

**REGULAR COUNCIL MEETING**  
**MINUTES**  
**March 18, 2014**  
**7:00 p.m.**

The meeting was called to order at 7:00pm.

Pledge of Allegiance and a moment of silence for Mr. Barnauskas.

**Roll Call:** John Clark, Marty Hura, Paul Janson, Ben Prescott, Giles Seith, Bill Zoller

**Others present:** Mayor Linda Clark; Clerk-Treasurer, Jenny August; Village Administrator David Akerley; Police Chief Harry Buchert; Administrative Services Officer, Kate Rogers; Village Solicitor, Michele Stuck; Rich Iafelice of CT Consultants

**Citizens present:** Jennifer Sobczak

- ❖ Motion to approve the minutes from the February 18th, 2014 regular council meeting was made by Councilman Hura and seconded by Councilman Prescott. Councilman Janson abstained, all others voted aye.
- ❖ Motion to approve the minutes from the February 25th Council Workshop was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.

**Mayor's Report**

We have received a thank you letter from Portage Parks District for allowing them to do the presentation at our last meeting.

We got an email from Helene Leightner of P.C. Job and Family Services. JFS is sponsoring a youth program. There is no cost to the employer; it is paid for by P.C. JFS through State and Federal funding. The Mayor said that this would be very beneficial to the Village and give the eligible youth in our county a more constructive way to spend their time. We get to choose the youth we want to hire. We could use the youth to clean up the trails, weed and paint. Dave and Kate should check into this.

We received a letter through Councilman Janson asking for a proclamation in support of Motorcycle Awareness month in May, Abate of Ohio, Inc. The Mayor asked for a motion from Council to send this proclamation.

- ❖ Motion to send a proclamation to *Abate of Ohio, Inc.* was made by Councilman Prescott and seconded by Councilman Zoller. All voted aye.

We still have not heard anything back from the letters sent to Ted Manfrass and Eric Hummel regarding the plans at the pharmacy property. At the Planning meeting in November they agreed to the site plan review and haven't sent the fee for that and we've already incurred expenses from for CT Engineering. Eric Hummel did send a check for the variance that Jenny has been holding since December but so far we have not heard back from them. The Mayor asked for Council's permission to send Ted Manfrass and Eric Hummel a bill for \$500 to cover CT's expenses. Council agreed this was the right course of action.

Lastly, the Landmark Commission is already a year old and two of its commissioners, Helen Hazlet and Hal Stamm, have terms that are about to expire. Both have agreed to re-appointment, this time for a 3-year term. The Mayor asked for a motion to reappoint these two members for 3-year terms.

- ❖ Motion to re-appoint Hal Stamm and Helen Hazlett to the Historical Landmark Commission for a 3-year term was made by Councilman Prescott and seconded by Councilman Seith. All voted aye.

**Citizens:** No citizen comments were made.

### **Financial Reports:**

Clerk-Treasurer August reported that Kate's probationary period is over and that she and Dave agree that they would like to retain her as the full time Administrative Services Officer of the Village.

The February financial reports are in the Council packets and Jenny will be happy to answer questions.

- To summarize, we received \$194,667 in revenues, and we spent \$99,339 in operating and payroll expenses. We received some large payments on quarterly employer's taxes in early February, and also the business district was due for water & sewer.
- The February sewer transfers happened late, and March transfers don't look very promising. The water fund is stable and not as much of a concern. The General Fund is healthy now and can afford to help out. As you all know, our water & sewer plants have been falling apart, and Dave needs money in these funds to start getting us back on track.
- We had a proposal from Ellerhorst-Russell Insurance in Garrettsville for our property insurance. It is about 25% lower than we are currently paying. It appears to be apples to apples. Love Insurance is sending their proposal by April 1, so Jenny will have more information for you at the April Council meeting. Our renewal is May 1<sup>st</sup>.
- ❖ Motion to approve the financial reports was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.

### **Correspondence:**

- The Portage County Health Department sent their annual report. It is available in our office downstairs for viewing.
- The Portage County Regional Planning Commission said it is time to start preparing for the 2014 CDBG (Community Development Block Grant). Activities funded by this grant must benefit 51% low to moderate-income persons or aid in the elimination of slum and blight. Jenny has the form in the office that must be completed and submitted by April 11, 2014.
- We received an invitation to the Tree City USA annual banquet on May 13<sup>th</sup>, 2014. The Mayor and Councilman Hura usually attend and will plan to again this year.

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

Line 70 and line 100 were a duplication, so line 70 should be removed.

- ❖ Motion to amend the Bills of Resolution and Addendum Bills of Resolution to remove line 70 was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.
- ❖ Motion to approve the Bills of Resolution and Addendum Bills of Resolution as amended was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.

**Legislation:**

**ORD. 2013-104** AN ORDINANCE AMENDING SECTIONS 305.09(a) AND 305.10(a) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, RELATING TO PARKING ON CEMETERY DRIVE. *Tabled on 2<sup>nd</sup> Reading.*

This ordinance will remain tabled.

**ORD. 2014-06** AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE NINE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA IN ORDER TO PERMIT A TRANSITION TO MONTHLY WATER AND SEWER BILLING. *2<sup>nd</sup> Reading.*

There was discussion at the last service meeting that we would like to amend the ordinance to leave in section 941.14k and change the word quarterly to monthly. This section deals with a sewer service charge, which is allowed for but not currently charged. It was suggested that the Service Committee re-visit this section to determine if a service charge should be added as well as to finalize thoughts about the timing of billing, meter reads, etc. The Mayor said that a \$2 sewer service charge would generate roughly \$12,000 per year that could be used for sewer operating or capital improvements.

**ORD. 2014-10** AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF MANTUA TO ENTER INTO AN AGREEMENT WITH THE DISTRICT COMMISSIONERS OF THE PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT FOR THE COLLECTION OF RECYCLABLES FROM MANTUA VILLAGE AND DECLARING AN EMERGENCY. *1<sup>st</sup> Reading.*

The Mayor reported that last year Council decided that we would like to have more options with regards to our recycling provider. The EPA is currently compiling a report that may result in us having more choices when it comes to our recycling contract. The contract in Ordinance 2014-10 is being presented now because Portage County Solid Waste was told that until the EPA finalizes its report, it should continue with business as usual. Councilman Clark said that the Service Committee recommended that Council vote this contract down. We should have an answer from the EPA before the third reading on this ordinance and so Council will hold off on making any decisions until then.

**ORD. 2014-11** AN ORDINANCE SETTING FORTH CONDITIONS FOR THE USE OF THE FORMER BOY SCOUT BUILDING AT BUCHERT PARK AND DECLARING AN EMERGENCY. *1<sup>st</sup> Reading.*

The Mayor reported that we originally thought the building had water and it was later determined that it does not. The Village does not want to provide the building with water and therefore this clause should be taken out of the proposed contract.

- ❖ Motion to amend Ordinance 2014-11 to remove the clause about providing water to the building was made by Councilman Hura and seconded by Councilman Prescott. All voted aye.

**ORD. 2014-12 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. *1st Reading.***

The Mayor reported that this ordinance raises the wage cap for 4 positions. Solicitor Stuck also reported that this ordinance is designed to eliminate the need for an additional ordinance with each employee's name and current wage to be passed every time a change is made to staffing.

- ❖ Motion to suspend the rules was made by Councilman Janson and seconded by Councilman Hura. All voted aye.
- ❖ Motion to approve Ordinance 2014-12 was made by Councilman Janson and seconded by Councilman Hura. All voted aye.

**ORD. 2014-13 AN ORDINANCE REPEALING SECTION 7.5.E OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK RELATING TO REQUIRED PAGERS FOR VILLAGE EMPLOYEES. *1st Reading.***

The Mayor reported that we have not had pagers for several years and that the technology is obsolete.

- ❖ Motion to suspend the rules was made by Councilman Zoller and seconded by Councilman Prescott. All voted aye.
- ❖ Motion to approve Ordinance 2014-13 was made by Councilman Prescott and seconded by Councilman Zoller. All voted aye.

**RES. 2014-14 A RESOLUTION AUTHORIZING A COOPERATIVE APPLICATION WITH THE DOWNTOWN MANTUA REVITALIZATION CORPORATION FOR A GRANT FROM THE LOCAL GOVERNMENT INNOVATION FUND FOR THE MANTUA VILLAGE INFRASTRUCTURE ANALYSIS, AND DECLARING AN EMERGENCY. *1st Reading.***

The Mayor reported that we did not receive the grant the first time we applied, so this ordinance will be to re-apply for another round of funding. Rich Iafelice reported that our grant was not scored because of a few technicalities including language in our original ordinance as well as in the letter from DMRC. This ordinance addresses that change so we will be re-applying in the next round.

- ❖ Motion to suspend the rules was made by Councilman Prescott and seconded by Councilman Zoller. All voted aye.
- ❖ Motion to approve Resolution 2014-14 was made by Councilman Prescott and seconded by Councilman Zoller. All voted aye.

**RES. 2014-15 A RESOLUTION AUTHORIZING THE MAYOR AND THE CHIEF OF POLICE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE CRESTWOOD LOCAL SCHOOL DISTRICT RELATING TO THE SCHOOL RESOURCE OFFICER FOR THE 2014-2015 SCHOOL YEAR, AND DECLARING AN EMERGENCY. *1st Reading.***

This resolution allows for contract negotiation with Crestwood Schools for the School Resources Officer.

- ❖ Motion to suspend the rules was made by Councilman Zoller and seconded by Councilman Seith. All voted aye.
- ❖ Motion to approve Resolution 2014-15 was made by Councilman Prescott and seconded by Councilman Zoller. All voted aye.

**RES. 2014-16** A FINAL RESOLUTION RELATING TO THE VILLAGE'S SHARE OF COST IN OHIO DEPARTMENT OF TRANSPORTATION PROJECT NUMBER 82913 AND DECLARING AN EMERGENCY. *1st Reading.*

The Mayor reported that DMRC has given the Village checks for \$25,000 and \$11,300 for their share of the project costs. These payments came up short by about \$1200, which the Village will cover. Rich Iafelice reported that he has been working with ODOT and will continue to monitor their spending to make sure that the costs stay within the original scope. Rich answered Councilman Janson's question that if there is any overage to the project the Village will have to pay 100%.

- ❖ Motion to suspend the rules was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.
- ❖ Motion to approve Resolution 2014-16 was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.

**ORD. 2014-17** AN ORDINANCE AUTHORIZING TRANSFERS FROM THE GENERAL FUND #1000 TO THE S.R.44 SIDEWALK PROJECT FUND #4907, THE WATER OPERATING FUND #5101, AND THE SEWER OPERATING FUND #5201 AND DECLARING AN EMERGENCY. *1st Reading.*

Councilman Clark asked about the specific line items that this money would go into. Dave said that for the sewer money \$50,000 would be for debt payments, \$4,000 for sludge hauling and \$30,000 for needed repairs and upgrades at the wastewater treatment plant. The debt money would go into the transfers out line in the appropriations. Some of the money would be used right away for the March transfer and the rest is to avoid another ordinance asking for more money later in the year when the fund gets behind again.

The Mayor said that she is concerned that this ordinance was not brought before the service or finance committee before coming to Council.

Chief Buchert had several questions about the ordinance. First he questioned why the water and sewer funds weren't being self-sufficient like they are supposed to be. Councilman Clark reported that most of the problem with this is that past Councils refused to have a regular schedule of rate-increases to keep pace with our rising costs. The result is that we haven't been able to make the necessary repairs over the last several years.

Secondly, he asked why this would be a transfer and not an advance that would be paid back to the general fund. Clerk-Treasurer August reported that an advance would create an additional hardship over many decades. There is currently an advance-repayment schedule in both water and sewer that costs these funds roughly \$500 per month.

Councilman Janson asked whether CT Consultants had helped to set the rate increases that were passed last year. The new rates were determined solely by Council without outside help. Councilmen Clark and Janson said that Council should re-visit these new rates to determine if they need to be raised again for the health of the utility funds.

Chief Buchert also asked how much would be unappropriated in the general fund after this transfer is made. Clerk-Treasurer August reported that according to the County Auditor there would be roughly \$70,000 left unappropriated.

- ❖ Motion to suspend the rules was made by Councilman Prescott and seconded by Councilman Janson. All voted aye.
- ❖ Motion to approve Ordinance 2014-17 was made by Councilman Prescott and seconded by Councilman Janson. All voted aye.

**ORD. 2014-18 AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2014 APPROPRIATIONS AND DECLARING AN EMERGENCY. *1st Reading.***

- ❖ Motion to suspend the rules was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.
- ❖ Motion to approve Ordinance 2014-18 was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.

**Department Heads and Village Engineer:**

**Chief of Police Harry Buchert**

Chief Buchert asked Council to accept a \$1200 donation from Mantaline for a K-9 bite suit.

- ❖ Motion to accept the donation was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.

At the last council meeting Chief Buchert asked for permission to purchase 2 laptops. Tonight he asked for permission to purchase three laptops instead as long as he can do it within the same budget. He is looking at options from cheaper suppliers as well as re-built units.

- ❖ Motion to allow Chief Buchert to purchase three laptop computers was made by Councilman Prescott and Councilman Clark. All voted aye.

**Village Administrator Dave Akerley**

Village Administrator Dave Akerley reported that the digester sump pump finally thawed out at the wastewater treatment plant and is working well.

Ohio Drilling came today to finish up the work on well #1 at the water plant. Dan will be testing it to make sure all is running well.

We had a water service line and a main-line break on Fernway Drive last Thursday. They are fixed and the holes are backfilled now.

We repaired the Regan St. water line valve so that we can replace the hydrant nearby. They will also be working on the hydrant in front of the Potato Festival Building.

Dave asked Council to accept a donation of \$100 from Joshua Cline to be put into the Park Improvements fund. Mr. Cline chose to pay the additional amount when he rented the Park Lodge.

- ❖ Motion to accept the donation was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.

The Mayor reported that Dave got quotes for replacing fire hydrants. Utility Contracting Inc. gave the lowest quote at \$2000 per hydrant. The Mayor asked Council for permission to hire Utility Contracting Inc. to replace the 6 remaining fire hydrants. Dave said that he and his crew will replace some if time allows to save a little money.

- ❖ Motion to allow for the expenditure of up to \$12,000 for Utility Contracting Inc. to replace fire hydrants was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.

She also asked for a motion to allow for the purchase of the rotating assemblies on the RAW headworks Pump #1 and #2 at the wastewater treatment plant.

- ❖ Motion to allow for the purchase of the rotating assemblies was made by Councilman Prescott and Councilman Zoller. All voted aye.

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

The contractor is working on the Crestwood sanitary project and his timeline is to be done in early April with restoration to follow.

This evening we had a meeting with a property owner on Pioneer Trail that requested more information about tying in to our water and sanitary sewer lines. This property would be our customer if they choose to run the sewer lines and additional 325' to reach their property. Rich gave them an idea of their options and rough cost estimates so that they can make a decision about whether to pursue a new septic or a sewer line. More information will be reported to Council as it becomes available.

### **Committees:**

- Councilman John Clark for Service – We are still discussing employee uniforms. Councilman Clark talked again to Jim Kotkowski about the mini-excavator that he is selling. Councilman Janson reported that based on the service hours and included equipment that it may be worth roughly \$17,000, which is \$2,000 more than the asking price.
- Councilman John Clark for Shade Tree – Arbor Day activities are set for April 25<sup>th</sup>. The 3<sup>rd</sup> graders will be writing essays and receiving seedlings similar to in past years.
- Councilman Marty Hura for Parks – Councilman Janson reported that he will purchase the 3 doors for the park lodge. Councilman Hura is recommending that we purchase the merry-go-round out of park funds rather than continuing to wait for a grant.
- Mayor Clark for Planning – We are still in the process of updating the site-plan review process. There are a couple of permit applications in process. Devin is also checking into a few issues around the Village.

- Mayor Clark for Cemetery – Mr. Lombardi called in regards to the requests we made to the Thompson Trust. He seems to feel favorably about most of the requests, but is still unsure about the funds for a cemetery sexton. He did ask about a mini-excavator and the Mayor told him that we would get back to him with some prices. Councilman Janson asked if the trust could purchase the equipment and then charge rent to the service department when it was used elsewhere in the Village. Solicitor Stuck said that the rental wouldn't work because that would mean that the trust is paying for equipment to be used outside of the cemetery.

The Mayor also said that there is a resident who may be interested in a joint purchase and sharing agreement with the Village for a mini-excavator. She and Dave will follow up with the resident to get more information.

- Mayor Clark for Board of Zoning Appeals – They are in a holding pattern for official word from the Eric Hummel and Ted Manfrass medical building project.
- Councilman Ben Prescott for Finance – Nothing to report beyond what has already been discussed.
- Councilman Giles Seith for Safety – There was no meeting in March.
- Councilman Bill Zoller for Fire Board – The new tanker is in and the fire department is looking into the possibility of purchasing a new ambulance. The Fire Department will have a levy on the May ballot and likely again in November.

#### **New and other Business:**

- ❖ Motion to approve the special events form for Art on the Hill was made by Councilman Prescott and seconded by Councilman Janson. All voted aye.

#### Discussion on the road and infrastructure levy:

Council packets contained a pavement conditions summary.

Jenny reported that the Assistant County Auditor suggested that we have a property tax levy rather than a bond levy. A bond levy would cause us to be charged interest that would add up to a big amount over the course of the bond. To generate \$150,000 per year we would need an 8mil levy that would span 5 years. The cost for the average home, which is valued at around \$100,000 would be around \$24 per month, or \$280 per year.

Councilman Clark said that rather than rushing to get this on the ballot in November maybe we should really investigate this to make a stronger presentation to the residents for the May 2015 ballot.

Chief Buchert asked why we were trying for a property tax levy instead of an income tax levy. Solicitor Stuck and Clerk-Treasurer August said that we have tried twice for an income tax levy and it has failed. Her thought is that residents are usually scared off by an income tax increase, whereas they may respond better to a levy to address the roads specifically.

Councilman Janson recommended that we look at the options at the next service and finance meetings and make recommendations at the April Council meeting.



The mayor reported that she has received a 2015 budget from police but is still waiting for one from service. She asked Council if they would like to have a budget workshop. The workshop was set for 6pm on April 15<sup>th</sup> before the regular Council meeting.

The Mayor asked for a motion for council to go into executive session.

- ❖ Motion to go into executive session at 8:41pm for imminent litigation and personnel matters was made by Councilman Clark and seconded by Councilman Hura. All voted aye.
- ❖ Motion to come out of executive session at 8:54pm was made by Councilman Hura and seconded by Councilman Prescott. All voted aye.
- ❖ Motion to authorize Jenny to make a claim against Ohio Plan/Hylant to satisfy the \$2142.00 finding for recovery relating to Anthony Fiorilli was made by Councilman Prescott and seconded by Councilman Hura. All voted aye.

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

- ❖ Motion to adjourn at 8:55 pm was made by Councilman Prescott and seconded by Councilman Zoller. All voted aye.

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Mayor Linda Clark

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Admin Services Officer Kate Rogers