

# **Village of Mantua Regular Council Meeting**

**July 19, 2011**

Mayor Hawkins called the meeting to order at 7:02 p.m. & led the pledge of Allegiance.

**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, Village Engineer with C.T. Consultants, Rich Iafelice.

**Public:** Pearl Campbell, Aaron Snopek, Ellie Stamm, Donald Schilling, John Heinl

**Minutes:** Motion to approve the regular meeting minutes of June 21, 2011 made by L. Schilling with a second from L. Clark. All ayes on vote.

Motion to approve the public hearing meeting minutes of June 16, 2011 made by L. Schilling with a second from B. Prescott. All ayes on vote.

**Mayors Report:** Mayor Hawkins thanked the Portage Park District's Triathlon and the Downtown Mantua Revitalization Committee for Art on the Hill, two fantastic events. She also had the opportunity to be an ox idol judge on Sunday at the Ox Roast.

Council received in their mailboxes a copy of a situational distress letter that we received the designation from the Ohio Department of Development through the DMRC.

Donna wanted to update Council regarding the Aurora Meadows project; Portage County Water Resources have indicated to her that the contractors on the project will be done by September 1. The residents will then have the responsibility for disseminating their own septic systems by January of 2012 and the cost of their own tie-ins to the County main.

Mayor Hawkins welcomed our newest business in the Village, The Italian Garden.

**Finance Report:** Jenny gave her financial report as of June 30, 2011. The Cemetery Trust has not reimbursed us yet for the expenses we submitted, but they have not denied us either. Kevin Poland's office has had all the documents for quite some time, however, his secretary was confident that he was working on presenting it to the court.

In speaking about the Cemetery Trust, Jenny informed Council that she and Sue had a very interesting visit from the great granddaughter of Bina Coit earlier this month. She now lives in Arizona and plans to send a box of old Mantua pictures from the 1930's and earlier that she thought we would enjoy.

The budget was submitted to the County Auditor on June 28. We should have a resolution by September to accept the amounts and rates as determined by the Budget Commission. This must be passed by the October 20 deadline.

We managed to make the semi annual OWDA payment last month with no help needed from the General Fund.

Our checkbook balance at the end of June:	\$ 294,334.00
Revenues for June:	\$ 107,808.00
Expenses for June including payroll:	\$ 322,590.00

The Cash Summary report shows that no adjustments were made. Reconciliation of the Water-Sewer department receipts and the UAN receipts matched. The Reconciliation report of the Municipal Income Tax receipts for June also balanced. The June Bank Reconciliation had no adjusting factors. The Comparison of Revenues v Budget report indicates that we are exceeding where we would be at the halfway mark. That is good news. The Comparison of Disbursements v Encumbrances indicates that we are right in line with the spending we had anticipated when setting the appropriations.

Council approved payments last month for payroll and operating expenses, which covered checks #38362 through #38456. Check #38375 to OPERS was voided to use up a credit.

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 Bills of Resolution with addendum for June including C.T. made by L. Schilling with a second from L. Clark. Jenny brought up for discussion line #157 on the Bills of Resolution, a bill from Ohio Drilling. This bill occurred in May, however, it was sent to C.T. Consultants. We received it in July, which was too late to submit it with the grant. Rich said he has not seen the bill. Anthony said it was for two additional probes. He added that it was not in the original bid; we came in under the bid and through a recommendation from Brian Rogers, it was decided to purchase two probes and shelf them for future repairs on wells. Rich said to hold off on paying it for now and he would look into it to see if it could be submitted.

Motion to remove line #157 from the Bills of Resolution and have C.T. Consultants check it out made by L. Schilling with a second from M. Hura. B. Prescott abstained, all other ayes on vote.

Motion to approve the Bills of Resolution with addendum as amended for June 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 as amended for June omitting C.T. made by L. Schilling with a second from M. Hura. All ayes on vote.

**Legislation:**

**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. 3<sup>rd</sup> READING.**

Motion to approve made by M. Hura with a second from L. Schilling. All 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. 2<sup>nd</sup> READING.** Ben thought that Council wanted to table this ordinance. Marty felt they could wait since it was only on second reading. Linda Clark asked Ben to explain why he wanted to table this. Ben said there was an issue with the Village Administrator being Sexton; they wanted to talk with Marty and Michele about it. Marty felt that until we find a Sexton, our Village Administrator would have to be the acting Sexton like it or not. The Mayor agreed but felt they need to look at some of the language that is in the ordinance. There were a couple spots where Donna felt it should read Sexton and/or Village Administrator. Marty said no because when you do name a Sexton, then you have to pull out all that language. Right now, the Village Administrator is the acting Sexton. Marty said Michele and he had a meeting and went over most of the language in the ordinance and have no problem with it. He would like to see it go through the second reading.

**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. 2<sup>nd</sup> READING.**

Jenny explained what happened with 2011-54. She had used this number 2011-54 last month, did not realize it, and used it again. She corrected it by making it #2011-65. Council has the updated ordinance; Harry and Anthony just need to throw 2011-54 out.

**ORDINANCE 2011-55: AN ORDINANCE AMENDING ORDINANCE 2011-40 AND DIRECTING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF MANTUA TO RE-SOLICIT BIDS FOR THE SALE OF A 1993 FREIGHTLINER VAC TRUCK WITH WATER TANK, AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.**

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 B. Prescott. Anthony asked Council why they want him to re-solicit these bids. Ben said they want Anthony to put them in the Record Courier to try to get a better price. You cannot really sell something at too low a price, way under what it is worth. Anthony addressed the age of the equipment in question; everything has been sitting around for 10 to 15 years. We have had six to seven inquiries and only two submittals. He felt it was a waste of time and money; you may get bids lower than what you have already, we have two respectable bids now. Anthony asked Council to reconsider. Ben said we cannot sell something at a price below what it is worth. Michele felt that someone could make issue with the fact that the previous bid did not say what this one says; that if the bid did not reach the minimum we were seeking, that we would accept lower bids. Some parties may not have bid because of that reason. It is probably for that reason appropriate that we re-solicit bids stating that we are seeking the amount we are asking for but that if no one reaches that amount, we would take the highest and best bid. This would be fair to everyone. The Mayor said there was some language that needed changed. Linda Clark said first they need to decide whether they are going to go with the third whereas or the fourth whereas or can both of those be left in. Michele said the Service Committee did recommend that Anthony be permitted to accept the best bid if they did not reach the minimum. The Finance Committee then also recommended that it be re-bid. Michele incorporated both of those, which are in there and Council can have both in there. Motion to amend to say that all sales are final and after a bid is awarded, payment is required in seven (7) business days in a check, cash or money order, that they have fourteen (14) business days from payment to remove the equipment and add that the Village Administrator is authorized to accept the highest and best bid among those received or to reject all bids made by L. Clark 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 2011-56: AN ORDINANCE AMENDING ORDINANCE 2011-41 AND DIRECTING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF MANTUA TO RE-SOLICIT BIDS FOR THE SALE OF A 1993 GM ENCLOSED TRAILER MOUNTED GENERATOR, AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.**

Harry asked whether Council must accept the highest bid. Is it not Council's authority to accept the highest bid, not the Village Administrator? Linda Schilling said the ordinance Council wants to put together, and she knows she voted yes, should have been done before he sold the trucks. Anthony already has bids, he has people that want these trucks and now we are going to go back and say, no, you cannot do it just because it was not in the Record Courier. Harry said the original ordinance said there was a minimum bid; we did not reach the minimum so you cannot accept them anyway. Michele said that Council could delegate the authority to the Village Administrator. Marty said that is what Council has done here, to delegate the authority to Anthony. Michele explained the reason there are two #3 Sections is because the one in italics will be replacing the old Section 3 and she wanted to be able to show both to Council.

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. Prescott. Linda Clark said this one would need to be amended the same as #55. Michele asked if the amendment on 2011-55 include the Record Courier in the blank. Linda Clark said yes, that is what Ben said. 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.

**ORDINANCE 2011-57: AN ORDINANCE AMENDING ORDINANCE 2011-42 AND DIRECTING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF MANTUA TO RE-SOLICIT BIDS FOR THE SALE OF A 1993 WOODS D 080-2 BRUSH HOG, AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.** 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 L. Clark. Linda Clark said this needs amended the same as the others, #55 & #56. Motion to amend 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 L. Clark. All ayes on vote.

**RESOLUTION 2011-58: A RESOLUTION DECLARING THE INSECURE, UNSAFE AND STRUCTURALLY DEFECTIVE STRUCTURE LOCATED AT 10735 ELM STREET IN THE VILLAGE OF MANTUA TO BE A PUBLIC NUISANCE, AND AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT THE REMOVAL OF SAID STRUCTURE, AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.** 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. Prescott. Michele felt this needs to be amended relating to Section 5, which estimate, A or B Council wants to accept. She asked Anthony if both the proposals have complied with our request for estimates. Anthony said yes. Mayor Hawkins asked about Hummel's estimate regarding backfilling the basement. Portage County Building Department had stated that the stones and everything had to be removed. Anthony said the contractors all understood what was required with their bids. Ben would like it put out for more bids; can we do that now. Michele asked Anthony whether he got these bids by just calling the contractors. Anthony said several were called, only three showed any interest and two submitted bids. Michele said because this is under \$25,000, we do not have to follow the formal bidding procedure. Ben wondered if the contractors understood they might have to hold their prices for up to two years, would their bids be any good. Falkenberg put 60 days on his bid; Hummel did not list any timeframe. Can we re-bid if we have to after we pass this ordinance? Michele explained if the bid we accept turns out not to be honored by the contractor, then we would have to re-bid. The Village only has to wait 30 days for the property owner to appeal, if he chooses to do so and if not, on the 31 day, we can start the work. Roger said these bids do not include asbestos removal or any hazardous material removal. Michele said Council might want to table it for a month and get clarification on the bids; see what asbestos removal would cost. Marty asked if there was any asbestos in the house. Ben said yes, the siding has asbestos. Linda Schilling would like to table it. Marty thought asbestos siding was not included in the Clean Air Act. The Mayor felt, to her knowledge, Marty was correct in that statement. Anthony said there could be asbestos in the walls with the insulation as well as possible lead based paint. Ben said as well as the floor tiles. Marty said floor tiles are not covered either. Anthony needs to seek additional bids to include asbestos removal.

Motion to table in order to get clarification on the asbestos costs and get additional bids made by L. Clark with a second from B. Prescott. All ayes on vote. Rich Iafelice felt the contractors would not be able to re-bid this project until Council has an abatement analysis done first on the home. This would test for asbestos. Rich was not certain of the cost involved but could refer the Village to a couple companies that could do it. The Mayor asked if we could require that from the contractors. Rich said yes, you could ask the contractors to do an abatement analysis and then bid the project. You would have to identify that in the spec so that it is properly bid. Donald Schilling said that in the State of Ohio, contractors are required to be licensed asbestos abatement contractor. Marty suggested that from now on when we are going to have our Village Administrator do something for us; that Council needs to be clearer to him what we want done. He has put time into this already and now we are tabling it and he may have to do it all over again.

**ORDINANCE 2011-59: AN ORDINANCE AMENDING SECTION 2.3(B) OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK RELATING TO COMMERCIAL DRIVER LICENSES, AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.**

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 B. Prescott. All ayes on vote.

**ORDINANCE 2011-60: AN ORDINANCE AMENDING SECTION 957.99 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA IN ORDER TO CORRECT A TYPOGRAPHICAL ERROR, AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.** 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. Prescott. All ayes on vote.

**ORDINANCE 2011-61: AN ORDINANCE PERMITTING THE CLERK-TREASURER TO REFUND DEPOSITS FROM PARK LODGE RENTALS AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.** Motion to suspend the rules made by M. Hura with a second from B. Prescott. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. Jenny explained when people rented the park lodge; we received a deposit check for \$100.00. We would put that check in an envelope and after they used the lodge, if everything was okay, we just sent them their check back un-cashed. Now the auditors do not want money sitting around so we have to deposit that check in the bank and issue them one after use of the lodge. Our office is not allowed to cut a check without Council's approval. Just like the utility and medical bills, Council is authorizing our office to go ahead and pay it. Marty is going to sign off saying he inspected the lodge and everything is okay. This way they do not have to wait a whole month. Roger asked if Council would have to do this every time a deposit is given back. Jenny said no, this authorizes us to go ahead and send their deposit. All ayes on vote.

**RESOLUTION 2011-62: A RESOLUTION ADVANCING MONEY FROM THE GENERAL FUND TO THE STREET MAINTENANCE FUND IN ORDER TO MAKE NECESSARY MAJOR REPAIRS TO THE FREIGHTLINER SERVICE VEHICLE AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.** Motion to suspend the rules made by L. Schilling with a second from L. Clark. All ayes on vote. Motion to approve made by M. Hura with a second from L. Schilling. Anthony informed Council that the repairs could exceed \$5,000; he received a call today and plans to stop at F & S tomorrow to meet with Dean. Anthony felt we would be looking at more like \$6-7,000 after what was found. That is the problem you have with a 2002 vehicle that is used every day, all day as a primary vehicle. Anthony said typically, these trucks are flipped every 8 to 10 years. We are not in the position to do that so he will have to make a decision tomorrow whether or not to invest that kind of money into it. Ben asked if Council needs to amend this ordinance. Marty asked if we could make it not to exceed. Michele asked Jenny whether the auditor had issue with making advances that say, not to exceed. Jenny said no, as long as there is a schedule, she did not think there was a limit. Michele said what she means is that we must be specific in the amount that we are advancing in the resolution. Jenny said yes, we must state the specific amount. Linda Clark said if we were to say \$8,000 but it ends up costing \$7,000, we would be fine. Michele said yes. The Mayor asked Anthony if he knew what that vehicle was worth. Anthony said about the amount of repairs, maybe \$8,000 at the most. Anthony said he has another truck that he cannot get rid of because we are still paying on it that is way too big for this community. He needs it right now for backup. Jenny asked if we could get part of the work done, would it run. Jenny added that we just ordered a new truck and had to piece funds together for that one. We do not have an endless supply of money; if we are going to bump these repairs up a couple thousand dollars, we are going to have to look at cutting somewhere else. Anthony said he has to make this truck road worthy to put a man in it; he is violating ODOT specs, Workers' Compensation and OSHA rules and regulations. He will talk to Dean in the morning to see if there is a minimum he can do now and maybe wait a month or two to do something else. Jenny said that would help, we may have other revenues coming in by then. Anthony asked Council to give him \$8,000 and if it exceeds that, he would have to ask for a special meeting to see if you want to put that kind of money into it. Donna said you have a vehicle that is worth \$7,000.

Anthony said somewhere between \$7-10,000. Donna said realistically, between the repairs and what it is valued at, we have about \$15,000. Anthony said you cannot replace that truck for \$15,000; that is a \$65,000 truck. The Mayor asked Anthony if he had any idea what a good used vehicle would cost. Anthony said he would not buy a used truck; he refuses, would you put a police officer or a firefighter in a used vehicle, no. His men have to have that safety and security when they go on the road, no way. Linda Clark said if you bought a used vehicle, you could still be putting \$7,000 into that vehicle. The Mayor agreed but felt it would be a newer used truck. Motion to amend it to \$8,000 and calculate the payments to be \$222.22 made by L. Schilling with a second from L. Clark. Roger asked Anthony if we should be getting other quotes on repairs when they are this high. Anthony said the problem is having to tow it from place to place. We have a local business in our community that does all of our towing and probably 90 percent of our repairs. He did not think that would be fair to the company that we deal with and tries to keep the business in the community if he can. Linda Clark agreed with Anthony on this, had it not already been at Fall & Stebbins, we could have made a different decision and received estimates. Donna felt we are throwing good money after bad; this vehicle is obviously on its last legs. We only have two more payments on the Sterling and then we would have no payments at all. Donna said she does not agree, she is not the Village Administrator but felt there are good used vehicles out there to consider. However, the real issue is that she does not feel we should throw our money away. Anthony said they have discussed this before that once the Sterling is paid off, we turn that in on a new truck and then that truck becomes the frontline truck. The Freightliner would become the secondary truck. Anthony said the Sterling is just too big for this community; it is a 4700. Linda Clark said right now, he needs the Freightliner to be working up on Oak Street and doing the brush, it has to be repaired. Motion to amend to advance \$8,000 with repayments to be \$222.22 per month for 36 months made by M. Hura with a second from B. Prescott. All ayes on vote. Motion to approve as amended made by M. Hura with a second from B. Prescott. All ayes on vote.

**ORDINANCE 2011-63: AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2011 APPROPRIATIONS (Street Fund) AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.** 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. Linda Clark said we need to amend this one as well. Motion to amend this to \$8,000 with a new total of \$125,192.00 made by L. Clark with a second from B. Prescott. All ayes on vote. Motion to approve as amended made by M. Hura with a second from L. Schilling. All ayes on vote.

**ORDINANCE 2011-64: AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2011 APPROPRIATIONS (General Fund) AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.** 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 B. Prescott. Jenny explained this is the park money to send the deposits back; we have to appropriate that money. Documentation has already been sent to the County Auditor's office notifying them that we are increasing the General Fund. All ayes on vote.

**ORDINANCE 2011-65: AN ORDINANCE AMENDING ORDINANCE 2011-39 AND DIRECTING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF MANTUA TO RE-SOLICIT BIDS FOR THE SALE OF A 1983 C-70 CHEVY TRUCK WITH WATER TANK, AND DECLARING AN EMERGENCY. 1<sup>st</sup> READING.** Motion to suspend the rules made by L. Clark with a second from B. Prescott. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. Ben said this needs to be amended the same as #55, #56 & #57. Motion to amend made by L. Clark 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.

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**Committee Reports:**

Police Chief, Harry Buchert reported the next Safety meeting is July 28 at 6:30 a.m., however, they may decide to cancel this month's meeting. Marty said that would be fine with him. Harry said then the Safety meeting for July will be cancelled.

Art on the Hill and the Soap Box Derby went off without any problems or concerns.

Trick or Treat will be set for Monday, October 31, 2011 from 6-8 p.m. and asked for Council's approval. Council was okay with it.

The Police Department received a donation of \$750.00 from Buckeye Pipelines to go to Police Capital. Motion to accept the donation made by L. Schilling with a second from B. Prescott. All ayes on vote.

The Police Department also received a vehicle, which had been forfeited; the cost of storage from F & S Automotive was \$4455.00. They have donated their services to the Village. Motion to accept the donation from F & S Automotive made by L. Clark with a second from B. Prescott. All ayes on vote.

Harry reported concerts set at the mini park for July 29 and August 19 from 6 – 8 p.m.

Village Administrator, Anthony Fiorilli III said his report has been deposited. He asked Council for an executive session to discuss possible court proceedings. Anthony thanked F & S Automotive and the Police Department; the 1996 Jeep was turned over to the Service Department. He thanked Council for approving the purchase of a new F-350 from Valley Ford Trucks. We are due to receive it the end of September or first of October.

Rich Iafelice, Engineer with C.T. Consultants felt Anthony and the Mayor have done a good job on looking for new revenue sources. He talked about working on receiving solids from Windham; this is only in the discussion stage. Windham is now getting it hauled and treated.

**Shade Tree:** Linda Clark had nothing to report for Shade Tree.

**Finance:** Linda Clark reported Finance still working on the pay scale ordinance and the codified Rules of Council. Linda read from Section 121.03 article 6, #1 from the codified regarding department reports that are supposed to be turned in at each Council meeting. The discussion on having a central location for water/sewer payments is being sent back to Service. It still needs some work. Finance discussed pricing a fireproof safe for Cemetery records. Roger Hawkins suggested a fireproof file cabinet. He is planning to get some pricing on them.

Finance is working on a special events request form with the help of Chief Buchert.

The Chief had requested that Finance look at for approval, the Police Department's membership with the Ohio Plan Risk Management. This was discussed with the Safety Committee and sent to Finance. Linda asked Harry to explain how it would help his department. Harry said a company called Lexpool writes policies for police departments. The Ohio Municipal League verified this as a very good plan and will help pay for the cost over a three year period. The first year, the cost would be \$4,700, which half would be reimbursed by the OML. The second year the cost would be \$1,300 and the third year would be \$1,500. The Chief would recommend this to Council. The funds are in Police Capital and would not affect the General Fund. Linda Schilling felt Harry should go ahead with it. Ben asked Harry what the cost would be after the first three years, into the fourth, fifth and six years. Harry said the annual cost is \$1,850 after the first three years. Linda Clark added that should the Village be involved in a lawsuit, they would provide us with information and support, correct. Harry said yes. The Mayor asked Harry if down the road whether Hiram might want to be involved in this as well. Harry said he would not know until he reviews the contract. Harry added that with this program, his officers would be required to sign in daily.

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Motion to allow the Chief of Police to go ahead with this program made by L. Schilling with a second from M. Hura. All ayes on vote. Jenny informed Harry and Council that Police Capital only has \$3,000 in it right now and would need to have more funds appropriated.

The last item Linda Clark had was regarding fracking. She was asked to check into it and started doing some research because she knew very little about it. From what she has read, she now has more questions about it. The Finance Committee discussed the pros v cons of fracking, possible contamination to our water wells and/or the aquifer, possible earthquakes. We felt we simply need more information. A motion was made to write legislation not to allow fracking within the Village limits; however, Michele informed Linda that the Village cannot prohibit this and she would ask Michele to elaborate on it. Linda Clark would request that all of Council do some research on this so that it can be discussed again. Michele said the State has the only authority to allow for drilling; Villages and Townships have no authority to regulate them. Roger asked Rich for his knowledge on fracking. Rich said Michele is correct and that advances in technology has allowed for more drilling. A contiguous 20-acre minimum area is required for a well.

**Service:** Linda Schilling said their next meeting has been moved to August 9 at 7:30 a.m.

**Parks:** Marty thanked our Village Administrator, Anthony, for prompt removal of trash at the park and secondly, for having Bica's Lock Shop come out and fix our locks on the park lodge. He reminded everyone that articles for Mantua Matters are due by Monday.

**Planning:** Mayor Hawkins had nothing to report for the Planning Commission.

**BZA:** Roger reported the Board of Zoning Appeals had two challenges to decisions they made, the judge upheld their decisions on both cases and he read the letter from the court.

**Safety:** Giles reported for Safety that the Soap Box Derby and Art on the Hill were both excellent events with no problems. The Fire Department is still moving ahead on deferred billing. He also mentioned that the fire safe he located in Pennsylvania is a good deal and if Council decides on it, he would deliver it to Jenny's office.

**New or Other Business:** Mayor Hawkins said she has a person to appoint to the Cemetery Board, her name is Kim Block and asked if Council would consider approval of this appointment. Michele said she thought, based on the ordinance that was passed, the Mayor can appoint and does not need approval from Council. Linda Clark recalled that Council was not happy that Donna could appoint without their approval. Michele said it came out of the Ohio Revised Code. Mayor Hawkins appointed Kim Block as a member of the Hillside Cemetery Board.

Aaron Snopek passed out a letter on behalf of the DMRC. It is last minute; he would have preferred it be in the Council packets. This is concerning the ODOT project; it is just to open the dialogue between ODOT and the Village. He spoke with Jack Noble, District 4 of ODOT. Aaron did not get a flat out no from Jack, he was told to have the Village send him plans. The deadline is early fall; he interprets that as mid October. Aaron passed out a large print for Councils' review. Linda Clark said that when the DMRC was at Finance, there were no plans. Aaron said Council would have to engage with ODOT. The Mayor felt Aaron already has a dialogue started with them and he is on our Planning Commission. Rich Iafelice said this is not unusual. In terms of design, if there are some enhancements, they can assess their project. This has been done successfully many times; it certainly does not hurt to ask. Michele added that Council just passed legislation 2011-37 tonight which the language relating to this project gives ODOT permission to do the project. This language came right from ODOT and we simply put it into our own format. It does state that the Village of Mantua will cooperate with the Director and further agrees to pay 100 percent of the costs of those features requested by the Village of Mantua, which are determined by the State and Federal Highway Administration to be unnecessary for the project.

What was said tonight sounds inconsistent with the language they gave us, did he speak to that at all. Aaron said he had no discussion with him about specific language. Rich said this



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is the standard language. They get to determine if it is necessary or unnecessary. If they determine it to be necessary, then they would include it in the project.

Aaron commented on his concerns with fracking and was glad to see that Council was going to be doing more research on the subject.

**Public:** John Heintl asked Chief Buchert about stopping someone and then you determine they are an illegal immigrant; is there a procedure that you would follow to detain them and notify the proper authorities. Harry said no, not unless they have an outstanding warrant. On some occasions, they have contacted the FBI or the Attorney General.

Mr. Heintl also commented on discussion of a file cabinet and with moving toward a paperless society, wondered if the Village would consider receiving all their reports electronically. Marty said the filing cabinet is for cemetery records only; we are required to keep them in a fireproof safe.

Ellie Stamm representing the Downtown Mantua Revitalization Committee wanted to thank Aaron. She reminded everyone about the free concert at the mini park on July 29. Ellie asked if anyone from Council or the citizens had any feedback on Art on the Hill. Everyone had good comments on the event. Donna felt it was an exceedingly impressive event. The good quality of vendors was outstanding and they were all complimentary about the event. Jenny said the local businesses really benefited from it. Harry asked Ellie if they had any concerns to help make it better. Ellie said no, but they did come up with some things they plan to improve on in the future.

Mayor Hawkins said the ODOT project would be discussed through Planning with Aaron continuing the dialogue.

Motion to go into executive session at 8:57 p.m. on personnel employment and imminent litigation made by L. Schilling with a second from L. Clark. All ayes on vote.

Motion to go back into regular session at 9:25 p.m. made by L. Schilling with a second from L. Clark. All ayes on vote.

Motion for Anthony Fiorilli III, as a part-time employee of the Village even though he has not had his evaluation yet, be made permanent part-time and that his wages would stay the same for right now and he be taken off the probationary period made by L. Schilling with a second from L. Clark. All ayes on vote.

Motion to have the Village Administrator please put ads in the Record Courier to hire part-time help made by L. Schilling with a second from L. Clark. All ayes on vote.

Motion for Michele Stuck, Village Solicitor, to move forward with litigation to initiate small claims to pursue collection on the Snyders made by L. Clark with a second from L. Schilling. All ayes on vote.

Motion to adjourn the meeting at 9:28 p.m. made by L. Schilling with a second from B. Prescott. All ayes on vote.

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Mayor Donna Hawkins

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Clerk-Treasurer Jenny August