action right now and Mayor Clark that we are not. John Clark stated that we could say that the planning commission is now the CLG commission also. Mayor Clark stated that council could pass legislation stating that we don't want to do this anymore. Bill stated that if people want to do this, it's their choice as long as it stays voluntary, to him; it's their option to do it. John Clark asked how time consuming it is and Mayor Clark said that they only meet 4 times a year. Once we get certification, the state will come out and train on the correct things to do.

**Clerk-Treasurer position- appointed or remain elected?**

Michele stated that if leaving as elected no action needs to be done. She said that Finance would need to come up with a wage schedule before the filing deadline or she will not get a raise for the next four years. It is something for Finance to think about.

**Anything else that may properly come before Council**

Mayor Clark asked Paul Janson if he wanted to make any changes to his committees and Paul stated that he has not talked to a few people yet and he would like to do that. He asked if he can make changes at the next council meeting. Michele stated that there needs to be a temporary motion to leave the committees from 2014 in place.

- ❖ Motion to leave committees as they are for now made by John Clark, 2<sup>nd</sup> by Marty Hura. **all ayes**

Mayor Clark asked for a motion to reinstate Ashlee Hawkins and Don Buchert to Parks and Wes Hawkins to Shade tree.

- ❖ Motion made by John Clark, 2<sup>nd</sup> Marty Hura-**All ayes**

John Clark asked Mayor Clark where we are with Time Warner. She said that she sent them an e-mail. They had contacted her a few weeks ago and they told her that they would have an answer last week. Now they are telling her they will have a plan and cost in place possibly by the end of next week. She never heard back from them when she sent them the one contract that we could find that specified that Western Reserve would supply us with any type of modem to keep our equipment running. Mayor Clark stated that Jenny August looked and was not able to find another contract stating that they one they had was null and void. Mayor Clark stated that as far she is concerned, the contract from Western Reserve is still in place. John Clark asked if our solicitor agreed and Michele stated that she has not seen it. Mayor Clark stated that she thought she sent it to her, and Michele stated that she told her that she was going to.

**Adjournment**

Motion to adjourn at 8:51 made by Marty Hura, 2<sup>nd</sup> by Paul Janson-**All ayes**

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Mayor Linda Clark

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Assistant Clerk-Treasurer Ashlee Hawkins