

amended

**Village of Mantua
Regular Council Meeting**

March 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 Joan Buchert, mother of our Police Chief, and Bill Maynard, husband of our previous water-sewer billing clerk.

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

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: Nita Hendryx, Holly Price, and Jim Armeni from the Auditor of State's Office, John Clark, Lisa Rizzotto, Dan Denzinger, Eagle Scouts Francis Hosey and Chris Mars, and a reporter from the Villager.

Local Government Services Presentation:

Ms. Nita Hendryx of the Auditor of State's Office, division of Local Government Services, gave a presentation regarding Mantua Village's Fiscal Watch status. She explained the conditions that made Mantua Village eligible for Fiscal Watch status. Ms. Hendrix reviewed the five year forecast that her office prepared that determined that Mantua Village is moving in the right direction. The Village has cleaned up all negative fund balances and outstanding debt. The Auditor of State's office has released the Village from Fiscal Watch.

Eagle Scout Presentation:

Francis Hosey has been working with the Claude Hopkins on the Cemetery Board on his Eagle Scout project. He would like to do some work on the Veteran's Memorial. He wants to replace six pollards, dig up and move the big rock, and plant red, white, and purple perennials. He would like to use fill dirt to move back the mound with the three crosses. He is requesting to use the backhoe to move the dirt and the old rock with dates carved on it. He also would like approval from Council. Mayor Clark asked him about costs. He said other than the flowers, there is no cost. The mulch is being donated, and the dirt is free at the Cemetery already. He is not anticipating any other costs. He would ask the Service Department to work with him using the heavy equipment. Anthony recommended some changes that may be less work and less mess and still meet the deadline of April 15th. Linda Schilling suggested that he meet with Claude Hopkins again and make sure he is on board. Anthony also recommended a concrete bench be placed in the area as well.

Ben Prescott moved to allow Francis to move forward with his project as long as the Cemetery Board and Village Administrator are in agreement. Linda Schilling seconded. All eyes on vote. Giles suggested that Francis call Atlantic Water Gardens for a donation.

Minutes:

There was no discussion.

Motion to approve the regular meeting minutes of February 19, 2013 made by L. Schilling, with a second by B. Prescott. P. Janson abstained from voting, all other eyes on vote.

Mayors Report:

We are on schedule for the Orchard St. project. The notice for the bid packets went out on March 10th. The bid openings are scheduled for April 3rd. Completion is scheduled for early June.

DMRC and she have been meeting with the property owners on the south end of town to gain support for the sidewalk project. DMRC is having a reverse raffle on May 4th at the K of C to help with the matching funds.

Congratulations to the Mantua-Shalersville Chamber of Commerce. This is their 10 year anniversary. There is a gathering planned at Jake's on March 25th at 6:00 p.m.

At the PREP meeting at Regional Planning this month they discussed asset mapping. They saw a demonstration of what has been added to the County Auditor's website.

Mayor Clark just received notice from the County Commissioners on the CDBG grant. Applications are due April 8th, OPWC Round 28 is due May 3rd, and the Hiram Community Trust grant is due April 12. She and Marty are working on a Merry-Go-Round. If there are any projects we want to do and have the matching funds, we need to apply soon.

Finance Report:

Jenny reminded everyone that she will be attending the Local Government Officials workshop on Wednesday & Thursday, April 3 & 4th. The office may be closed. Jenny gave her report as of February 28, 2013. The financial reports have all been sent by e-mail or copied to Council. All funds remain in the black. February revenues totaled \$154,035. Expenses totaled \$97,346. There was one adjustment on the fund summary report in the amount of \$6040, for a closed CD. The Auditor assisted on this adjustment. Water-sewer and income tax software programs balanced with the UAN. The Revenue Status and Appropriation Status reports were included so Council can see where we are year to date. The revenue status report shows that we are slightly over in revenues and the appropriation status report shows that we are on track in spending. The bank reconciliation had no adjusting factors and Council approved payments on checks 39969 through 40037.

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 B. Prescott with a second from L. Schilling. All ayes on vote.

Correspondence:

- The Portage County Regional Planning letter has a deadline of April 8th for the CDBG grant.
- Auditor of State Dave Yost will be here April 10 at 1:00. to congratulate us getting out of Fiscal Watch. Jenny typed up a two page letter for Local Government Services detailing the things we did to get out of Fiscal Watch, and she gave it to him. He is impressed that we were able to do it without raising taxes or water rates.
- Ed Rance is here, and our audit is underway.
- The Mayor read a correspondence from the Crestwood Primary School Principal, Beth Trivelli, thanking the Mantua Police Department for making Literary Night such a success. School Resource Officer Joe Urso and also Officer Justus attended.

Bills of Resolution:

- Harry asked about the Rt. 14 Embroidery and MPH Industries charges. It appears that these are on both the Bills of Resolution and the addendum list. Jenny verified that these were duplicated. On line 17 he noticed that the invoice is twice as much as usual. Jenny will check into that.

Motion to amend removing the two duplications of Rt. 14 Embroidery in the amount of \$66.72 and the MPH Industries in the amount of \$111.15 duplications and also pending Jenny's investigation on the Verizon bill made by L. Schilling, with a second from B. Prescott. All ayes on vote.

Motion to approve as amended by L. Schilling, seconded by 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 3rd READING. This is on the table.

ORDINANCE 2013-03: AN ORDINANCE AUTHORIZING THE CLERK TO CLOSE FUNDS THAT HAVE A ZERO BALANCE AND ARE NO LONGER IN USE. 3rd READING. No discussion.

Motion to approve by L. Schilling, seconded by M. Hura. All ayes on vote.

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. 2nd Reading.

Giles questioned why Council has to approve the hiring of the Assistant Clerk. Michele explained that according to the handbook, it specifies that the Clerk-Treasurer chooses the person, and Council must approve. In the Service Department approval is subject to the Mayor.

ORDINANCE 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. 1st Reading.

2nd Reading 2

The Mayor said we have done the separation and notified Ralph Zoller II, AKA Barky, and sent him easement language to approve. Solicitor Stuck said we sent him two easements. The temporary easement leaves everything as is, and is in effect until Barky decides he wants to relocate the driveway. At that point, the permanent easement would be executed. The driveway would be improved with a gravel base, and the Village would have to pave it. The Mayor explained the easement language. The original paperwork was for 20 feet to the edge of the property line. Barky will agree to 15 feet. She said we were concerned about how tight that would be. She passed around pictures that showed the surveyors stakes and the cruiser parked in the 15 foot area. Harry is concerned about getting fire equipment or an ambulance up that drive, there would be no place for them to turn around and they would have to back out. Paul said even with 20 feet they will have to back down. Harry said the top area would be smaller. B. Prescott asked if it would help to do away with the buffer. The Mayor said the buffer is in case our cruisers slid off the drive on an icy night. B. Zoller said that by law a Fire Truck or an Ambulance can't go over 102 inches, which is 8 feet and 6 inches. Harry said he would feel comfortable with more area. L. Schilling asked who owns the house along the drive, and don't they need so many feet. B. Zoller said they are already encroaching on Barky's property. Michele asked if a 12 foot wide driveway is more acceptable than attempting to make a driveway down College St. Harry said yes. The Mayor said Barky does not have plans right now to do anything, but wants everything in place for the future. L. Schilling said it is too close to the brown house. The Mayor said it is what Barky is offering. Our other offer is to use College St. Anthony asked if there were prior easements. Michele said there was a driveway license, which does not survive a transfer of ownership. The Mayor said we would like to file both easements at the same time. Barky is willing to give us the temporary easement now. If Barky wants to expand, would Council be willing to take a 15 foot easement, have Barky put in a three foot gravel buffer, up to the College St. Paul asked if we file this and Barky sells it, do the easements stay? Michele said yes. It would be negotiable again if the new owner wants to. Giles said we gain a few feet at the bottom because it is wider at Franklin St. and gets narrower as it goes up. Anthony disagreed. Motion to have Michele revise the easement to 15 feet and present it to Barky by B. Prescott, seconded by P. Janson. All ayes on vote, except B. Zoller abstained.

ORDINANCE 2013-08: AN ORDINANCE AMENDING SECTION 921.03 OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES, ESTABLISHING FEES FOR RECONNECTION TO THE VILLAGE WATER SYSTEM. 2nd Reading.

ORDINANCE 2013-09: AN ORDINANCE AMENDING SECTION 931.02 OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES, ESTABLISHING FEES FOR RECONNECTION TO THE VILLAGE SEWERAGE SYSTEM. 2nd Reading.

ORDINANCE. 2013-11: AN ORDINANCE ENACTING SECTION 5.3(I) OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK RELATING TO SERVICE DEPARTMENT EMPLOYEES WORKING SPECIFIED HOLIDAYS. Tabled on 1st Reading.

RESOLUTION 2013-13: A RESOLUTION ESTABLISHING A NEW FUND 5704 FOR THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY. 1st Reading.

The Mayor explained that this is regarding the Crestwood Sewer Pump project. Jenny explained that any time a grant is approved, a new fund must be in place for tracking expenses.

Motion to suspend the rules by B. Prescott, seconded by P. Janson. All ayes on vote.

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

RESOLUTION 2013-14: A RESOLUTION ESTABLISHING A NEW FUND 4201 FOR THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY. 1st Reading.

This is for the Hydrant Replacement and Repair Project grant.

Motion to suspend the rules by B. Zoller, seconded by B. Prescott. All ayes on vote.

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

RESOLUTION 2013-15: A RESOLUTION CREATING CAPITAL PROJECTS FUND 4905 IN ORDER TO ACCUMULATE RESOURCES FOR THE ACQUISITION, CONSTRUCTION OR IMPROVEMENT OF FIXED ASSETS OF THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY. 1st Reading.

The Mayor said this is the \$102,000 tax forgiveness from St. Gobain. Michele suggested that Committees should be discussing and submitting recommendations for the project. We have 10 years to build up the money, and it must be used for fixed assets. Michele said the emergency language is just so it goes into effect as soon as it passes.

ORDINANCE 2013-16: AN ORDINANCE ACKNOWLEDGING AND CORRECTING A TYPOGRAPHICAL ERROR IN PREVIOUS WAGE ORDINANCES AND DECLARING AN EMERGENCY. 1st Reading.

The Mayor explained that in prior wage ordinances an employees pay was listed as \$12.96 when it should have been \$12.76.

Motion to suspend the rules by B. Zoller, seconded by B. Prescott. All ayes on vote.

Motion to approve by L. Schilling, seconded by M. Hura. All ayes on vote.

ORDINANCE 2013-17: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 921.08(b) RELATING TO THE FIVE DOLLAR QUARTERLY SERVICE FEE COLLECTED PURSUANT TO THAT SECTION, AND DECLARING AN EMERGENCY. 1st Reading.

The Mayor said we have been collecting the surcharge since 2008 for water capital improvements, and in 2009 it changed to a split of \$2.00 to Water Capital Improvements, and \$3.00 to Storm Sewer Maintenance. Michele said the Auditor said water & sewer collections cannot go into Storm Sewer.

Motion to suspend the rules by M. Hura, seconded by B. Zoller. All ayes on vote.

Motion to approve by M. Hura, seconded by L. Schilling. All ayes on vote.

ORDINANCE 2013-18: AN ORDINANCE AUTHORIZING A TRANSFER OF \$4,720.86 FROM THE STORM SEWER IMPROVEMENTS AND MAINTENANCE FUND 5762, TO THE WATER CAPITAL IMPROVEMENT FUND 5761, AND DECLARING AN EMERGENCY. 1st Reading.

The Mayor said this is transferring the money that was put in the Storm Sewer fund back into the Water Capital Improvement Fund. Michele asked if there was any money in the Storm Sewer fund that was not from the water bill money. Jenny said no.

Motion to suspend the rules by B. Prescott, seconded by B. Zoller. All ayes on vote.

Motion to approve by L. Schilling, seconded by M. Hura. All ayes on vote.

ORDINANCE 2013-19: AN ORDINANCE AMENDING ORDINANCE 2013-12 IN ORDER TO CLARIFY THE HOURLY RATE OF THE VILLAGE ADMINISTRATOR, AND DECLARING AN EMERGENCY. 1st Reading.

The Mayor said the Auditor wanted this corrected. Michele explained that this will clarify Anthony's employment status for UAN purposes. This keeps him at the same rate, just clarifies that he is an hourly employee.

Motion to suspend the rules by B. Prescott, seconded by M. Hura. All ayes on vote.

Motion to approve by L. Schilling, seconded by M. Hura. All ayes on vote.

Departmental Reports:

Police Chief, Harry Buchert thanked everyone for their support while his mother was ill. The Safety Committee gave Harry the approval to complete a pre-application for a grant for bullet proof vests. This is a 50/50 match grant.

Motion for Harry to apply for a 50/50 grant for bullet proof vests by B. Prescott, with a second by L. Schilling. All ayes on vote.

Harry also would like to send our Lieutenant to training on how to handle the transition from staff to Supervisor at a cost of \$149.00. Council said to go ahead.

Next Safety meeting will be April 4th at 6:30 a.m. He also wanted to express that the Police Department employees are happy about the raises they were given.

Village Administrator, Anthony Fiorilli III reported that his employees were happy as well.

Village Engineer, Rich Iafelice said that the preliminary work is done for the St. Rt. 44 Sidewalk project. The preliminary design, concepts, and cost estimates have been reviewed with DMRC and the Mayor. There is a need for additional funds.

Motion to authorize the Mayor with the Assistance of the Village Engineer to communicate with AMATS & ODOT to explore additional funding opportunities and report back to Council by B. Prescott, seconded by L. Schilling. All ayes on vote.

Rich said the grants are officially approved for the Crestwood Sewer project and the Fire Hydrant Repair & Replacement. The agreements will be recieved and we should be able to draw upon those funds by July 1st. The Village worked out an agreement with Crestwood to proceed with the Engineering to meet the schedule of March 31st. Mayor Clark asked that Paul and Ben return to the property owners with necessary information about the easements so we can get those going. It is the Gonczy's, Matt Benner and one other. Rich said the reason Paul and Ben were asked to do this is to minimize costs to the Village. Once the terms are agreed upon, C.T. Consultants would draft something up for Council approval.

March 19, 2013

Committee Reports:

Shade Tree: Linda Schilling said the Arbor Day program is in the works. The third graders are asked to write a 50 word essay and draw posters. There are 135 trees. The program will be at the end of April. Don Buchert will have the trees by the 15th of April. Bill and Ben are going to deliver them to the school.

Finance: Minutes are on file. We are going to be off Fiscal Watch officially on April 2nd. We must continue being cautious with our spending.

Parks: Marty Hura reported that he and the Mayor are going to be doing the grant application for the Merry-Go-Round. Marty also wanted to remind everyone that Mantua matters articles are due by April 27th.

Cemetery: Mayor Clark said the Cemetery Board and Anthony are waiting on mowing estimates to complete their list for the Trust. They will be checking into pricing for solar lighting for the flag pole. Ben asked about the survey. The Mayor said Ben suggested that Anthony is going to check with Cemetery surveyors to get pricing to have the Trust pay for having the plats surveyed. Anthony said some of the plat markers are gone. Bill Zoller asked if we should look into plotting the open field portion while we are having this done. The Mayor said since there are no Trust "clients" in that area, the Trust has not been willing to pay for mowing or anything in that area. Michele wanted to mention that Anthony was concerned that delaying submitting the list may put him behind on the road edging. He can go ahead and front the money and submit later for reimbursement. Harry asked if we could submit hours to the Trust that we spend on the Scout project. Ben said yes, we can.

Board of Zoning Appeals: The Mayor has nothing at this time.

Planning: Mayor Clark reported they had a site plan discussion. The Planning Commission reaffirmed that they want a site plan. They are still working on signage and addressing Lisa Rizzotto's package that she presented. They are incorporating it into their signage discussion.

Service: Bill Zoller had nothing at this time.

Safety: Safety is doing well.

Fire Board: Giles said Engine 1 will be back in service April 1st.

New or Other Business:

Mayor Clark asked for a motion to allow a work authorization for C.T. Consultants to do the engineering services related to the Sewer project for \$43,300 and up to \$5,000 for the Hydrant grant project. Bill Zoller asked what type of Engineering services will be needed for the Hydrant grant. The Mayor explained that it is for the OPWC grant paperwork. They require an Engineers stamp on everything. Rich added that they itemize all of the "in-kind" work for reimbursement.

Motion to authorize the Mayor to sign the work authorizations by L. Schilling, seconded by B. Prescott. All ayes on vote.

Mayor Clark said that she was contacted by a property owner that there is parcel # 24-04-00-00-012 that should have gone to us back when we acquired some property by the sewer plant. Motion to allow our Solicitor to do a ~~quick~~ claim deed for this property by L. Schilling, seconded by B. Prescott. All ayes on vote. ~~quit~~

The Mayor also received a letter from B & H Rentals requesting that the Village include Mill St. on this year's paving schedule. They feel that this street gets a lot of traffic and is in need. They have given us multiple easements in the past and are very civic minded, and they feel that their patrons need a better road. Bill Zoller asked when Mill St. is scheduled for paving. Anthony said 2014. Giles asked where Mill St. ends. Bill said Mill St. used to end at Mantua Lumber. Anthony said he thought the Village was responsible to Advanced Rehab. Bill said it used to be where there parking lot starts.

Michele wanted to let Council know that the Vhynals initiated a lawsuit against Butch Schultz and the Village as defendants for the Zoning violations that occur at Butches building. Our

insurance company filed a motion for summary judgment on behalf of the Village and it has finally been granted, and now the Village is officially out of the lawsuit.

Citizens:

Dan Denzinger is concerned about someone trying to put an island in front of his business. He realizes that he does not own the building, but he has worked 14 years to build that business up and he has truck traffic in and out. Bill Zoller asked who placed them there, and are we aware of any of this? Mayor Clark said we put barrels up as a mock testing area to see how much it impeded traffic in the ingress and egress in this area. Dan stated that he loves Mantua and feels there are a lot of things that can be done in this town, but he is not happy about this. Dan gave the Mayor a copy of a petition that his customers signed stating that they are against the proposed planter/island. Harry said there was an incident there today. He is right, and they closed it down. Paul said he is amazed that they did that without talking to Dan, and he wanted to know who authorized this. The Mayor said the property owner was there when they were put up. Paul said the business owner should have been notified. Linda Schilling said Council should have been made aware of this. Paul said he is not happy about this and is in total disagreement of that whole project. It is complete overkill and too much money, and won't do anything down there. Linda Schilling said it is going to hurt business. Bill Zoller said he is in agreement with Paul. Paul suggested that we remove the barrels tomorrow. Anthony said we need to get DMRC here and see what they are planning to do. Motion to have the Service Department remove the barrels tomorrow by L. Schilling, seconded by P. Janson. All ayes on vote.

Mayor Clark asked what kind of incident happened. Harry said it was a traffic accident. Jenny said when she goes to Middlefield Bank daily, she pulls all the way to Dan's parking lot just to be able to safely pull out of that lot.

John Clark asked when we applied for this grant project. When Council applied for the grant, they were implying agreement. If you didn't agree, you should not have applied. If this is going to be curbed, people can't drive over it. Paul said there would be a sidewalk but not a curbed one. The Mayor said we are all guilty for not really knowing what the plan was the DMRC had. Giles and Linda said they thought it was just going to be a sidewalk. Paul said we need to call a meeting with DMRC and iron this out. Council decided to have a workshop and discuss this in conjunction with other topics. The workshop was set for March 27th at 6:30 p.m. Dan thanked Council.

Lisa Rizzotto is appalled at the rudeness to each other at Council meetings. She asked what is the hold-up on the signage issue. This is her third meeting and nothing has happened. Does it even matter? Mayor Clark said the Planning Commission is taking it very seriously. She hopes Council decides how they are going to regarding the Zoning Inspector position. Bill Zoller said they don't want to just band-aid the signage issue, they want to fix it correctly. Lisa asked why they picked on her and let so many others go. It is selective. The Mayor said a Zoning Inspector should go by the book and uses his best judgment. Lisa asked who oversees the Zoning Inspector that didn't do his job? Mayor Clark said she told John to follow the book. Linda Schilling asked Lisa if she has been to Planning. Lisa said no. Why should she when she has hand fed them the book? Council gets updates. Giles said often there are two definitions. He supports businesses, but everyone doesn't always fit the same rule. Lisa said if you have a protocol to shove down her throat, do it to everyone else. Mayor Clark said sandwich signs do not need a permit because they are taken in at night. Lisa said Jakes sign is not, and it is chained to a fence. Mayor Clark said now it is not chained. Linda Schilling said it was chained, but it fell because of the wind.

Executive Session:

Motion to go into executive session for Personnel Employment and Personnel Discipline at 9:25 p.m. by B. Prescott, seconded by B. Zoller. All ayes on vote.

Motion to reconvene to Council at 9:55 p.m. by M. Hura, seconded by B. Prescott. All ayes on vote.

Motion to adjourn the meeting at 9:56 p.m. made by L. Schilling with a second from M. Hura. All ayes on vote except B. Zoller said no.