

**Minutes of the Special Council Meeting – To Amend Zoning Code
June 19, 2012**

Call to Order – 6:30 P.M.

Pledge of Allegiance

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

Others: Mayor Linda Clark, Clerk-Treasurer Jenny August, Assistant-Clerk Susan Skrovan, Solicitor Michele Stuck, Police Chief Harry Buchert.

Mayor Clark asked if there was any discussion on zoning code amendment pertaining to financial guarantees.

Motion to adjourn the hearing at 6:31 p.m. made by L. Schilling with a second from B. Prescott.
All ayes on vote.

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

**Minutes of the Special Council Meeting – Budget Hearing
June 19, 2012**

Call to Order – 6:45 P.M.

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

Others: Mayor Linda Clark, Clerk-Treasurer Jenny August, Assistant-Clerk Susan Skrovan, Solicitor Michele Stuck, Police Chief Harry Buchert.

Public: Lisa Zamecnik

Mayor Clark asked if there was any discussion on the 2013 budget.

Jenny said there were a couple of things that changed since last month; we had some news from Saint Gobain, unofficially. We set money aside in the Capital Reserve fund for a project we will be talking about soon. We moved it from the income tax refund line to the transfers out line. We increased revenues in income tax as well as increasing zoning fees and marriage services. Property taxes were bumped up just a little bit because those are coming in better.

Regarding expenses, in anticipation of 2012-38 passing, Finance Committee bumped up the wage line in Clerk-Treasurer's office. The Parks personnel wages we dropped down about \$1,000; however, there is still \$9,000 more than we had in there last year. Income tax refunds we have dropped down \$20,000 and the telephone bill for our office, we dropped by \$100.

Police Chief, Harry Buchert, asked if we anticipated extra revenues coming in from income tax; is there any consideration for 24/7 police protection? Jenny felt it would be up to Harry how he arranges his budget. Harry said he could not do it at \$410,000. Jenny added that you have your budget to work within; it would be up to you, your committee and Council. Bill Zoller asked how much additional he would need. Harry could not tell at this time. Jenny thought Harry figured they were about 20 hours a week shy of coverage. Benefits would be on top of that. Paul Janson asked Harry to provide Council with what he would need because it can always be amended. Harry was not so concerned with the budget part of it, but if we have the extra money, it could be something we could discuss during the appropriation process for 2013.

Linda Schilling asked if we should increase leaf bags since we know they are more money. Marty Hura said no, we should have less cost purchasing them through Ravenna, no shipping.

Motion to adjourn the hearing at 6:52 p.m. made by L. Schilling with a second from M. Hura. All ayes on vote. Michele said actually you only have to call a public hearing to a close; no adjournment is necessary.

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

Village of Mantua
Regular Council Meeting
(amended)

June 19, 2012

Mayor Clark called the meeting to order at 7:00 p.m. and led the pledge of Allegiance. Mayor Clark asked that all cell phones be turned off or put to vibrate mode.

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

Others Present: Clerk-Treasurer Jenny August, Assistant-Clerk, Susan Skrovan, Village Solicitor Michele Stuck, Police Chief Harry Buchert, Village Administrator Anthony Fiorilli III, Rich Iafelice with C.T. Consultants.

Public: Lisa Zamecnik, Ellie Stamm, Terri Vechery, Auxiliary Policeman Mike Jones, Robert MacLearie, Edie Benner.

Minutes: Motion to approve the regular meeting minutes of May 15, 2012 made by L. Schilling with a second from M. Hura. All ayes on vote.

Mayor Clark asked to make a correction to the May 31st special meeting minutes. On the second page under neighborhood development Orchard Street project, the last sentence should read, "Lisa Reeves from Regional Planning", not NDS. Motion to amend the special meeting minutes of May 31, 2012 made by B. Prescott with a second from B. Zoller. All ayes on vote. Motion to approve the special meeting minutes as amended made by B. Zoller with a second from B. Prescott. All ayes on vote.

Mayors Report: Mayor Clark first wanted to wish Linda Schilling a happy birthday. With summer here, we have a long list of items to try to prioritize in order to get them done. We have turned in the pre-applications for the Crestwood Sewer Project. We should know in about six weeks if we are successful. We have also applied for hydrant replacement and/or repairs and should know about this one at the same time.

Linda Clark wanted to take this time to thank several people and businesses for their assistance in the Village.

- To the Chamber of Commerce for the hanging baskets
- To the Mantua Garden Club for beautifying the flower box at the south end of town, the box at the cemetery, weeding at the mini park, separating, and replanting the Veterans Memorial box at Village Hall.
- To the DMRC for their Saturday clean-up downtown.
- To Sue Mishler and Patty Leventry for approximately 12 hours of sanding, priming and painting benches. There are still six or so more to do, if anyone can spare the time. She would like to have them done before Art on the Hill.
- To the American Legion #193 for the American Flags that grace our streets.
- To B.Y. Mulch for donating mulch for the cemetery, mini park/downtown area and Village Hall.
- To Shalersville Twp for their assistance on the trails and with our salt issue.
- To Linda Schilling who planted the seed to put the fountain out and to Ruthie Aldrich and Tim Benner for helping locate the missing fountain two years ago when this all started.
- To the Mantua Yacht Club for their generous donation of \$265.00 to use toward the fountain.
- To Tim Benner for cleaning, priming and repainting the fountain and with helping to install it.
- To Harper Well and Pump who ordered the primer/paint and when the estimate was over budget, gave us a bigger discount to cover the difference.
- To Atlantic Water Gardens for their on-site help and for donating the new pump. This help was in addition to our Service Department employees doing their jobs.
- To Ellie Stamm & Carl Zeleznik for the crushed concrete for the Esker Trail and at the park.
- To Paul and Sandra Brannon, Paul Jr. and Tom Bowersox for putting the Veteran Flags in at the cemetery on Saturday before Memorial Day.

- To the VFW in Aurora who donated three dozen Veteran Flags at the last minute that we were short.
- To the anonymous gift of many hours spent patching and painting the interior of the lodge.
- To the City of Ravenna for assisting us in the repairs on the waterline issue in front of the park.

Mayor Clark would appreciate if one of our Council members would make a motion to accept all the above donations of time, discounts and products that were given to enhance the Village.

Motion to accept all the donations presented made by B. Zoller with a second from B. Prescott. All ayes on vote.

Next on the agenda was Ellie Stamm with Stamm Contracting. Accompanying her was the Vice-President of Stamm Contracting, Jason Heilman. Stamm Contracting wanted to come before Council to make a request in order to help reduce concrete dust and noise in their parking lot and following EPA best practices regarding air quality. They have made many improvements over the years to try to control the noise and dust pollution and have even contracted to have asphalt oil sprayed on their yard. This is a messy process and sticks to vehicles and shoes. They no longer do that for that reason. They are requesting to drill a well just west of their batch plant that would only be used for dust control. This would only be during their biggest months of April through November. The water would not be entering the municipal sewer system.

Michele did remind everyone that the Village does have an ordinance prohibiting the drilling of a well except under very limited circumstances. Anthony wanted to suggest that instead of drilling a well, casing it and the electricity to run it, he would offer Stamm a very good bulk water price during those months. They would not have to worry about the cost of drilling. Ellie said that would be their second choice, however, she hoped that Council would take this under consideration. Jason added that they have reduced their consumption of water by recycling as much of it as they can, however, they do not want to spray the recycled water on the lot because it is a concrete slurry and leaves more dust when it dries. Anthony asked how many gallons they thought they would be using on a monthly basis. Jason said that depends on how dry it is. Linda Schilling asked if another meter could be installed just as we do for swimming pools and everything else. Anthony said we would sell bulk water out of the plant; they would have to come with a tanker and fill up. Jason said they do not have a tanker. Anthony said we can work with Stamm's and perhaps do meter readings before and after they plan to spray the lot. Paul Janson suggested a special meeting be set up next week or maybe this week, like Thursday. Michele said we would have to advertise for a special meeting because the Service Committee is a sub-committee of Council. A meeting was set for next Monday, June 25 at 6:30 a.m. to meet at the Stamm property.

Next item on the agenda was to discuss the Certified Local Government designation, which Council all received a packet of information. Edie Benner was present to explain the program. DMRC is looking at finding grants for historic preservation; however, most of the grants are not available to us unless we are a CLG. A subcommittee of the DMRC, which was Terri Vechery, Linda Ehlert and Aaron Snopek, took on the duty of looking into what the requirements would be. There would be a Landmark Commission to help develop the ordinance as lenient or as restrictive as you want. We felt the least restrictive would be the best option. The CLG is entirely voluntary for property owners. This is to try to obtain grants to help the community and more groundwork is still needed. Marty asked if there were any other benefits besides the availability of grants. Edie said having a CLG might entice more businesses and people to come here and invest here. Jenny wondered if there would be any costs to the Village or membership costs to residents to be in the CLG. Edie said no, it is voluntary. Marty asked does it remain with the property if it should sell. Terri Vechery said there is a withdrawal clause and Council could totally do away with the ordinance; it is only an enhancement to the property.

Mayor Clark attended a couple meetings and asked about them setting up a board. Edie said it will be called a Landmark Commission, there has been interest but at this time, no one has been put on it. Terri Vechery said the next step would be to have an ordinance written; example language has been provided in the packets for that purpose. Mayor Clark said Council and herself need a full understanding of the program first. Edie said it probably would go to Planning or Finance first, once they have established a commission.

Finance Report: Jenny gave her report as of May 31, 2012. The public hearing for the 2013 budget has taken place. Once the budget has been approved, she will enter it into the UAN template and submit it to the County Auditor.

Jenny asked Council to accept a donation of the old printer from the Auditor of State; our new printer has arrived. We do not have the scanner up and running yet, but that is on our "to-do" list.

Motion to accept the donation of the old printer from the Auditors made by B. Prescott with a second from L. Schilling. M. Hura voted no, all other ayes on vote.

A reminder that Sue will update any Codified Ordinance books brought into our office.

The monthly financial reports are in Council packets.

- For the Fund Status report - all funds remain in the black.
- For Revenues and Expenses, our expenses exceeded our revenues by just about \$30,000. Some of the larger expenses were due to having three pay periods in May, paying for the new (used) truck, paying our semi annual bond payment, paying our annual property insurance, our annual workers comp payment, annual codification fees and our new chopper pump for the wastewater plant.
- The Cash Summary report shows no adjustments.
- The Water-Sewer program & the Income Tax program for April and May totals matched the UAN.
- The bank reconciliation went fine.
- Council approved payments on checks 39221 through 39306.

Correspondence:

- I received an e-mail from the Board of Commissioners office. They discussed a 1989 document announcing the establishment of the Portage County Emergency Management Agency. It encouraged all political jurisdictions to join the County in this countywide agency. The agreement was to pay a .05-cent per capita fee after the first year. To date, the Commissioners have chosen not to collect any payments.

Although the current Board of Commissioners wanted to discuss a plan moving forward with this again to help sustain the Homeland Security and Emergency Management office, the Board has agreed to table this right now.

- Sue has been working with Marc Hollinger from Aspen Energy in an attempt to reduce our electric rates for the Village owned buildings. She is still getting paperwork together for Michele to review regarding our contracts with First Energy, but it looks like we might see potential savings of up to \$5,000 per year.

Motion to approve the financial reports: bank reconciliation, fund status, water/sewer reconciliation, municipal income tax reconciliation, revenue & expenses reports, cash summary report, comparison of budget & actual receipts report, comparison of disbursements/encumbrances report made by L. Schilling with a second from B. Prescott. All ayes on vote.

Bills of Resolution:

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

Legislation:

ORDINANCE 2012-15: AN ORDINANCE ENACTING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 955.05(d) RELATING TO FLAT MEMORIAL MARKERS ON GRAVES. 3rd READING. Motion to approve made by B. Zoller with a second from B. Prescott. All ayes on vote.

ORDINANCE 2012-16: AN ORDINANCE ENACTING SECTION 921.01(d) OF THE VILLAGE OF MANTUA CODIFIED ORDINANCE IN ORDER TO PROVIDE FOR INSPECTION OF BACKFLOW PREVENTION DEVICES. 3rd READING. Motion to approve made by B. Zoller with a second from B. Prescott. All ayes on vote.

ORDINANCE 2012-21: AN ORDINANCE APPROVING AND ADOPTING A PERMANENT BUDGET FOR 2013 FOR THE VILLAGE OF MANTUA, AFTER PUBLICATION AND PUBLIC BUDGET HEARING PURSUANT TO OHIO REVISED CODE 5705.30. 3rd READING. Jenny explained that after the changes Council discussed in the budget hearing, there will be an increase in the General Fund expenditures with the new total being \$698,140.00. Motion to amend as stated made by B. Prescott with a second from L. Schilling. All ayes on vote. Motion to approve as amended made by L. Schilling with a second from B. Prescott. All ayes on vote.

ORDINANCE 2012-26: AN ORDINANCE AMENDING SECTION 610.09, CONCERNING FINANCIAL GUARANTEES, OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA. 2nd READING.

ORDINANCE 2012-27: AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF MANTUA, OHIO AND DECLARING AN EMERGENCY. 2nd READING. Michele said she reviewed this and had found a couple minor errors to correct; it is now okay. Council does not need to amend anything; they were minor corrections to the pages they sent us. Motion to suspend the rules made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Zoller. All ayes on vote.

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. 2nd READING.

ORDINANCE 2012-30: AN ORDINANCE AMENDING SECTION 147.03(a) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA RELATING TO THE APPOINTMENT OF AN ALTERNATE TO THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY. 1st READING. Michele explained this was due to one error she discovered while going through the codified book. Michele would ask that this pass on emergency only because she has already made the correction to the codified pages and would like to get them into everyone's books. Motion to suspend the rules made by M. Hura with a second from L. Schilling. All ayes on vote. Motion to approve made by M. Hura with a second from L. Schilling. All ayes on vote.

ORDINANCE 2012-31: AN ORDINANCE AMENDING SECTION 7.10(F) OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK TO REFLECT A CHANGE IN THE VILLAGE'S MANAGED CARE ORGANIZATION, AND DECLARING AN EMERGENCY. 1st READING.

Jenny explained that Council changed our managed care organization last month and now this will update the handbook to match. Motion to suspend the rules made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to approve made by M. Hura with a second from L. Schilling. All ayes on vote.

ORDINANCE 2012-33: AN ORDINANCE ESTABLISHING THE POSITION AND PAY SCALE OF A LIEUTENANT WITHIN THE MANTUA POLICE DEPARTMENT AND REPEALING ORDINANCE 2011-71 IN ORDER TO REFLECT THE CURRENT PAY SCALES AND POSITIONS OF ALL NEWLY-HIRED FULL TIME AND PART TIME EMPLOYEES OF THE VILLAGE OF MANTUA, AND DECLARING AN EMERGENCY. 1st READING. Chief Buchert explained that this was discussed in Safety Committee. The pay for a lieutenant's position was supposed to be \$16-\$18 per hour, not \$15-\$17 as indicated. Motion to amend the pay to \$16-\$18 per hour made by B. Prescott with a second from L. Schilling. All ayes on vote. Motion to suspend the rules made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to approve as amended made by L. Schilling with a second from B. Prescott. All ayes on vote.

ORDINANCE 2012-34: AN ORDINANCE ENACTING SECTION 139.03 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA IN ORDER TO CODIFY THE VARIOUS RANKS EXISTING WITHIN THE MANTUA POLICE DEPARTMENT. 1st READING. Motion to suspend the rules made by B. Prescott with a second from L. Schilling. Marty asked before he votes, it does not say "emergency" in the language. Michele explained that suspending the rules just means you can dispense with three readings. If it were passed tonight, it would become effective in 30 days as opposed to having to go three readings, June, July and August and then it becomes effective 30 days after that. All ayes on vote. Motion to approve made by B. Prescott with a second from L. Schilling. All ayes on vote.

ORDINANCE 2012-35: AN ORDINANCE AMENDING SECTION 5.6 OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK TO CLARIFY THE VILLAGE'S POLICY REGARDING PAID FUNERAL LEAVE, AND DECLARING AN EMERGENCY. 1st READING. Jenny explained that there was confusion in the way it was written. Some employees thought that this was additional fringe benefit, but actually, when someone uses funeral leave, they must have a balance of sick leave, personal time or vacation in order to be paid for the leave. Motion to suspend the rules made by B. Prescott with a second from L. Schilling. All ayes on vote. Motion to approve made by P. Janson with a second from M. Hura. All ayes on vote.

ORDINANCE 2012-36: AN ORDINANCE ACCEPTING AN EASEMENT FOR STORM SEWER PURPOSES FROM BRIAN E. GREGOR AND DECLARING AN EMERGENCY. 1st READING. Mayor Clark explained we are going to be doing a project up on Franklin Street and we need to have our easements in place to start the project. Motion to suspend the rules made by L. Schilling with a second from B. Zoller. All ayes on vote. Motion to approve made by B. Prescott with a second from B. Zoller. All ayes on vote.

ORDINANCE 2012-37: AN ORDINANCE ACCEPTING AN EASEMENT FOR STORM SEWER PURPOSES FROM MICHAEL AND JOAN MCCAULEY AND DECLARING AN EMERGENCY. 1st READING. Motion to suspend the rules made by L. Schilling with a second from B. Zoller. All ayes on vote. Motion to approve made by B. Zoller with a second from B. Prescott. All ayes on vote.

ORDINANCE 2012-38: AN ORDINANCE REPEALING RESOLUTION 2008-22, RE-ESTABLISHING THE POSITION OF ASSISTANT CLERK AS A FULL TIME POSITION, AND DECLARING AN EMERGENCY. 1st READING. Linda Schilling asked when this came to light. Jenny said last night at the Finance Committee meeting. Linda Schilling asked if we have the money for this all of a sudden.

Jenny said yes. Linda Schilling asked if we need a full time position. Jenny said you can see the piles of work in the office that have not been touched for years, we just cannot get to it. Jenny added that she is entitled to two weeks of vacation every year; she has only taken 9 days in four and one-half years. She does all her minutes at home, the budget and appropriations at home, it is not right. Jenny was willing to make a sacrifice when the Village was in a lot of financial trouble; she feels we are doing better now. Motion to suspend the rules made by B. Zoller with a second from B. Prescott. All ayes on vote. Motion to approve made by B. Prescott with a second from B. Zoller. All ayes on vote.

Departmental Reports: Police Chief, Harry Buchert reported the next Safety meeting is Thursday, June 28 at 6:30 a.m. at Village Hall Council. There were no major issues with the Soap Box Derby and he congratulated the winners. A suggestion by Anthony was that we get signs placed in the mini park for "no skate boards". We already have an ordinance prohibiting them in the mini park and he would like to move forward on getting them. Kids are running through there and causing damage.

Harry reported donations totaling \$5,550.00 so far towards the canine unit. Donations were from F & S Automotive, Mantaline, Brugmann Concrete, Carlton Harley Davidson, Mantua Marathon and Marty Hura. Motion to accept the donations made by B. Prescott with a second from L. Schilling. All ayes on vote. We are moving quickly with the donations and hopefully by the end of summer we will have enough to get the dog.

Village Administrator, Anthony Fiorilli III reported that all of Council should have received a copy of this year's CCR report, the Consumer Confidence Report.

His department has a project from last year to finish due to weather constraints. It is a large road repair on Fernway. However, because it is over \$3,000, Council must approve it, it is \$4,650. They would have to close the road for three days during working hours. We do have the money put aside to do the repairs. Motion to approve finishing the project on Fernway made by B. Zoller with a second from B. Prescott. All ayes on vote.

Rich Iafelice with C.T. Consultants commented that the Crestwood pre-application to replace an obsolete pump station is a good project.

ODOT legislation still requires 20 percent local share; Rich received some concessions from ODOT that they are willing to do some of the work. He does not know whether that affects some of the wording in the legislation. Before the next meeting, it may need to be changed. We may not want to commit to the full 20 percent. Michele said if they would be willing to put that in writing, we could pass legislation based on what they tell us.

Mayor Clark wanted to inform Council that there would be a meeting with DMRC on Tuesday, June 26 with the business owners to discuss the sidewalks. She has spoken with AMATS, there is a slight possibility we will be able to change the project to a "walking path/bike path". She would be able to give Rich more information once they have met.

Committee Reports:

Shade Tree: Linda Schilling had nothing to report.

Parks: Marty Hura reported quite a bit has been done including the drainage on the trail. Marty said we would need to transfer some money in Parks for some electrical work. Jenny asked him if he meant appropriate money. Marty said yes, around \$3,000.

Marty reminded everyone that the Mantua Matters deadline is July 27, sooner if possible.

Safety: Marty had nothing to report.

Finance: Paul Janson had nothing to report.

Planning: Mayor Clark reported they are working on signage in the zoning book.

BZA: Mayor Clark reported they would eventually have a meeting in executive session.

Cemetery: The Mayor read a report from the Cemetery Board regarding the 2012 proposed projects. Mulch has been added to many trees. Twenty-six urns were planted early by Eagle Creek and placed around the cemetery. Various beds were planted. They have received bids for tree removal. Work around the mausoleum is in progress. The Cemetery board sent a memo in response to a quote to pave the roads at the cemetery; they felt Option A with a total of 5 inches of asphalt was overkill in their opinion. They have spoken with Shalersville Trustees who have said they have 2 inches of surface that has held up fine. The Cemetery board recommends Option C with a 3-inch surface. The Mayor said Option A was the one sent to the trust. The Cemetery board is asking Council to change their decision. Michele added that now would be the time since she just received most of these estimates this week and emailed the trustee today. Nothing has been submitted to the courts.

Motion to accept the proposal from the Cemetery Committee with the modification to go with Option C, which states a 3-inch modified base saving \$24,000 made by B. Zoller with a second from B. Prescott. Anthony said the savings is not to us, it comes out of the trust. Anthony had concerns about it; the Cemetery Board as an advisory panel, what professionalism they have to tell his department what kind of road should be put in at the Cemetery. Anthony had contractors come out and give him prices; it is our job to do. Bill said it is also our job to control the money. Anthony said it is not our job to control the money; it is the Cemetery Trust Fund. Bill said it is Council's job to approve expenditures for the Cemetery before they go onto the trust. Anthony felt it was not wise to follow an advisory board, not professional in that manner, rather than his department and he must maintain it. Bill said you are paid to maintain it. Anthony said he would never have the money to maintain it if we cheapen the product going into the roads. Bill said, this is not a highway it is a cemetery, you could even chip-n-seal it. In his professional opinion, Anthony felt it would never stay. Call to question. P. Janson voted no, M. Hura voted no, all other ayes on vote. Motion passed 4-2.

Linda Schilling wants to change her vote since we have not done anything yet. She should have voted no. Michele explained someone who voted yes would have to move to have it reconsidered. Motion to reconsider made by L. Schilling with a second from P. Janson. B. Prescott, B. Zoller and G. Seith all voted no, P. Janson, L. Schilling and M. Hura voted yes. The vote was a tie. Mayor Clark broke the tiebreaker and voted yes to reconsider. Paul felt Council should leave the original plan the way it is and then decide when we are ready to do the work, whether or not we have to use that money. If we do not need to use the money, then we do not need to, would that be correct. Jenny said we would have to give it back to the trust. Jenny said as Bill Zoller indicated, if we do not soak them for every dime we can get, we can then go back later if something else comes up that we need. Marty asked how much was in the trust; we are talking maybe one percent or less of the trust, and that would damage our ability to go for any more money. Jenny said a couple years ago, the Village submitted a very expensive list and they did not even respond. Michele wanted to clarify regarding the trust; the court may not release money ahead of a project. They may say, this is pre-approved, submit your expenses to us, the Village may as it has in the past, front the money for the project. Paul said we should not even do that project until we have the money. Michele said it would be up to the court whether they are willing to front us the money; they have not up to now. We need to find out. Mayor Clark said we only made a recommendation for Option A; the trust could pick any one of the options. Michele said the trust was not supplied with the options; they were supplied with what this Council voted to recommend to the trustee. Ben asked if we were going to be able to come up with the \$55,000 ahead of time. Jenny said not in the Cemetery Fund, we are lucky if we have \$1,000 in that fund and that would be only because the General Fund advances money to that fund. Ben said the other option would be about \$24,000. Anthony said there are two things Council needs to look at regarding this work. For one, there is not proper and positive drainage in the cemetery. Ben said everything goes downhill, what do you mean it does not drain. Anthony said it holds water everywhere down there.

Number two; it is our objective that when we bring a project to the trust; it is in our best ability and our best knowledge that whatever is spent, it would be for the maximum life span and longevity. You will not get that with chip-n-seal. Ben felt it was overkill.

Michele clarified that Council is reconsidering the motion that was made before which was to reduce the scope of the project so you would have to re-vote. A vote "no" would be to leave it the way it was and go with Option A, a vote "yes" would be to reconsider to reduce the scope and go with Option C. B. Prescott-yes, B. Zoller-yes, G. Seith-yes, L. Schilling-no, P. Janson-no, M. Hura-no, a tie. Mayor Clark's vote was no. The motion passed to go with Option A. Mayor Clark noted that they are already starting to work on their wish list for 2013.

Service: Bill Zoller reported the fire hydrant grant is in progress to repair/fix and or replace existing fire hydrants in the Village. The update on the chopper pump is that it is being installed now. Anthony added that they have two pieces set and once they have the third piece set, CNC Technologies will come in and do a retrofit for us with a completion date of two weeks if all goes well.

Safety/Fire Board: Giles Seith reported the Fire Board is still going along.

New or Other Business: Bill Zoller received a call from a citizen concerned about an over abundance of cats living on the corner of Woodford and Main Streets. He thought there was something under zoning that dealt with the number of pets any one person can keep. Council members thought it may not be under zoning but thought we had something. Harry said we have an ordinance that indicates any animal must remain under the control of the owner. There is nothing in the criminal code that stipulates the number of animals one can keep. Michele said she did not feel it would be a zoning issue since zoning relates to buildings and the use of land. Michele said it is likely to be a criminal or a general offense under our codified ordinances. Harry suggested they contact the Humane Society. The problem is that people are feeding them; it is all over the Village.

Bill Zoller also mentioned that he received a complaint on a sidewalk on Herald Street.

Chief Buchert asked if there should have been an ordinance to come forward tonight regarding trespassing on school grounds. Michele said she should have had one; it was an oversight on her part. Harry would like to have it in effect before the school year begins.

Jim Oster
Public: ~~John Heint~~ was concerned about standing water, south of the school and north of the Lutheran Church. Mayor Clark said she spoke to Mr. Snodgrass from the church. He said they are looking into the situation but thought it may be water coming off the easement they have with the school. Linda plans to have Anthony look at it as well. Mr. Heint commended Council and Mayor for doing a good job.

Motion to go into executive session for pending litigation at 8:17 p.m. made by L. Schilling with a second from M. Hura. All ayes on vote.

Motion to reconvene at 8:35 p.m. made by L. Schilling with a second from M. Hura. All ayes on vote.

Motion to adjourn the meeting at 8:35 p.m. made by B. Prescott with a second from M. Hura. All ayes on vote.