

**Minutes of the Special Council Hearing – To Amend Zoning Code
July 17, 2012**

Call to Order – 6:50 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, Village Administrator Anthony Fiorilli, Brian Rogers with C.T.

Public: Roy Peck

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

Bill Zoller asked if someone would be required to submit a bond for cost plus 20 percent. Therefore, if they were doing \$100,000, they would have to submit a bond for \$120,000. Michele explained that is how most municipalities write it to allow for cost overruns. Roy Peck asked if this was for commercial and residential. Bill Zoller said anything that would require a site plan.

Motion to adjourn the hearing at 6:52 p.m. made by B. Prescott with a second from L. Schilling. All ayes on vote.

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

**Village of Mantua
Regular Council Meeting**

July 17, 2012

Mayor Clark called the meeting to order at 7:00 p.m. and led the pledge of Allegiance. Everyone remained standing for a moment of silence for the passing of Nellie Hayden, Bonnie Long, Larry Shanholzer, Bob Bard and Jimmy Blake. 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, Brian Rogers with C.T. Consultants.

Public: Roy Peck, Aaron Snopek.

Minutes: The Mayor wanted to amend the regular meeting minutes to correct a name. Under public comments on the last page, it should say Jim Oster rather than John Heint. Motion to approve the regular meeting minutes of June 19, 2012 as amended made by L. Schilling with a second from B. Zoller. All ayes on vote.

Motion to approve the special hearing minutes of June 19, 2012 on the Zoning Code made by L. Schilling with a second from M. Hura. All ayes on vote.

Motion to approve the special hearing minutes of June 19, 2012 on the Budget made by L. Schilling with a second from B. Prescott. All ayes on vote.

Mayors Report: Mayor Clark reported another busy and hot month. Ben, Marty and she have been having meetings with a variety of people.

Linda met with the businesses on the south end of town and DMRC. This was regarding the TEP (sidewalk grant) to explain to them what we would like to see happen there and get their input. She is waiting for some answers from ODOT and AMATS at which time; she will meet with everyone again. Graham Harmon has offered to host that meeting.

The Mayor attended the Soap Box Derby for the first time this year. It was amazing to see the different styles of vehicles. It was well attended by Derby goers. The Village will have to see what we can do to encourage more of our own residents to attend next year.

She attended the Art on the Hill and Music in the Park events. It was a beautiful day to stop at all the different booths and visit with so many people; all had a good time.

The Mayor wanted to discuss the easements for the sewer project for Crestwood Schools. Linda Schilling asked if this was a standard easement agreement. Michele explained that this is not really a standard easement; she did review it and had them remove the provision for the hold harmless clause. However, the draft before Council does not have the exhibits and Michele informed Crestwood attorneys that we would still need exhibits B & C. We certainly would not accept the easements formally without the exhibits; Council can approve the language as it is. You are not approving the legislation tonight. Michele asked Brian Rogers, since this is for the Crestwood sewer line and since the pre-application has already been submitted, are they expecting more to be submitted for the pre-application. Brian said not in the pre-application process. Bill Zoller wanted to correct a proper name spelling error on the last page under the legal description. It should be "Gonczy" not Ganzy. Motion to accept it for the wording of the easement made by L. Schilling with a second from B. Prescott. All ayes on vote.

Finance Report: Jenny gave her report as of June 30, 2012.

The monthly financial reports are in Council packets.

- For the Fund Status report - all funds remain in the black.

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- For Revenues and Expenses, our expenses exceeded our revenues by just about \$223,649. We paid our semi annual loan payments on the water and wastewater plants at the end of June.
- The Cash Summary report shows no adjustments.
- The Water-Sewer program and the Income Tax program for June totals matched the UAN.
- The bank reconciliation went fine. There was an adjustment factor of \$2194 due to payroll withholdings at the end of the month. I paid the 941 Federal Tax payment on June 30th, and it hit the bank July 2nd.
- Council approved payments on checks 39307 through 39407.

Correspondence:

- I received a letter from Regional Planning stating that we have 60 technical assistance hours available. So far this year we have only used ¾ of one hour.
- I received a letter from the Department of Commerce notifying us that all permits to sell alcoholic beverages in the Village will expire October 1st. All permit holders must file for a renewal, but this is our opportunity to register an objection if there were any.

Lastly, Jenny wanted to let Council know that she would be taking some vacation time in August and September. From August 6th to August 17th, she plans to take the afternoons off. Jenny will be here every morning and for the evening Finance and Council meetings. Then in the last week of September, she will be at North Myrtle Beach.

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 M. Hura. All ayes on vote.

Bills of Resolution:

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

Legislation:

ORDINANCE 2012-26: AN ORDINANCE AMENDING SECTION 610.09, CONCERNING FINANCIAL GUARANTEES, OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA. 3rd READING. Motion to approve made by L. Schilling with a second from B. Prescott. B. Zoller voted no, all other 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. 3rd READING. The Mayor asked for a motion to table this resolution. It is for the sidewalks by the businesses on the south end of town and until everyone can agree on what needs done it should be tabled. Motion to table made by B. Prescott with a second from B. Zoller. All ayes on vote.

ORDINANCE 2012-39: AN ORDINANCE ENACTING SECTION 541.052 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, PROHIBITING TRESPASSING ON SCHOOL PROPERTY, AND DECLARING AN EMERGENCY. 1st READING. Chief Buchert responded that this came out of Safety Committee because of an intruder entering the school property. There is no Ohio Revised Code authority for the Police Department to do anything regarding this issue. This ordinance would make it improper for anyone to enter the school grounds without reporting to the office first. Michele asked if the school board was on board with this legislation. Harry said yes, he would like to see this go second reading before it passes.

However, he would like to have it in place before the school year begins. Giles asked if this would apply to just the inside of the building or the outside too. Harry said this applies to both areas; however, this is only when school is in session and students are around. If you were to enter the property while school is in session, legally, you could be considered trespassing. Brian Rogers said he went up there last spring to look at the pump station. Harry said this ordinance was not enacted then. Brian said once it is enacted, then he would be trespassing. Harry said yes, you would need to report yourself to the school office. Linda Schilling had a problem with that because there are people walking up at the school parking lot and on the track. Harry said they are looking out for what is the best interest of the students. Linda Schilling said you would be ticketing a lot of people. Harry said they are not out to ticket anyone. Michele said Section C narrows down the people that can be passing through. Harry said they are addressing this with the school through an educational process. We would be making notification to the parents and students as to what is going to be enacted. If we do have an individual who enters the property without a reasonable expectation why they are there, we can then do something about it. Marty felt the walkers were just going to have to adjust their schedules so they are not walking while school is in session. Bill said those same walkers are taxpayers and disagrees with this legislation. Linda Schilling knows when she walked, she did it first thing in the morning when it is cooler and kids are just coming to school. Bill knows there are people going up to watch them practice football. Linda Schilling felt we do need this after the incident last year. Bill felt it is necessary for the interior of the school buildings. Harry said that some events are opened by the school to the public; they have authorized them. Anthony felt with all the walkers we currently have around the track, if there had been any problems with it, our Police Department would have been notified. He does not think that is an issue here. Council needs to think about it more. Harry will take a draft copy of this to the school board for their input. This is at 1st reading.

ORDINANCE 2012-40: AN ORDINANCE AMENDING SECTION 941.21(e) OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES IN ORDER TO PROVIDE FOR A SERVICE FEE FOR THE REINSTATEMENT OF WATER/SEWER SERVICE. 1st READING. Mayor Clark explained that this is already in the codified that we have a fee; we just did not have a dollar amount attached.

ORDINANCE 2012-41: AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2012 APPROPRIATIONS AND DECLARING AN EMERGENCY. 1st READING. Jenny explained this would cover added appropriations in the Park Improvement Fund. Marty requested money for purchasing wood & hardware for bleachers. The Mayor stated we have an anonymous donor to reimburse us for this expense. Anthony added since last year, we have had some electrical work to be done on both pavilions and the Potato Festival building, which the increase in appropriations would take care of. Linda Schilling asked if paint for the pavilions was going to be in that amount. Marty said we are transferring more than we need, so there should be enough.

Jenny said the Sewer Operating Fund has been increased \$25,000 to cover wages and PERS through the end of the year. The Sewer Capital Improvement Fund needed an increase for some additional work. Jenny asked that Anthony explain what work he needs done there and then Council will have to motion to approve a purchase requisition because it will be above the \$3,000 threshold. Anthony explained two purchase requisitions will be over \$3,000. One is for the VFD raw pump. Right now, we only have one operating and should be alternating between two, which is about \$4,000. We need a generator transfer keypad, which is for our generator backup, which is \$2,500. The blower motor, we are down to one out of three; two should be operating at all times. One has been on the shelf needing rebuild for over a year because of funding problems. The second blower motor is starting to throw some chips and shavings. That is \$4,000. The fourth one is the alum pump. The plant was designed to operate with two alum pumps intermitting. We are running on one. We are looking at about \$11,500 for all four pieces. Jenny wondered how specific the motion for the requisitions over \$3,000 needs to be. Michele said all that is needed is approval of the expenditures. Anthony said the raw pump and the blower motor would both be over \$3,000.

Motion to approve these two expenditures made by L. Schilling with a second from M. Hura. All ayes on vote. Anthony said the blower motor will be sent out for rebuilding and we will install it ourselves. The same with the alum pump; the other two items will be done by professionals. Motion to suspend the rules made by B. Prescott with a second from L. Schilling. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. All ayes on vote.

ORDINANCE 2012-42: AN ORDINANCE AMENDING SECTION 4.4 OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK TO AMEND THE VILLAGE'S POLICY REGARDING COMPENSATORY TIME. 1st READING.

Ben Prescott had concerns regarding where it states the Village Clerk shall have the right to withhold pay; that should be the department heads. Jenny said Harry and she had discussed that today and he reminded her of times when there were errors on timecards. When someone thought it was overtime, for example, and she reviewed it and discovered it was not overtime due to sick leave. This would give her the authority to do that. Ben said she already had that authority. The Mayor pointed out if Council passes it the way it is written on the first page, Jenny would have to pay exactly what the timesheet says; we would be taking that authority away from her. Jenny did feel the department heads would be approving the comp time. Harry said #5 is the exact same language that is in our handbook, it has not changed. The Clerk-Treasurer has the final say regarding finances. In the past, if she has had an issue, she has come back to the supervisors and discussed those issues with us. Ben felt that 40 hours a year comp time could add up fast, it should cut off at the end of the year. Harry said it is flat 40 hours, period. Once you get 40 hours, that is it, it can never go over 40 hours. Giles asked if this is at overtime rate since you accumulate it once you have gone over 40 hours worked. Harry said that is correct, you accumulate it at the rate it is earned. 1.5 hours for every hour worked. The Mayor understood that in #5, no employee may accumulate more than 40 hours of comp time, comp time in excess of 40 hours, shall be paid in the employee's next paycheck. Bill said you would only be allowed to bank 40 hours. Michele stated that there are two issues before Council, the original ordinance, which was recommended by Service, and the notes/revisions proposed by the Finance Committee. These revisions would have to be made to the original ordinance. Council does not have to approve it this month; they can hash out any revisions to it and amend 2012-42 next month. Council may wish to make any changes now and it would come back next month amended.

The Mayor went down each point for review and decision.

- #1: no changes or amendments
- #2: no changes or amendments
- #3: no changes or amendments
- #4: was okay
- #5: Ben Prescott felt the word "approval" should be removed and put in "payment". Jenny said when the department heads turn in the timecards; they have signed off on them and given their approval. Michele said if you just use the word "payment", you are taking the discretion away from the Clerk to review it and or question it. Harry said Jenny is the financial officer for the Village and it is up to her that everything is according to Council's wishes. She is the one in charge of the money and has the final say so whether or not it is allowed. After more discussion, it was decided to go ahead and change it to read, "approval/payment".
- #6: was okay
- #7: The way this reads the maximum of 40 hours comp time in a year, so if they accumulate that by February, they cannot get any more comp time the rest of the year. Harry said they would be paid as overtime; they could never exceed 40 hours. Michele had some concerns about how this would work. Harry felt what should be put in is the most that could be paid out is the "banked" hours. Marty said they do not have to take their overtime as comp time. If they choose, they could accumulate up to 40 hours comp time and anything over that is paid as overtime. The way it reads is confusing.

Harry said this does not limit overtime, overtime is overtime, you may not even get 40 hours of overtime in a year and you may get 120 hours of overtime of which you cash in 40 hours. The Mayor felt the word "maximum" is what is confusing everybody. Roy Peck agreed with Michele that you are going on an implication; you should just state a maximum 40 hours usable during any one-year period. Council decided to add "banked" comp time.

- #7B: no changes

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

RESOLUTION 2012-43: A RESOLUTION APPROVING PARTICIPATION IN THE "MOVING OHIO FORWARD" GRANT PROGRAM, AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF MANTUA AND THE PORTAGE COUNTY LAND REUTILIZATION CORPORATION FOR THE IMPLEMENTATION OF THE GRANT PROGRAM, AND DECLARING AN EMERGENCY. 1st READING.

Mayor Clark explained we would like to join the Portage County Land Bank for removal of any properties that may be dilapidated. Michele said the first \$500,000 the County gets is 100 percent funded, we are not committing ourselves to any matching funds by joining this land bank. We want to get in on the ground floor of this program. Motion to suspend the rules made by B. Prescott with a second from B. Zoller. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. All ayes on vote.

Departmental Reports: Police Chief, Harry Buchert reported the next Safety meeting is Thursday, July 26 at 6:30 a.m. at Village Hall Council chambers. Events this weekend went off without a hitch. The next Music in the Park will be 7/27 and 8/10. The Downhill Regatta will be July 29 on High Street. Second Street to Cuyahoga River will be closed.

The Police Department is still receiving donations for the K-9 unit. Marty asked what we are up to with donations. Jenny said donations to date have reached \$11,000-\$12,000 and more has been pledged. Harry has the contract that Michele reviewed and asked Councils' permission to proceed with getting the dog. Linda Schilling felt we should go ahead with the K-9. Bill asked if Council could make a motion to give something to the K-9 unit. Michele said the Village would only have to make a transfer of funds in order to support it. Motion to enter into the police dog contract subject to the Solicitor's approval made by L. Schilling with a second from M. Hura. All ayes on vote.

Village Administrator, Anthony Fiorilli III has submitted his report to Council and wanted to thank them for allowing him to go ahead with some of these much-needed repairs at the WWTP. Linda Schilling thanked Anthony for putting the sign back up on Reservoir Drive. Anthony explained the sign is at the end of Reservoir between Bramley and the guardrail at the dead end. Every week someone pulls the sign out. They have drilled it into the ground about 4½ feet and bolted it together. Paul asked Anthony if he was able to get the name of the place that takes the bags of leaves. Anthony said he has contacted two companies that are coming out to talk with us. One is local and the other is from Streetsboro. This is concerning the leaf bags piling up at the water plant. The legislation regarding the water rates are being sent back to the Service Committee.

Brian Rogers with C.T. Consultants reported over the last several months, the Mayor and Rich Iafelice have had numerous emails between ODOT and AMATS relating to the S.R. 44 sidewalk project. He commended the Mayor for doing a superb job of keeping track of all the technological terminology for these projects. She is keeping very good notes.

Brian wanted to mention on the sidewalk project, Rich wanted him to make a suggestion to Council. Even though you have a grant for \$56,200, rather than just look at what can be done with that amount of money, decide what you want with the entire corridor. Look at the bigger picture and we can work toward that goal.

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There are also the recreational trails and the Clean Ohio grants that are out there, which are due February 1 of next year. We should look at these soon rather than last minute.

Mayor Clark asked Brian if we received a response from either AMATS or ODOT regarding the email from June 14. Rich met with ODOT the other day, ODOT does not want to entertain a "bike path or bike lane" unless it has a terminus, it has to go to somewhere, not dead end. The Mayor felt there was a terminus planned because it was to go to Canada Road, which goes to Peck Road, which is the Buckeye Trail that goes to West Branch. Has Rich expressed those concerns to ODOT and AMATS? Brian said yes, however, you do not have the funds to go down that far. The current scope of the project is from just south of the Bridge to the first driveway south of Mats Road. There is no money or no plan in place to go farther down to the bridge that ODOT is going to be working on in 2014. The Mayor thought we were going to ask ODOT, if we were going with the bike path, which is 5 foot on each side, ODOT would already be paving 2 foot on each side, our money would stretch a little further by us only having to put 3 foot there. The Mayor would have to talk with Rich on this and then set up a meeting with DMRC.

Committee Reports:

Shade Tree: Linda Schilling had nothing to report.

Finance: Paul Janson reported that they had a meeting and they talk about finances.

Parks: Marty Hura had nothing to report.

Safety: Marty felt enough was talked about for Safety.

Planning: Mayor Clark reported they are planning.

BZA: Mayor Clark had nothing to report.

Cemetery: Mayor Clark had nothing new to report.

Service: Bill Zoller reported their next meeting is set for Tuesday, August 7 at 7:30 a.m.

Safety/Fire Board: Giles Seith reported the fire department has been too busy. The deferred billing program has been working out better than they first thought.

New or Other Business: The AKE Lab bartering proposal was brought up for discussion. Michele explained what had transpired with regard to them using our facility to dump waste and then falling behind on their payments to us. The idea of bartering service with them was to help offset their overdue amount owed to the Village. One of the biggest issues here is that their payments go toward Sewer operating and maintenance and their expertise, if hired, would have to come out of Storm Sewer funds. Michele felt, after extensive review of the proposal, would not recommend the Village do it. It would be best to accept payments for their past due invoices. We could certainly hire AKE Labs for work under our storm sewer appropriations. Anthony can arrange to get a payment plan set up with AKE. Paul Janson would like to discuss this further at the next Service meeting. Council referred it back to Service.

Public: Roy Peck wanted to know if under this Moving Ohio Forward grant, the Village could purchase his property and tear down the buildings on it.

New Business: Members of the DMRC working on the Certified Local Government application came to the Finance meeting last night. Finance voted to bring it to Council. They have started working on legislation. Aaron Snopek was present to answer questions.

Motion to adjourn the meeting at 8:23 p.m. made by B. Prescott with a second from L. Schilling. P. Janson voted no, all other ayes on vote.

Mayor Linda Clark

Clerk-Treasurer Jenny August