

**Village of Mantua  
Regular Council Meeting**

**February 19, 2013**

Mayor Clark called the meeting to order at 7:00 p.m. and led the pledge of Allegiance. She asked everyone to remain standing for a moment of silence for Bill Sontag.

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

Motion to excuse Paul Janson from the meeting made by B. Zoller with a second from L. Schilling. All ayes on vote.

**Others Present:** Mayor Linda Clark, Clerk-Treasurer Jenny August, Village Solicitor Michele Stuck, Police Chief Harry Buchert, Village Administrator Anthony Fiorilli III, Village Engineer Rich Iafelice.

**Public:** Lisa Rizzotto, Hal Stamm, Eric Hummel, Carol Pollard, Helen Hazlett, Edie Benner, Aaron Snopek, and Stacy Turner from the Villager.

**Minutes:** Mayor Clark pointed out that on page two it should say Fire Extinguishers, not Fire Hydrants.

Motion to amend by Linda Schilling, seconded by Bill Zoller.

Motion to approve the regular meeting minutes of January 15<sup>th</sup>, 2013 as amended made by B. Prescott with a second from M. Hura. All ayes on vote.

Motion to approve the minutes from the workshop held February 11<sup>th</sup>, 2013 by L. Schilling, seconded by G. Seith. All ayes on vote.

**Mayors Report:**

Regarding the CDBG grant from the County to pave Orchard St., she and Michele met with Lisa from Regional Planning on Jan. 28<sup>th</sup>, and have reviewed the final draft. Linda read the proposal for the timeline. This project should be completed by June.

Ben, Marty, Anthony and she met with Victory Waterworks and Neptune to discuss new meter heads and software. Anthony and Lisa are working on the cost.

Marty, Giles and she attended the EMA officials workshop to learn the procedures for handling disasters. It was very informative, but one day was not enough. John Barber hopes to have more training in the next six months.

Mayor Clark wanted to remind everyone that one of our residents has been shoveling sidewalks on Main St. The Village is not paying him and it would be nice if the business and residents would offer him some compensation for this.

The Mayor also wanted to remind the Department Heads to have their budgets turned in to her by the March Council meeting. She also asked Jenny to e-mail her in excel the revenues for the last two years and this year as well as the actual budget totals for 2009 through 2012.

The Dick Kryz family contacted us requesting tapping trees in the Village. It is okay and we had talked about it at Service Dept.

Aaron Snopek sent a letter stating that as part of the "Art on the Hill" this year they are planning to have a Wine Tasting event. They will be working with Harry on getting everything in place.

EMA needs a representative for their Advisory Council. L. Schilling nominated Giles Seith, B. Prescott seconded. All ayes on vote.

She received an e-mail from Matthew Sorrick with the Hiram Community Trust. The deadline to submit is April 12<sup>th</sup> for anything we would like to request. Marty would like some new Park equipment.

Lastly, Mayor Clark asked if Council would approve her and Anthony taking a Manager/Supervisory course for \$199 on April 8<sup>th</sup>. Motion to allow Anthony and the Mayor to take a Supervisory Course by L. Schilling, seconded by B. Prescott. All ayes on vote.

January 15, 2013

**Finance Report:** Jenny gave her report as of January 31, 2013. The financial reports have all been sent by e-mail or copied to Council. All funds remain in the black. January revenues totaled \$137,549. Expenses totaled \$82,719. There were no adjustments on the fund summary report, water-sewer and income tax software programs balanced with the UAN. The bank reconciliation had no adjusting factors and Council approved payments on checks 39912 through 39968.

**Correspondence:**

- The Portage County Health Departments fourth quarter 2012 report is on file in the Clerk's office if anyone would like to review it.
- Our Auditor, Ed Rance will be here soon.

Motion to approve the financial reports: bank reconciliation, fund status, water/sewer reconciliation, municipal income tax reconciliation, revenue & expenses, fund summary, revenue status, and appropriation status reports made by L. Schilling with a second from B. Prescott. All ayes on vote.

**Bills of Resolution:**

- Bill Zoller had a question about the file cabinet that the Service Department purchased for \$400. Why didn't they go with the company in Cleveland where we bought all of the other ones for \$130 each? Mayor Clark said it was lateral instead of upright, and she asked Anthony about it. Anthony explained that they needed the lifetime warranty. They open this 30-40 times a day and they opted to buy a good piece of equipment.

Motion to approve the Bills of Resolution with addendum for February made by L. Schilling, with a second from B. Prescott. All ayes on vote.

**Legislation:**

**RESOLUTION 2012-28: A RESOLUTION REPEALING RESOLUTION 2011-37 AND GRANTING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMMENCE A PROJECT THAT IS EXPECTED TO BEGIN CONSTRUCTION IN FISCAL YEAR 2014. TABLED AT 3<sup>rd</sup> READING.** This is on the table.

**ORDINANCE 2012-60: AN ORDINANCE VACATING THE WESTERN PORTION OF COLLEGE STREET BETWEEN MAIN STREET AND ITS WESTERN TERMINUS. TABLED AT 3<sup>rd</sup> READING.**

Motion to take this off the table and discuss by B. Prescott, seconded by L. Schilling. All ayes on vote except B. Zoller abstained. Mayor Clark explained that after the survey was done, so many things changed that it would be easier to fail this ordinance than to amend it. Michele wrote a new version of this ordinance as 2013-07. Motion to approve by B. Prescott, seconded by L. Schilling. All voted no except B. Zoller abstained.

**ORDINANCE 2012-76: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 955.01(d) TO ESTABLISH AN AWNING SETUP AND TAKE DOWN FEES. 3<sup>rd</sup> READING.** Motion to approve by B. Zoller, seconded by B. Prescott. All ayes on vote.

**ORDINANCE 2013-01: AN ORDINANCE AUTHORIZING AGREEMENTS FOR RECIPROCAL EMERGENCY MANAGEMENT AND ASSISTANCE OR AID BETWEEN THE VILLAGE OF MANTUA AND OTHER POLITICAL SUBDIVISIONS AND PUBLIC AND PRIVATE AGENCIES WITHIN THE STATE OF OHIO, AND DECLARING AN EMERGENCY. 2<sup>nd</sup> READING.** Motion to suspend the rules by L. Schilling, seconded by B. Prescott. All ayes on vote. Motion to approve by L. Schilling, seconded by B. Prescott. All ayes on vote.

**ORDINANCE 2013-03: AN ORDINANCE AUTHORIZING THE CLERK TO CLOSE FUNDS THAT HAVE A ZERO BALANCE AND ARE NO LONGER IN USE. 2<sup>nd</sup> READING.** No discussion.

**ORDINANCE 2013-05 AN ORDINANCE AMENDING SECTION 135.01(c) OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES, RELATING TO DUTIES WHICH MAY BE PERFORMED BY THE ASSISTANT CLERK. 2<sup>nd</sup> Reading.**

Giles said the Clerk is totally responsible for work done in the Clerk's office. In Section 3 it says the Clerk and Council may assign duties to the Assistant. He is not sure that Council has the authority to specify the duties of another elected official. Bill said it is just so Council can ask to have copies made. Ben said that is not what it says. Michele said based on what was

said in executive session that is how she thought Council wanted it written. Linda Schilling said she thought it was so the Administrative Assistant can also be a back up to the Water-Sewer billing Clerk.

Linda Clark said "He or she shall perform such duties as directed by Council or required by law" according to the Codified Ordinances. Michele said that would not affect an elected official, but as an appointed Village employee, the Assistant Clerk could be subject to the rules and regulations of the employee handbook.

Giles said he still thinks having two bosses is a bad idea, however he feels it is a good idea for the Assistant to be cross trained. Ben said then we should specify what we want.

Linda Schilling said she agrees that the assistant should be cross trained in everything, but until Jenny's term is up, Jenny is the only one that should be doing income taxes. She signed the contract when she was elected in to do the taxes. Ben said the Assistant Clerk needs to be trained to do taxes. Linda Schilling said Jenny was hired to do the taxes. Giles said as part of the Clerk's office, the assistant can do taxes.

Jenny said the problem she has with this is that Linda Clark and Linda Schilling are both bringing up a candidate that has grant writing experience, and since this position has been cut back from 40 hours to 24 hours per week, she should not have to share this person for those other things. Lisa Davis has taken over the Park Lodge which helps, but there is still a lot of work in that office. Jenny said she agrees that the new person should be cross trained in water-sewer billing because Lisa is entitled to a vacation, and making copies is a given.

Ben said if need be, we can amend this. Linda Clark said she agrees that Jenny's assistant should be cross trained in everything including water & sewer billing, but when Jenny ran for office, she knew what the pay was and what the job was and we should not be changing it mid-term.

Anthony agrees with cross training in his office, but when she is in his office, how is she paid because he is not budgeted for that. Linda Clark said if she is working in the water-sewer office, she would be paid out of water and sewer. Anthony said this should have been brought up last year during the budget workshops.

**2013-06 AN ORDINANCE AMENDING SECTION 159.03 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, RELATING TO THE NUMBER OF MEMBERS ON THE MANTUA HISTORIC LANDMARKS COMMISSION, AND DECLARING AN EMERGENCY. 1<sup>st</sup> Reading.** The Mayor said this is because the original ordinance was passed for five members, but she, Marty and Giles felt that because of the wide variety of knowledge, they would like to have seven members. Marty said the State originally set this Commission up for seven members. Motion to suspend the rules by B. Prescott, seconded by M. Hura. Motion to approve by L. Schilling, seconded by B. Prescott.

**ORD. 2013-07 AN ORDINANCE VACATING A PORTION OF THE UNIMPROVED PUBLIC RIGHT OF WAY KNOWN AS THE WESTERN PORTION OF COLLEGE STREET IN THE VILLAGE OF MANTUA, OHIO. 1<sup>st</sup> Reading.** No discussion.

**ORD. 2013-08 AN ORDINANCE AMENDING SECTION 921.03 OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES, ESTABLISHING FEES FOR RECONNECTION TO THE VILLAGE WATER SYSTEM. 1<sup>st</sup> Reading.** The Mayor said if you have a property in town and the house burnt or was torn down and the line is capped off, they can reconnect at a lower cost as long as they follow the guidelines.

**ORD. 2013-09 AN ORDINANCE AMENDING SECTION 931.02 OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES, ESTABLISHING FEES FOR RECONNECTION TO THE VILLAGE SEWERAGE SYSTEM. 1<sup>st</sup> Reading.** The Mayor said this is that same as Ordinance 2013-08, but this person would be responsible for filming the line to the sewer main in addition to the guidelines in this ordinance. Michele asked why we wouldn't want them to replace the whole thing if any, not just 50% is in failure. Anthony said it wouldn't be necessary to do the whole thing, just the part that is failing. Rich Iafelice said if the Village received the tap in fee at the time the property was built, it is a good idea to put in place a reconnection fee. Having the lines filmed is a good idea as well.

**ORD. 2013-10 AN ORDINANCE RELATING TO RATIFICATION OF THE SOLID WASTE MANAGEMENT PLAN FOR THE PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT. 1<sup>st</sup> Reading.** The Mayor said every ten years Portage County Solid Waste has to update their plan. If it is approved, they want to apply for a grant to buy new trucks. In order to reduce truck traffic in town, Linda Clark said we would like to privatize this service. Speaking with our current trash hauler, we could have the trash and recycling picked up in the same truck at a lower cost to our residents. L. Schilling made a motion to suspend the rules, with a second from B. Prescott. All ayes on vote. Motion to approve by B. Zoller, seconded by B. Prescott. All Council members voted no.

**ORD. 2013-11 AN ORDINANCE ENACTING SECTION 5.3(I) OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK RELATING TO SERVICE DEPARTMENT EMPLOYEES WORKING SPECIFIED HOLIDAYS. 1<sup>st</sup> Reading.** B. Prescott moved to send this back to the Service Committee for clarification. L. Schilling seconded the motion. All ayes on vote.

**2013-12 AN ORDINANCE ESTABLISHING PAY SCALES AND POSITIONS OF FULL AND PART TIME EMPLOYEES OF THE VILLAGE OF MANTUA, REPEALING PRIOR INCONSISTENT ORDINANCES, AND DECLARING AN EMERGENCY. 1<sup>st</sup> Reading.** Ben said there were some changes discussed at the Finance meeting and some changes were recommended. Linda Clark said the Finance Committee approved raising the cap on certain employees as well as remove the wage freeze. Michele repealed several old ordinances and put everything together in this ordinance and included merit raises. The Lieutenant cap was raised so it could be higher than the Sergeant. Michele said this is also to clarify Anthony's hourly rate. Linda Clark said this is for accounting purposes, so when Anthony takes vacation time, it is reflected in the UAN. Anthony said he was hired in at a Salary position. Linda said it still is the same, but for accounting, it is an hourly wage. Jenny asked for clarification: Does this mean he still must work 30 hours per week? The Mayor said he now must work 40 hours. Jenny said so if he works 35 hours per week he must take 5 hours of vacation or something? Anthony said no per the Fair Labor Standards Act he is on a salary of 40 hours per week. Michele said he can't be a salaried administrative employee because he does a significant amount of work in the street. Anthony said this needs to be clarified tonight because he has a problem with this. He is under the understanding that if he gets his job done in 35 hours he goes home for the same salary. If he works 45 hours per week he gets paid 40. He said in the meeting he was told if he gets his job done in 35 hours, he gets paid. Michele said he gets time and a half over 40 hours. Anthony said he agreed to only charge overtime if there is an emergency. Linda Clark said he logs hours that he does not bill the Village for. When he was made full time, it is for 40 hours and his salary was based on that. Ben asked if there is a contract. Michele said no. Jenny said the only contract she has on file states that he must work 30 hours per week, so she understood it that if he works 38 hours per week he does not have to fill out a leave form. Anthony said he took a pay cut when he was made full time with the understanding that he gets his job done and he can go home. Michele said she was under the impression that he was being paid for anything over 40 hours. Anthony said the Village can't afford that. Motion to table this by L. Schilling, seconded by B. Prescott. All ayes on vote.

**Swearing in the Landmark Commission Members:**

The Mayor appointed Helen Hazlett for 1 year, Hal Stamm for 1 year, Carole Pollard for 2 years, Renee Henry for 2 years, Eric Hummel for 2 years, Nick Ehlert for 3 years, and Aaron Snopek for three years. They all were sworn in by Michele Stuck as a group. L. Schilling moved to approve the Mayors appointments, seconded by B. Prescott. All ayes on vote.

**Departmental Reports:**

Police Chief, Harry Buchert told Council that the Safety meeting will now be held the first Thursday of the month at 6:30 a.m. rather than the last Thursday of the month. He has e-mailed out the annual report.

Village Administrator, Anthony Fiorilli III reported that he met with Neptune, which is currently what we have now, and Victory Water Works. He is close to getting rock bottom prices for the next Service Committee meeting. Michele said this must be bid out. The Cemetery approved 10 cuts at \$3,950. Michele said we need bids for this as well. We would still submit the bids to the Trustee and he would submit them to the Probate Court. Anthony said he would get the ads together for mowing the Cemetery as well as the Village properties.

The Village will take care of the mowing at the Wastewater Treatment Plant and the Water Plant. That will be done in house. The salt allocation is almost met.

Village Engineer, Rich Iafelice said that the variance changes in the design of the State Route 44 Sidewalk Project have been approved from 8 ft. to 5 ft. He has a detailed layout in order to estimate the project that will include moving a pole, hydrant and alternate items. The preliminary estimates are broken into three parts. The original section north of Matts Rd. will cost \$56,000. The alternative items in this section will add another \$47,000, and then south of Matts Rd. to the bridge is another \$30,000 which brings the total to \$130,000 from the original \$56,000. AMATS said we can amend the grant and it is still 80/20 on the construction. Local share including design is like 70/30. The money needs to be in escrow before ODOT can sell the job. Michele asked Rich if 2012-28 is going to change significantly. Rich said yes.

**Committee Reports:**

**Shade Tree:** Linda Schilling had nothing.

**Parks:** Marty Hura reported they are having a meeting tomorrow night.

**BZA:** Mayor Clark reported that nothing is pending.

**Cemetery:** Mayor Clark said the Cemetery Board is working on the list of items of urns, flowers, mowing and things they want to do to improve the Cemetery.

**Planning:** Mayor Clark reported they had a few applications that were approved. They tried to do more on signage. She presented Lisa Rizzotto's booklet to the Planning Commission and they are going to review it. They are very concerned. Where Lisa wrote Zoning ordinance sections or numbers, the mayor added some on her own, some which agreed and some which did not, so a Planning Commission member is going to review them and decide. Hopefully they will decide on a new Zoning Inspector soon. The Zoning Commission appreciates all her work on the booklet and they understand her frustration.

**Service:** Bill Zoller had nothing at this time.

**Safety:** Giles feels that having the Safety meetings early in the month will help Harry get his reports done.

**Fire Board:** Engine number one will be back in service soon. The tanker is more than 20 years old, so the Fire Department will be starting to look around for another one.

**Citizens:**

Aaron Snopek thanked Council for all that they do.

**Executive Session:**

Motion to go into executive session on Ordinance 2013-12 for Personnel Compensation at 8:20 by B. Prescott, seconded by L. Schilling. All ayes on vote.

Motion to come out of executive session at 8:48 p.m. by L. Schilling, seconded by B. Prescott. All ayes on vote.

Motion to take 2013-12 off the table by L. Schilling, B. Prescott seconded. All ayes on vote.

Motion to make the Annual salary for the Village Administrator \$35,630 effective March 3, 2013 by B. Prescott. L. Schilling seconded. All ayes on vote.

Motion to suspend the rules by L. Schilling, seconded by B. Prescott. All ayes.

Motion to approve as amended by L. Schilling, seconded by B. Prescott. All ayes on vote.

**New or Other Business:**

Linda Schilling said anytime anyone works over 40 hours it should be on their time cards. Michele said there will be no more volunteering time for meetings or anything. If it is on the time card, it must be paid. No one is supposed to be accruing overtime. People are supposed to be leaving early another day if they attend evening meetings.

January 15, 2013

Mayor Clark asked Council to consider giving Michele a raise of \$1,500.00 per year when her contract comes up in April. Michele said she would leave the dollar amount blank in her contract and Council will have time to decide what they want to do.

Harry thanked Council for allowing merit raises.

Anthony asked if Committees can issue policies. Ben said Committees can recommend policies to Council. Bill Zoller asked what policy this refers to. The Mayor said the main one would be the "No Idle Policy". Anthony said he thinks he should, like Harry, have the right to run his department as he sees fit. Councilman Zoller said he sees the Village truck running right in front of him with the lights flashing for 20 minutes at a time. He said he only stuck his head in the door and said "So much for the no idle policy". Anthony said Bill was not that nice. Bill said he is tired of Village residents asking him what part of Italiano's pays Anthony's salary. Anthony says when he is on his lunchtime it is his personal time. Bill said he should at least take his personal vehicle. Anthony said he sometimes takes his personal vehicle to lunch. Ben said we need to knock it off and go home.

Motion to adjourn the meeting at 9:03 p.m. made by B. Prescott with a second from L. Schilling. All ayes on vote.

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Mayor Linda Clark

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Clerk-Treasurer Jenny August