

## **Village of Mantua Regular Council Meeting**

**June 21, 2011**

Mayor Hawkins called the meeting to order at 7:00 p.m. & led the pledge of Allegiance. There was a moment of silence for Adam Hamilton and Andrew Dalton, two Servicemen killed in the line of duty with direct ties to the Village of Mantua and in remembrance of Councilman Giles Seith's mother.

**Roll Call:** Donna Hawkins, Linda Clark, Linda Schilling, Marty Hura, Ben Prescott, Roger Hawkins, Giles Seith.

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

**Public:** Norm Erickson, Dave Campbell, Pearl Campbell, Aaron Snopek, Rick Frato, Cookie Vanek

**Minutes:** Motion to approve the regular meeting minutes of May 17, 2011 made by L. Schilling with a second from B. Prescott. All ayes on vote.

**Mayors Report:** Mayor Hawkins welcomed the first day of summer. As Mayor, she recognized the one thing hurting our Village was the \$300,000 per year debt we pay on our \$6,000,000 wastewater treatment facility. The money collected for water and sewer usage has not been enough to support this debt, the Clerk-Treasurer has had to go into our General Fund to help support this debt payment for years now. The State Auditor's office has told us numerous times that we have to raise our rates to our citizens, which is appalling to her. How can we ask our citizens to shoulder any more of this burden, but how can we continue to take from the General Fund, which funds many of our other services. Our wastewater treatment facility is a state of the art facility, highly regarded even by the Ohio EPA. Our plant is highly underutilized by the Village. Through our Village Administrator's assistant, Donna Maynard, a meeting was arranged between the Mayor and Sam Ake of Ake Labs. The Mayor is optimistic that this situation will soon change. The opportunity before us is to allow hauled sewage to be processed through our facility providing estimated revenue of \$3,500 per month. Legislation 2011-48 is before Council tonight for their review. The Mayor thanked our Village Administrator, Anthony Fiorilli III for taking a hold of this vision and working through all the details. It is the Mayor's hope that our wastewater facility will prove to be one of the largest revenue generators for the Village of Mantua and one of our most valued assets.

Time ran out for fireworks for this year. The final determination was made by the Crestwood School Board who authorized the Superintendent to notify her this morning that there just was not enough time for the schools to pull this all together with the various booster clubs. The Mayor thanked the DMRC for their financial support as well as their volunteer support, for Hiram Village Council for authorizing police officers, EMS and fire support, the Chamber of Commerce, St. Joseph's Church, the Mantua-Shalersville Fire Department, citizen volunteers and to Chris Cobb for bringing the Village this opportunity in the first place.

The Mayor thanked the Portage County Soap Box Derby and their president, Dean Olson for an extremely fun event this past Saturday. Dean asked the Mayor to extend their appreciation to our Service and Police Departments. Donna announced all the winners of the individual races and thanked all the celebrity racers. She especially wanted to thank Streetsboro Mayor, Art Scott, who she had the pleasure of getting to know as well as race. Even with his vast experience, she managed to beat him by three car lengths!

On July 9, 2011, please invite all your family and friends to the DMRC's Third Annual Art on the Hill and the Portage County Park District's Triathlon. It is also the opening day for the Rotary's Farmers Market.

**Finance Report:** Jenny gave her financial report as of May 31, 2011. Jenny had compiled a list of cemetery expenses she would like to submit to the Cemetery Trust for reimbursement with Council's approval.

Our Village Administrator, Anthony, purchased a used commercial walk behind mower for working close to graves. There are the usual annual flowers and pots, which the Cemetery Board plant before Memorial Day. Jenny also would like to submit all the labor hours from our own employees as well as extra mowing by Ruffing Landscape before Memorial Day. Last year, the Trust did reimburse the Village for Memorial Day preparations. She asked Council for a motion to submit expenses for \$2,621.68.

Motion to approve expenses to the Cemetery Trust made by B. Prescott with a second from L. Schilling. All ayes on vote.

Our recent budget hearing was brief. Jenny believes Council has a workable yet conservative budget for 2012. Upon Council’s approval of Ordinance 2011-38, Jenny should have the budget available for public viewing beginning Monday, June 27<sup>th</sup>.

Our checkbook balance at the end of May:	\$ 504,165.00
Revenues for May:	\$ 133,448.00
Expenses for May including payroll:	\$ 112,562.00

The Cash Summary report shows that one adjustment was made, an audit adjustment for the Cemetery Endowment Fund. Reconciliation of the Water-Sewer department receipts and the UAN receipts matched. The Reconciliation report of the Municipal Income Tax receipts for April and May both balanced to the penny. The May Bank Reconciliation had no adjusting factors. The Comparison of Revenues v Budget report indicates that expected revenues are right on target, if not slightly over. The Comparison of Disbursements v Encumbrances is difficult to say right now because we have several hundred thousand on PO’s due to the OWDA payment coming out this month.

Council approved payments last month for payroll and operating expenses, which covered checks #38290 through #38361.

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 L. Clark. All ayes on vote.

**Bills of Resolution:**

Motion to approve Bills of Resolution with addendum for May including C.T. made by L. Schilling with a second from M. Hura. B. Prescott abstained, all other ayes on vote.

Motion to approve Bills of Resolution with addendum for May omitting C.T. made by L. Schilling with a second from L. Clark. All ayes on vote.

**Legislation:**

**ORDINANCE 2011-26: AN ORDINANCE ENACTING CHAPTER 157 OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES RELATING TO PERSONAL INFORMATION COLLECTION AND PROTECTION POLICIES. 3<sup>rd</sup> READING.**  
Motion to approve made by L. Schilling with a second from L. Clark. All ayes on vote.

**RESOLUTION 2011-37: A RESOLUTION GRANTING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMMENCE A PROJECT THAT IS EXPECTED TO BEGIN CONSTRUCTION IN FISCAL YEAR 2013. 2<sup>nd</sup> READING.**

**ORDINANCE 2011-38: AN ORDINANCE APPROVING AND ADOPTING A PERMANENT BUDGET FOR 2012 FOR THE VILLAGE OF MANTUA, AFTER PUBLICATION AND PUBLIC BUDGET HEARING PURSUANT TO OHIO REVISED CODE 5705.30, AND DECLARING AN EMERGENCY. AMENDED.**  
Motion to suspend the rules made by B. Prescott with a second from L. Clark.

All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. All ayes on vote.

**ORDINANCE 2011-47: AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2011 APPROPRIATIONS AND DECLARING AN EMERGENCY.** 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 M. Hura. All ayes on vote.

**RESOLUTION 2011-48: A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER AGREEMENTS FOR THE ACCEPTANCE OF HAULED WASTE FOR PROCESSING AT THE VILLAGE OF MANTUA WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by L. Schilling with a second from L. Clark. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. Giles asked Anthony whether this is septic waste. Anthony said it is 1 percent solids and 99 percent liquids, it is septic; they call it sludge. Giles was told septic was not good for our system, which may or may not be true. Anthony said the system we have now could accept almost anything; it was not designed for septic. It can take it at 1 percent or less of solids. Everything will be tested per the contract and State standards. Anything that is rejected, they will pay a cost to remove it. All ayes on vote.

**RESOLUTION 2011-49: A RESOLUTION DECLARING A NUISANCE AND DIRECTING THE OWNER OF REAL PROPERTY LOCATED AT 10723 OAK STREET, IN THE VILLAGE OF MANTUA, OHIO, TO REMOVE OBSTRUCTIONS FROM DITCHES AND CULVERTS ON HIS PROPERTY, MAKING REPAIRS OR REPLACEMENTS AS NECESSARY, PURSUANT TO THE AUTHORITY CONFERRED BY OHIO REVISED CODE SECTION 715.47, AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by L. Schilling with a second from B. Prescott. G. Seith abstained, all other ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. Village Solicitor, Michele Stuck, did want to add that should Council pass this tonight, we have to serve a copy of this to the property owner and he has 14 days before the Village takes any action. The Mayor said it was her understanding that we are still willing to have him purchase the materials and the Village will do the work. Anthony said he has had recent conversation with the property owner and told him that our Service Department would get over there with a transit and see what diameter pipe he needs and how much in length, he would need. Once purchased by the property owner and delivered there, Anthony said they would get there within a few days and install it for him. Mayor Hawkins asked if Council was aware that Anthony had spoken to him, she was not aware of it; would that make a difference. Linda Clark felt we should still keep the 14 days to stay on top of it. G. Seith abstained, all other ayes on vote.

**ORDINANCE 2011-50: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE CHAPTER 145.03 IN ORDER TO CLARIFY THE POWERS AND DUTIES OF CEMETERY SEXTON AND VILLAGE ADMINISTRATOR. 1<sup>st</sup> READING.**

**ORDINANCE 2011-51: AN ORDINANCE RESCINDING ORDINANCE 2011-13, AND AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 921.02 TO CORRECT THE RATES FOR "BULK WATER", AND DECLARING AN EMERGENCY.** 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 M. Hura. All ayes on vote.

**ORDINANCE 2011-52: AN ORDINANCE RESCINDING ORDINANCE 2011-17 AND AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 941.21 IN ORDER TO PERMIT WATER AND SEWER CUSTOMERS ON PAYMENT PLANS TO APPLY EXCESS PAYMENTS TO CURRENT BILLING, AND DECLARING AN EMERGENCY.** 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 M. Hura. All ayes on vote.

**ORDINANCE 2011-53: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 941.17(n) IN ORDER TO CLARIFY THE RESPONSIBILITIES OF PROPERTY OWNERS WITH RESPECT TO WATER METERS AND REMOTE READING DEVICES. 1<sup>st</sup> READING.**

**RESOLUTION 2011-54: A RESOLUTION AUTHORIZING CERTAIN ACTIONS RELATING TO THE PROPERTY LOCATED AT 10735 ELM STREET IN THE VILLAGE OF MANTUA, AND DECLARING AN EMERGENCY. AMENDED.** 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 M. Hura. Mr. Randy Roberts, Portage County Building Inspector, was present to give some insight on their procedures at the County. This would be concerning the Elm and High Street property. Linda Schilling asked Mr. Roberts if the foundation would need to be inspected once the homeowner takes it down to that point. Mr. Roberts explained some of their procedures and said whether they decide to use the existing foundation to rebuild or not, they would need a structural engineer sign off on the foundation. He did say there had been a lot of water damage to the south part of the structure; he would not recommend reusing the structure above the foundation. The Building Department is always cautious to instruct a property owner too much. Roger said before issuing a demolition permit, you would know whether or not the foundation can be reused. Randy said absolutely and he explained in more detail the steps an applicant would have to take. Giles was concerned about the use of the sidewalk and whether the work could be done under emergency demolition. Randy said the property owner could apply for a demolition permit; some things can be removed under an emergency requirement such as loose roofing. Unfortunately, the Building Department cannot make the homeowner do this; maybe your local zoning could do more. Michele said the resolution puts steps into action to get something started and asked if the Village could get a copy of the regulations he referenced from his office along with a checklist to provide to contractors to include with our legislation. Randy said yes, he would forward it to Michele the next day. The Mayor asked if the entire foundation would need to be removed. Randy said if a demolition permit is issued, demolition has to go down entirely to the foundation base; the basement filled in and seeded as a grass lot. If the property owner chooses to rebuild and use the existing foundation, a structural engineer would have to inspect the foundation before any rebuilding is started. The Mayor thanked him for coming. Michele said Resolution, Section 5 would need amended and replaced with completely removing the foundation and following the Portage County Building requirements. Motion to amend 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 L. Clark. All ayes on vote.

**Committee Reports:**

Police Chief, Harry Buchert said with regard to the property on Elm Street; we can move the caution tapeline in, however, someone would need to contact the homeowner. Council decided to leave it as it is for now. Art on the Hill is July 9; Prospect Street will be closed starting at 7:00 a.m. The Triathlon is the same day at the park. They will need access to the electric at the Potato Festival building. Linda Clark asked if they would also need to use the American Legion building and if so, they need to clean up afterwards. The Mayor felt they should not need it. The next Safety meeting is June 30 at 6:30 a.m. The Soap Box Derby went off without any problems.

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Mayor Hawkins asked if everyone was clear on what was discussed regarding the Elm Street property, because she was not. The Chief discussed moving up the fence inside the sidewalk area, and install a temporary fence such as orange snow fence. Harry would first contact the property owner and give him a deadline for this to occur and if it does not occur, then he would need authorization for the Village to take action.

Motion to have Chief Buchert contact the property owner and if he does not, then the Village would do it made by L. Schilling. Michele said if it is on the sidewalk or just inside the sidewalk then it is definitely on the right of way and we can put something up. Michele said she had asked him to do that very thing in April and he did not. Chief said he has asked him too and he assured him the property would be cleaned up already. Anthony felt that given the health, safety and welfare of the community, Council should allow him to do it now.

Motion to have the Service Department put up orange snow fencing by L. Schilling with a second from L. Clark. All ayes on vote.

Village Administrator, Anthony Fiorilli III had submitted his report to Council. He wanted to add per the employee handbook, his employees are required to have a CDL; he would ask the Village to reimburse them for it. If the Village mandates it, they should be reimbursed for it as well. Ben said Council needs to review the handbook and make a change. Michele said currently it says that any license you are required to have for the job description is the employees own responsibility. Anthony asked that it be revisited.

Anthony has a donation of items for their recent office renovations to be accepted by Council. Motion to accept the donations for the Service Department made by L. Schilling with a second from B. Prescott. M. Hura abstained, all other ayes on vote.

Brian Rogers, with C.T. Consultants, had nothing to add to the report they submitted. Linda Clark asked regarding the engineering fees for the duplex. We did charge Mr. Bradley so that if we need engineering services, he has covered that expense, correct. Mayor Hawkins said no, we have never charged that to Mr. Bradley. Our Zoning Inspector and Village Administrator reviewed that and felt it was not necessary. Anthony added that everything Mr. Bradley submitted to our Zoning Inspector was approved and forwarded to the Planning Commission and then Planning approved it as well. Anthony submitted a letter stating he felt the applicant complied with all our requirements.

**Shade Tree:** Linda Clark reported at their last meeting, they visited Hillside Cemetery. Three trees need to come down. Marty brought up if anyone wished to donate a tree to plant in the spot of the ones removed could do so and it would be appreciated.

**Finance:** Linda Clark reported that Finance Committee is working on updating the Rules of Council and the pay scale ordinance. Ben said they have been looking around for a previously owned vehicle. Linda Clark found one used and one new vehicle to consider. She gave the specifications of a new 2012 Ford F350 truck with a three year/36,000 mile warranty for \$24,858. We would still need to get a light bar and a safety kit at an estimated cost of \$1,200 to \$1,500. We do have the option of a seven year/75,000 mile extended warranty for an additional \$3,000. Roger asked whether the vehicle was commercially rated. Linda said yes, it would be around \$28,000 with the extended warranty, which is the DAS pricing, taking the \$575.00 off for the safety kit that we can get ourselves. Air conditioning is standard and the plow is a commercial Meyer's plow.

Motion to move on the 2012 F350 commercial vehicle not to exceed \$28,500 made by B. Prescott with a second from L. Schilling. Mayor Hawkins asked if it is red. Linda Clark said yes. When would it be delivered? Linda said October. All ayes on vote.

The Fire Department has a 1997 Dodge 1-Ton dually utility bed vehicle they are looking to sell. On trade, they only expect to receive \$1,300. The vehicle has 60,000 miles.

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Ben and Marty have both looked at the vehicle and asked the Fire Board to put it on their agenda for discussion. Linda Clark wondered if they would be willing to make a deal with the Village given the fact that they get water from us free of charge. Giles spoke on the services that are provided to the Fire Department. They pay for any water that they use; they do not pay for water to put out fires and that is by law.

Motion to negotiate for the purchase of Mantua-Shalersville Fire Departments' used vehicle made by L. Schilling with a second from Linda Clark. Marty said he would look into it and bring information back to Council. All ayes on vote.

Linda Clark thanked the Potato Festival for planting up the hanging baskets you see around town and for the flowers at the sign on the south side of the Village.

Motion to move forward with the project at the corner of Franklin Street and Oak Street made by B. Prescott with a second from L. Schilling. Roger asked if Anthony was okay with everything that needs to be done. Anthony said he would like some clarification on the placement of the catch basins. Ben will show Anthony exactly where they need to go. He also plans to do some ditch work along the east side of Oak Street. Roger asked if Anthony was okay with the engineering work on this project. Anthony said he has their review from a year or two ago and it makes a lot of sense. All ayes on vote.

Linda Clark also mentioned at Finance that they discussed the payment locations for water and sewer. Now we have the choice of Village Hall, Police Department, electronic payments, payment by mail, night drop off at either office and bank payment. They were trying to figure out a way to reduce the amount of location options. We would still allow electronic payments, and of course a payment at the bank and then have the Clerk's office and by mail. We would limit ourselves to four options, but just one in-house location. Jenny wondered how many people go to Chase Bank and pay, Middlefield does not want to do it. Anthony thought there was only one or two a month through Chase. Ben felt going through the bank would be fine. Anthony said the payment plan would have to be kept in their office. All monies would go to Jenny's office. Michele wanted to know if Council would want this put in the codified book and if so, she could prepare legislation for it and have it for July. Council members said yes.

**Service:** Linda Schilling announced they meet the first Tuesday of the month at 7:30 a.m.

**Parks:** Marty reported the park observation decks have been repaired. Linda Schilling asked do we need to send back to the insurance company the amount over what we actually spent to repair the decks. Michele said yes, we should send the overage amount back with a cover letter.

Marty also informed everyone that articles for Mantua Matters are needed by July 25, no exceptions.

**Planning:** Mayor Hawkins reported the Planning Commission is doing some housekeeping and reviewing some forms.

**BZA:** Roger had nothing to report.

**Safety:** Giles reported Safety is doing all right. We need to try to keep the Fire Department out of our Village. Residents need to keep their fire detectors up to date.

**New or Other Business:** Ben asked if Council should pass an ordinance to require fire detectors in all residences. Chief Buchert said this has been discussed and he would be against it because it cannot be enforced. Giles would like to have it on the books even if it cannot be enforced, it might influence someone into getting one. Roger said in some communities, if it is a rental property, it is inspected every two years for safety and smoke detectors. Property owners then get a report on the improvements that need to be made.

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Giles said that new construction is required to have hard wire for smoke detectors, the older homes; the Fire Department has always encouraged them to have them installed.

Aaron Snopek addressed Council regarding a distress letter for Downtown Mantua Revitalization Committee. This began about six weeks ago and they would need a letter to the Department of Development from Village Council. They have worked many hours on a draft letter, which Aaron presented to Council for review. Rick Frato, with the DMRC, spoke with Edie Benner today. It would be effective July 1 and run for the next 36 months. Time is of the essence, we need to get this out this week.

Motion to approve the final draft letter of 6/21/11 from DMRC made by B. Prescott with a second from L. Schilling. All ayes on vote.

Rick Frato with the DMRC would also request Council's permission to have music in the mini park. This would be for two Fridays from 6:00 to 8:00 p.m., July 29 and August 19. Roger asked if this would include vendors. Rick said they are looking to have a hot dog stand and bottled water; they are trying to keep it very simple. Prospect will be closed between Main and Maple Streets. Linda Clark asked Rick if Harry has a current copy of their insurance. Rick said he will have it.

Motion to authorize the DMRC to have music in the mini park on July 29 and August 19 made by B. Prescott with a second from L. Schilling. All ayes on vote.

**Public:**

Sandra Brannon representing Boy Scout Troop #570 asked for permission from Council to have the Pumpkin Roll again this year and the same night as Trick or Treat, October 31, a Monday night. Council discussed the possibility of moving Trick or Treat to Sunday but after further discussion, decided to leave it on Monday.

Motion to allow Boy Scout Troop #570 to hold the Pumpkin Roll made by B. Prescott with a second from L. Schilling. All ayes on vote.

Harry asked if this would be a Village function event. Sandra said no, she understands this is not a Village function and they will have insurance. Linda Clark asked Sandra to consider the fact that Trick or Treat is a school night for the kids and she may want to consider another day. Paul Brannon said Trick or Treat brings such a draw to the event; however, they will discuss it further in the Scout Troop. Anthony offered any help they need from the Service Department.

Dave Campbell asked Council to stay on top of Mr. Breyley and the burned house to keep his property maintained and cleaned up. He also commented on why it should be necessary to reimburse Village employees for their CDL requirement. Anthony said that currently we are not reimbursed for it. Dave asked if anybody is ever reimbursed for it. Anthony said many communities do reimburse their employees when a CDL is required. Dave said he is not reimbursed for having a driver's license to get to work. Anthony said a CDL license is a lot different from a regular driver's license. Right now, the Village reimburses employees for keeping up their wastewater or water licenses. This would be an average cost of \$68 to \$75.00 every four years.

Motion to adjourn the meeting at 8:33 p.m. made by B. Prescott with a second from L. Schilling. All ayes on vote.

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Mayor Donna Hawkins

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Clerk-Treasurer Jenny August