

**Village of Mantua  
Regular Council Meeting**

**July 16, 2013**

Mayor Clark called the meeting to order at 7:02 p.m. and led the pledge of Allegiance and also asked that everyone remain standing for a moment of silence for Don Baird, John Brindo, and Jim Fedor.

**ROLL CALL:** Ben Prescott, Bill Zoller, Giles Seith, John Clark, Paul Janson, Marty Hura.

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

**Public:** Patsi Gast, Stacy Turner from the Villager, Ellie Stamm, David Akerley.

**EXECUTIVE SESSION:**

- ❖ B. Zoller moved to go into an Executive Session at 7:03 for Personnel Appointment. M. Hura seconded. All ayes on vote.
- ❖ B. Prescott moved to resume the regular Council meeting at 7:22 with a second from M. Hura. All ayes on vote.

At this time Mayor Clark would like to recommend hiring David Akerley as the new Village Administrator with a starting wage of \$16.83 per hour.

- ❖ B. Zoller moved to approve Mayor Clark's recommendation of Mr. David Akerley as the new full time Village Administrator with a starting wage of \$16.83 per hour, with a second by P. Janson. B. Prescott voted no, all others voted yes.

**MINUTES:**

- ❖ Motion to approve the June 18<sup>th</sup> 2013 Public Hearing minutes on Orchard Street by B. Prescott with a second by M. Hura. J. Clark abstained, All others voted yes.
- ❖ Motion to approve the June 18<sup>th</sup> 2013 Public Hearing minutes on the 2014 budget by B. Prescott with a second by M. Hura. All ayes on vote.

John Clark said he would like to comment on something that was said and is on record from last month's Council meeting by an individual that brought in a story that was second hand, hearsay, rumor, information regarding people talking about things that were said in executive session. He chose to speak with Harold Ullman and he absolutely denied anything he was quoted as saying. He said the only thing he was told was that the Village Administrator resigned and nothing else. Harry said he also spoke with Harold Ullman and he told Harry the same thing.

- ❖ Motion to approve the June 18<sup>th</sup> 2013 regular Council meeting minutes on Orchard Street by B. Prescott with a second by M. Hura. All ayes on vote.
- ❖ Motion to approve the July 2<sup>nd</sup>, 2013 Special meeting minutes by B. Prescott with a second by M. Hura. All ayes on vote.
- ❖ Motion to approve the June 18<sup>th</sup> 2013 Special meeting minutes by B. Prescott with a second by M. Hura. All ayes on vote.

**MAYORS REPORT:**

Mayor Clark reported that Orchard Street is done, looks great and didn't suffer any storm damage. There was a camera crew in last Tuesday with a jet truck to see what happened on Main Street by McDonalds. The sanitary lines suffered no damage. They also filmed the storm sewer lines 440 feet south and 250 feet north and found no blockage. They pulled several sanitary lids and everything is flowing as it should. There was just so much rain that the sanitary and storm sewers could not handle all of the water and just heaved up the road. The Service Department has been busy cleaning up debris and catch basins. She is getting estimates on repairs to some sections of streets that washed out. We also had a motor on the lift station at Compass Packaging burn up or it was hit by lightning. That should be repaired this week. She and the Chief took pictures of damage, and she sent letters to Congressman Joyce and State Representative Kathleen Clyde to see if there is any assistance available. Congressman Joyce forwarded her letter to Governor Kasich, and his office recommended contacting EMA. She received paperwork that must be done by next Wednesday and they are hoping to declare all of Portage County a disaster area.

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She and Brian from C.T. Consultants met with the County Engineers regarding the OPWC loan/grant that we applied for to get new meters and meter readers, and we did not get it.

**CITIZENS:**

No comments from the public tonight.

**FINANCIAL REPORTS:**

Jenny gave her report as of June 30, 2013. All funds are in the black. Total revenues for June were \$107,468. Total expenses were \$339,740 including the semiannual OWDA payment of about \$215,000. On the Cash Summary report, there were no adjustments. The Revenue Summary shows that we are at 47.71% of our expected revenues. The Appropriation Status report shows that we are at around 42% overall. The Water-Sewer program balanced with the UAN, as did the Income tax. The bank reconciliation went well with no adjustments. Council approved payments on checks 40277 through 40352.

- ❖ Motion to accept the financial reports: bank reconciliation, fund status, water/sewer reconciliation, tax reconciliation, revenue & expenses, cash summary, and correspondence made by B. Prescott with a second from B. Zoller. All ayes on roll call.

**CORRESPONDENCE:**

Jenny received a letter from the Ohio Municipal League a few months ago saying that the Ohio Bureau of Workers Compensation invested their money very well and we received a check for \$4,231.44 which she treated as an overpayment and split into the funds that paid into it.

Jenny also had a resident stop in and ask if the fountain was broken. She and her grandchildren like throwing pennies in. Jenny told her that the fountain was working, but we have been understaffed and just have not been able to get it out of storage yet.

Jenny was given a letter from John Clark to share that some of Council may have received from Northeast Ohio Sustainable Communities Consortium to invite participation in phase 2. They plan to host open houses at ten areas across the region. Their focus is titled "Business as Usual" and it pertains to land use and resource decisions. Todd Peetz is involved, as well as AMATS and Northeast Ohio Four County Regional Planning and Development.

**BILLS OF RESOLUTION:**

Jenny explains that the Ohio Pump bill was listed as a water expense, but it is a sewer expense and has been corrected on the copy of the Bills of Resolution that will be signed.

- ❖ Motion to approve the Bills of Resolution as amended for July made by B.Prescott, with a seconded by M. Hura. All ayes on vote.

**LEGISLATION:**

**ORD. 2013-55 AN ORDINANCE AMENDING SECTION 159.05 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, RELATING TO THE NUMBER OF MEETINGS OF THE MANTUA HISTORIC LANDMARKS COMMISSION PER YEAR. 2<sup>nd</sup> Reading.** No discussion.

**ORD. 2013-57 AN ORDINANCE AMENDING SECTION 5.2 OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK RELATING TO ACCRUAL AND USE OF VACATION TIME, AND DECLARING AN EMERGENCY. 1<sup>st</sup> Reading.** No discussion.

- ❖ Motion to suspend the rules by B. Zoller, seconded by B. Prescott. All ayes on roll call.
- ❖ Motion to approve by B. Prescott, seconded by B. Zoller. All ayes on roll call.

**ORD. 2013-58 AN ORDINANCE ESTABLISHING PAY SCALES AND POSITIONS OF FULL AND PART TIME EMPLOYEES OF THE VILLAGE OF MANTUA, REPEALING PRIOR INCONSISTENT ORDINANCES, AND DECLARING AN EMERGENCY. 1<sup>st</sup> Reading.** Ben Prescott mentioned that in section 4 it says merit raises will be approved by the Mayor. Ben feels Council should be involved in this since Council is responsible for Finances. The Auditor brought this up when we went into Fiscal Watch before when it was being done. He feels it should be amended. The Mayor asked Michele if she changed anything from the way it has been worded. Michele said it was like this the last two times. She understood that when the wage freeze was lifted, that the recommendation from Finance was that Council thought that if the raise is within the range, that the Mayors approval is sufficient. Harry said the increases have to be within the appropriations as well. There was no other discussion. Paul said we should leave it as is.

- ❖ Motion to suspend the rules by B. Zoller, seconded by J. Clark. All ayes on roll call.
- ❖ Motion to approve by B. Prescott, seconded by M. Hura. All ayes on roll call.

**ORD. 2013-59 AN ORDINANCE TO REFLECT THE CURRENT SALARIES AND WAGES OF ALL CURRENT FULL TIME AND PART TIME EMPLOYEES OF THE VILLAGE OF MANTUA, REPEALING ALL PRIOR INCONSISTENT ORDINANCES, AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading. No discussion.

- ❖ Motion to suspend the rules by B. Prescott, seconded by M. Hura. All ayes on roll call.
- ❖ Motion to approve by B. Zoller, seconded by B. Prescott. All ayes on roll call.

**ORD. 2013-60 AN ORDINANCE AMENDING SECTION 921.02 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE VILLAGE OF MANTUA, RELATING TO WATER RATES, AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading. John Clark said he thinks the exhibits are labeled incorrectly. With that type of rate he thought it should be sewer because sewer is alot higher and he just wanted to make sure. Michele looked it the Codified Ordinance book and it is correct. She chose to do it this way so there is no confusion in future years.

Giles said this affects every household in the Community and should go three readings and give the residents a chance to voice their opinions. Ben and Paul agreed that it should not be done as an emergency. Harry asked Michele to explain "Emergency". Michele said if legislation passes as an "Emergency" it goes in effect immediately and cannot be challenged by referendum. Non-emergency goes in effect in 30 days and can be challenged by referendum. It is different than suspending the rules because you only do one reading instead of three. You can call this first reading and next month at second reading suspend the rules and leave it as an emergency and it would still go into effect immediately, or you can amend this and remove the emergency language. If you want to give the public a chance to digest this, you can just call this first reading and let them express their opinions at the August meeting.

**ORD. 2013-61 AN ORDINANCE AMENDING SECTION 931.01 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE VILLAGE OF MANTUA, RELATING TO SEWER RATES, AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading.

**ORD. 2013-62 AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2013 APPROPRIATIONS AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading. Jenny said we may need the State Highway increase to patch Main Street, and the Cemetery increase is needed to take down trees that the Trust already paid for and for mowing.

- ❖ Motion to suspend the rules by B. Zoller, seconded by B. Prescott. All ayes on roll call.
- ❖ Motion to approve by B. Zoller, seconded by B. Prescott. All ayes on roll call.

**RES. 2013-63 A RESOLUTION AUTHORIZING THE CLERK-TREASURER OF THE VILLAGE OF MANTUA TO REDUCE THE JULY MONTHLY TRANSFER FROM WATER OPERATING 5101 TO WATER DEBT 5701, AND ALSO TO REDUCE THE JULY MONTHLY TRANSFER FROM SEWER OPERATING FUND 5201 TO SEWER DEBT FUND 5702 AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading.

- ❖ Motion to suspend the rules by B. Prescott, seconded by B. Zoller. All ayes on roll call.
- ❖ Motion to approve by B. Prescott, seconded by B. Zoller. All ayes on roll call.

**ORD. 2013-64 AN ORDINANCE AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE SALE OF REAL PROPERTY OWNED BY THE VILLAGE OF MANTUA, OHIO PURSUANT TO OHIO REVISED CODE SECTION 721.03; AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading. The Mayor said this is to put our half of the vacated College Street up for bid.

- ❖ Motion to suspend the rules by B. Prescott, seconded by P. Janson. B. Zoller abstained. All others voted yes on roll call.
- ❖ Motion to approve by B. Prescott, seconded by P. Janson. B. Zoller abstained. All others voted yes on roll call.

**ORD. 2013-65 AN ORDINANCE AMENDING SECTION 133.02 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, RELATING TO THE POWERS AND DUTIES OF THE VILLAGE ADMINISTRATOR, AND ESTABLISHING A JOB DESCRIPTION FOR THAT POSITION, AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading.

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- ❖ Motion to suspend the rules by B. Prescott, seconded by M. Hura. All ayes on roll call.
- ❖ Motion to approve by B. Prescott, seconded by M. Hura. All ayes on roll call.

### **DEPARTMENTAL REPORTS:**

**Police Chief, Harry Buchert** welcomed Dave Akerley to the Village. Safety Committee meetings have been changed to the first Wednesday of each month at 6:00 pm beginning August 7<sup>th</sup>. Art on the Hill was successful. Paul asked how many people attended the event. Harry said they counted about 175 people an hour.

**Village Administrator-** Report was given by Mayor Clark. In the Cemetery, the curve by Haines grave is crumbling. She contacted Chagrin Valley Paving and they responded that the Village did not properly prepare the Cemetery drive correctly, and that corner was not backfilled. Their contract stated that they would grind, mill and fill. They did not grind and the project is less than a year old. She wants Council's permission to contact them and tell them we feel they are responsible for this repair.

- ❖ Motion to allow the Mayor to contact the paving company and let them know they are responsible for the repairs by B. Prescott, seconded by B. Zoller. All ayes on vote.

The entity that assisted us with the cameras and jet truck were committed to us for one day. They got their equipment stuck in one of our drains and they must come back tomorrow, which will probably be a charge to us.

The Village committed to 350 tons of salt and must buy at least 80%, so we still need to buy 20 tons before September at \$44.81 per ton, or we can buy up to 90 tons. We are not current members of the C.U.E., and she asked Council if they would like to renew the membership, or shop around for salt elsewhere. The CUE wants to know whether or not to bid out the salt or just go with Cargill. ODOT put it out to bid and got salt cheaper from Cargill than what we were charged by Cargill. Another option is to see if we can piggy back off ODOT. Paul asked if we use our CUE membership for anything else. We do not. Council said to shop around. Harry said we should be entitled to the state rate.

Lastly, Brandy Lang on Ambler Lane called and said every time it rains they get flooded out. She has contacted the Village in the past and has not gotten anything resolved. Paul said he would take a look at it and see if there is anything we can do to help.

**C.T. Consultant Engineer,** Rich Iafelice said that 12 years ago he and Ed Trego went to the Lang property to look at the flooding issue, and it is private property. He recommended deep storm sewers and a French drain across the property. The homeowners at the time were given recommendations and they must invest in the solution.

Rich asked if the camera crews looked at the sanitary lines. He suspects open joints. Linda said they were 90% sure that the sanitary lines were flowing correctly and did not film them. Where it cracked, there are no sanitary lines anyway.

Rich complimented the contractor and the County for doing such a good job on Orchard Street. He heard back regarding the request to increase the grant funds for the S.R. 44 project, and the increase was approved up to \$100,000. ODOT is asking for a schedule. They will incorporate it into their project; all we have to do is provide the plans. He also asked ODOT to help with the cost of repairs on S.R. 44 and they responded that it was not their responsibility. Linda said the repairs can be kept to a minimum because ODOT is paving from S.R. 303 to Mill Street next year and will be paving grinding and repaving that area.

The design is complete for the Crestwood Sewer project. He provided Michele with a draft of permanent and temporary easements. He had to re-route the line diagonally across Wehner's property to avoid a gas main. Documentation of the cost of the easements has been provided, plus EPA permit fees are ready to be submitted to Crestwood. Currently, we are under budget on contingencies and land right of way and acquisitions. He estimated \$240,000 for construction and so far that is holding. After the homeowners accept the easements, they will need to be approved by ordinance, and then we can get this project out to bid.

He will be scheduling a meeting with the Wastewater Operator of Record and the new Village Administrator to get more data so C.T. consultants can provide the village with recommendations of what needs to be done in order to begin accepting septage again.

### **COMMITTEE REPORTS:**

**Shade Tree:** John Clark had nothing to report. The Mayor said we are getting estimates to take trees down by Giles, Wes Hawkins, and Sluka's.

**Finance:** Paul Janson said we still need to work on water & sewer.

**Parks:** Marty Hura said he and the Mayor are looking for new doors. Marty found them at Home Depot for \$193 with four windows across the top. Paul said he found some for \$242 and they have nine windows in each and they are commercial doors. The Mayor said she would call Fred J. Crisp tomorrow as well. The Mayor also wanted to remind everyone that recycling is changing to Fridays.

**Planning:** Bob Bradley's Site plan was not approved. The Zoning Inspector was ill so she doesn't have any information to pass along from him.

**Cemetery:** Mayor Clark reported that Claude Hopkins is busy spreading topsoil that was donated by Brugmann's Sand and Gravel.

**BZA:** Nothing at this time.

**Service:** Bill Zoller wanted to welcome David as the new Village Administrator, and thank the Mayor for acting as Village Administrator, and the Service Department for all of their hard work. The next Service Committee meeting will be Tuesday, August 6<sup>th</sup> at 6:00 p.m.

**Safety/Fire Board:** Giles Seith reported that the emergency services worked very well with the little monsoon we had. He also welcomed David.

**NEW OR OTHER BUSINESS:**

The Mayor wanted to mention that we had four pieces of legislation since the Finance Committee met last night, and wondered if Finance wanted to consider moving the Finance meetings to the Wednesday before Council so there is time to put legislation together. Jenny said this way Council will have the weekend to review new legislation that comes from the Finance meeting. Paul said we can try it out, and he set the new date and time for the Finance meetings to be the Wednesday before Council at 6:30 pm. beginning August 14<sup>th</sup>.

Giles asked Rich or Michele to explain the poison pill of what happens when water and sewer funds go into the red and we miss a payment. Ben said that the EPA can raise our rates, and they can raise the rates higher than we would. Rich said he has only seen that once in Ohio.

- ❖ Motion to adjourn the meeting at 8:36 p.m., made by B.Zoller, with a second from M. Hura. All eyes on vote.

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Mayor Linda Clark

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Clerk-Treasurer Jenny August