

**Village of Mantua
Regular Council Meeting**

August 16, 2011

Mayor Hawkins called the meeting to order at 7:00 p.m. & led the pledge of Allegiance.

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

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

Public: Larry Kaczmarek, Norm Erickson, Aaron Snopek, Pearl Campbell, Carl Zeleznik, William Vassileff with American Legion Post 193, Tracy Leva.

Motion to excuse Giles Seith made by L. Schilling with a second from L. Clark. All ayes on vote.

Minutes: Motion to approve the regular meeting minutes of July 19, 2011 made by L. Schilling with a second from M. Hura. All ayes on vote.

Motion to approve the public hearing meeting minutes of July 19, 2011 made by L. Schilling with a second from M. Hura. All ayes on vote.

Mayors Report: Mayor Hawkins reported swearing in a new officer in our Police Department, Mike Jones. Mantua Village is home of a world YoYo champion, Hank Freeman, congratulations! Donna attended the recent Chamber of Commerce luncheon and wanted to welcome the Janson brothers back to Mantua with the hardware store. The packaging company slated to move into the old Eaton building is still moving forward but just not as fast as they would have liked.

The Mayor introduced Mr. William Vassileff with the American Legion Post 193. Mr. Vassileff announced the legion is sponsoring a "Stuff the Bus" campaign on Saturday August 20 from 10:00 a.m. to 2:00 p.m. at the Crestwood High School facility.

The Mayor invited Mr. Larry Kaczmarek, our insurance agent, to present Council with our health insurance renewal information. Larry said he does not have bad news at all, only a seven percent renewal. This brings us three percent over a standard plan; however, typically you would only have thirty percent reimbursement with an HRA plan. The difference is that the Village takes over some of the exposure. Larry explained some of the changes in healthcare and the costs associated with them. National carriers are out of the marketplace. This is a very tough time for small groups and plans. Summa has been very good working with small groups. Medical Mutual was the second insurer he contacted for a quote; they were about \$5,000 higher than Summa. As changes come up over the next two years, he will keep us informed. Larry recommended staying where we are for this year. He did not bid it out to United Healthcare or Aetna. Larry thanked the Village of Mantua for allowing him to provide our service.

Motion to accept the renewal made by B. Prescott with a second from L. Schilling. All ayes on vote.

Finance Report: Jenny gave her financial report as of July 31, 2011. A recent article in the Record Courier shows the cuts in Local Government Funds. Our reduction is \$30,000.

We received our property tax settlement for the second half of this year's tax payments. We had budgeted to receive \$15,000; however, with our bond payment automatically being taken out of it, \$415.00 in treasury fees and \$389.00 for the Health Department assessment, it leaves us with \$226.00. In addition, our next payment we can expect to lose approximately \$500.00 or more for election expenses incurred due to a private citizen submitting an initiative petition for the November ballot.

Insurance renewals are up nearly 8 percent beginning in September for the following year. The General Fund is looking at some serious challenges ahead.

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The Cemetery Trust has not yet reimbursed us for the submitted expenses; however, Kevin Poland's office did call and ask our office to fax the paperwork again. He plans to submit everything this week.

Our checkbook balance at the end of July:	\$ 332,763.00
Revenues for July:	\$ 131,521.00
Expenses for July including payroll:	\$ 104,563.00

The Cash Summary report shows that no adjustments were made. Reconciliation of the Water-Sewer department receipts and the UAN receipts matched with the exception of the septage processing payment, which does not go into Donna Maynard's report. The Reconciliation report of the Municipal Income Tax receipts for July also balanced. The July Bank Reconciliation had no adjusting factors. The Comparison of Revenues v Budget report indicates that we are exceeding where we would be at the 7-month mark by about \$35,000. That is good. The Comparison of Disbursements v Encumbrances indicates that we are exceeding where we would be at the 7-month mark by about \$48,000. That is bad.

Council approved payments last month for payroll and operating expenses, which covered checks #38457 through #38528. We voided check #38490 because the invoice amount turned out to be less than the purchase order amount.

Lastly, Jenny recognized our own YoYo champion, Hank Freeman who took 1st place in the entire world on Saturday, August 6! We need a sign for a world champion.

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 Bills of Resolution with addendum for July 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 July omitting C.T. made by L. Schilling with a second from M. Hura. All ayes on vote.

Legislation:

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. 3rd READING. Motion to table made by B. Prescott with a second from L. Schilling. 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. 3rd READING. Motion to approve made by L. Schilling with a second from B. Prescott. 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. TABLED ON 1st READING.

Motion to take off the table made by R. Hawkins with a second from L. Clark. All ayes on vote. This is at 2nd reading.

Mayor Hawkins wanted to make a statement that she contacted the State who directed her to contact the County departments. She found an opportunity that would have a positive impact on the Village and will have it all worked out by the next Council meeting.

Michele said she prepared a letter for our Zoning Inspector to send to the property owner. He is coming up on his 30-days since John Vechery cited him for numerous exterior maintenance code violations. If the Mayor's opportunity does not come to anything, there are possibilities to pursue this through zoning complaints either in common pleas court or municipal court. We have a number of options to pursue that would keep us from having to take the financial burden on ourselves. Mr. Roberts with the Building Department did verify that during his inspection, he did not see any evidence of asbestos that would require any special treatment. They are prepared to issue a demolition permit without further asbestos inspection. If they get into the innermost sections of the building and discover something not immediately apparent with the initial inspection, they would have to segregate that area and dispose of it properly which could raise our costs beyond what the estimates are now. Ben asked if we are getting more bids. Anthony said he was not asked to do so, however, he would get with Michele and place a legal ad if Council so chooses. Michele said Anthony could get informal bids now. Ben asked Michele what she was pursuing on this right now. Michele said he only has a few more days before he is in violation of the 30-day notice. She would then have to prepare a zoning complaint and file it with the courts. It is not a fast process, however, once a person gets summonsed to court, that person becomes aware that the plaintiff does mean business.

ORDINANCE 2011-66: AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF MANTUA, OHIO AND DECLARING AN EMERGENCY. 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 L. Clark. Jenny explained this is something we do every year; Michele looked it all over and it is okay. Ben asked if we were able to find anyone else that does this type of work. Jenny said that Anthony gave her a name of a company; they do not have a website so Jenny will call them. Michele said there is another company that does this; she thought their name was American Legal Publishing. All ayes on vote.

ORDINANCE 2011-67: 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 M. Hura. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. Jenny said this is to pay for the software program the Police Department had requested last month. We needed to appropriate the money first. All ayes on vote.

RESOLUTION 2011-68: A RESOLUTION AUTHORIZING THE CLERK-TREASURER OF THE VILLAGE OF MANTUA TO TRANSFER ADDITIONAL AMOUNTS IN ORDER TO MAKE UP FOR A DEFICIENCY IN THE JULY MONTHLY TRANSFERS TO FUNDS 5701 AND 5702, AND DECLARING AN EMERGENCY. Motion to suspend the rules made by L. Clark with a second from L. Schilling. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. Jenny explained how this came about through our recent audit. Typically, when we did not have enough to make our monthly transfers, we would play catch up when Mantaline or the Schools paid. After our recent audit, we were informed that whenever we deviate from our payment schedule that Council set, we have to do legislation. All ayes on vote.

RESOLUTION 2011-69: A RESOLUTION AMENDING RESOLUTION 2011-62 IN ORDER TO REVISE THE REPAYMENT SCHEDULE FROM THE STREET FUND TO THE GENERAL FUND, AND DECLARING AN EMERGENCY. Motion to suspend the rules made by M. Hura with a second from B. Prescott.

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All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. Jenny said this is regarding the \$8,000 advance Council approved last month. The first payment is the difference between what was advanced and what was actually needed for the repair. This also modified the monthly payment amounts to a lesser amount. All ayes on vote.

RESOLUTION 2011-70: A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR OF THE VILLAGE OF MANTUA TO SOLICIT BIDS FOR ASPHALT WORK FOR HERALD, MAPLE, REGAN AND LINE STREETS, AND DECLARING AN EMERGENCY. 1st READING. Ben said we did receive bids to pave some streets.

This legislation was put together; however, we want to repeal this resolution and make a motion to do Herald Street from Walnut to E. High, Maple Street from Franklin to W. High and Regan Street using the regrinds from the other two roads. Ben added the total cost would not exceed \$23,000 for these three streets. Michele said, procedurally, the neatest way to do this would be for Council to take the bid from Ronyak Bros. of 8-10-2011, not solicit bids for the extra work and vote down this legislation. Then by way of a separate motion, accept Ronyak's estimate, should Council decide to go with it and not get other estimates. Mayor Hawkins asked Anthony if he had gotten any other estimates. Anthony said he got a total of three bids. Linda Clark said the fax that she received, dated 8/10, only has the changes that were made to not do all of Regan Street, just to do the grindings and rolling in from the other streets. She does not have an updated one for Herald or Maple. Anthony said they could have Ronyak send him a new listing of roads. Mayor Hawkins would like a clean estimate from them. Ben felt there was no need; we have what we are paying on their sheet. Linda Schilling said it was given to everyone at the Service Committee meeting. Donna remembered discussing doing \$45,000 in paving and she suggested not doing \$45,000. Linda Schilling said with doing just the two roads, we are not doing anything close to that. Donna felt they were doing what she suggested. Linda Clark said she came up with the total of \$21,124.05. Ben added that they wanted to put some extra in there in case something happened. Linda Clark said she was comfortable with the \$23,000 since she did not want to spend the \$45,000 either. Linda Schilling agreed. 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. Clark with a second from L. Schilling. R. Hawkins voted yes, all other nays on vote. This legislation failed.

Motion to accept the bid from Ronyak Bros Paving to pave Herald from Walnut southbound to E. High, pave Maple from W. High to Franklin, Regan from paved end, as it exists now, to rear entrance at cemetery to be ground down and reapplied using the regrinds from the other two roads and for the Village to retain all extra regrind material at a cost not to exceed \$23,000 made by B. Prescott with a second from L. Schilling. All ayes on vote.

ORDINANCE 2011-71: AN ORDINANCE ESTABLISHING THE PAY SCALES AND POSITIONS OF NEWLY HIRED FULL TIME AND PART TIME EMPLOYEES OF THE VILLAGE OF MANTUA, REPEALING ALL PRIOR INCONSISTENT ORDINANCES, AND DECLARING AN EMERGENCY. 1st READING. Ben said Council will need to amend this a little at 2nd reading. The Finance Committee will be working on it. Minimum wage is currently \$7.40. Linda Clark said another place to address this is the part-time patrol officer, which needs to be taken out and make it auxiliary. Finance will review this between Council meetings.

Mayor Hawkins suggested the motion for the paving be put in the minutes verbatim, does Council need to make a motion on this. Jenny said motions are generally put in verbatim.

Committee Reports:

Police Chief, Harry Buchert reported there would not be a Safety meeting for July. A concert in the mini park is set for this Friday, August 19. School starts again on the 30th.

Village Administrator, Anthony Fiorilli III thanked Council for allowing him to hire help in the Service Department. He plans to get caught up in the Cemetery. His department did flush out some hydrants. Ronyak Bros. Paving, he believes, does letters to residents in house on paving work to be done. Michele Stuck asked Anthony about brush pickup. Anthony said our truck was down for three weeks; they plan on picking up the County chipper again tomorrow.

Brian Rogers, Assistant Engineer with C.T. Consultants, commented that the road company the Village is planning to use is one of the better companies to work with.

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

Finance: Linda Clark reported for Finance that Jenny came up with phone logs as per the auditor's request. Motion to set in place phone logs for all departments made by B. Prescott with a second from M. Hura. Anthony said he would spend at least two hours per day filling out these logs. Harry felt it was unnecessary paperwork. Jenny said the auditor recommended it to keep track of long distance calls made from Village phones. Linda Schilling felt it was too much paperwork and copying. Roger Hawkins agreed that it was more unnecessary paperwork. B. Prescott voted yes, L. Clark voted yes, all other nays on vote. Motion failed.

The water and sewer payments now will only be accepted by mail, at the Village Clerk's office, the night drop, electronically and at the bank. Jenny will make copies of the payments for Donna Maynard. Payment plans, Jenny needs to be made aware of any. A secure box will be added to the back of the night drop slot at the Administration Building.

Regarding a fireproof safe and or cabinet, Finance Committee is still looking into it.

Finance has been working on Council rules.

We have only received one payment for water sales/septage. We are set up on a 15-day billing cycle for payments.

Finally, regarding the Planning Commission Chair approaching our Clerk to ask her to start pulling zoning issues/legislation out so that we can have our zoning code codified. Finance has been researching the costs involved; it may be cost prohibitive.

Linda Schilling did want to mention that Shade Tree is working on a tree by the Boy Scout building, which needs to be cut down as well as two in the cemetery.

Service: Linda Schilling said their meetings are the first Tuesday of the month at 7:30 a.m. Linda asked the Mayor if the evaluation on Anthony was done. Donna said yes, however, she has not set down to go over it. The Mayor asked Linda Schilling about their evaluations. Linda Schilling said she gave the Mayor their scores.

Linda Clark said the next Finance meeting has been moved to Monday Sept. 19 at 6 p.m..

Parks: Marty had nothing at this time to report.

Planning: Mayor Hawkins reported the Planning Commission is working with the Stamm family for a possible donation of property, which could be used for a park. Donna also reported that regarding the ODOT bridge repair project and possibly incorporating our designs in their project, ODOT has turned down our request.

BZA: Roger reported they have set a hearing date of September 8, 2011 at 7:00 p.m.

Safety: Harry reported for Giles that the next Safety meeting is September 29 @ 6:30 a.m. Harry also informed Council that he has documentation that ODOT still owns the triangle on State Route 44.

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Members of Council would like a copy of that documentation. The Mayor and Aaron Snopek also requested a copy of it.

New or Other Business: Anthony requested that the meeting agenda separate departmental reports from committee reports. #9 could be, Department Heads and #10. Committees. That would be fine with everyone.

Public: Carl Zeleznik commented on the phone bills for the Village and said he has free long distance. Jenny could check with his girl, Diane at his office. He asked for clarification on what Jenny had reported on with property taxes. Jenny said twice a year when everyone pays their property taxes, the following month our Village gets a check for a certain amount. The first thing they do is to separate out our semi-annual payment for this building. Anything left after that goes into our General Fund. Typically, we get about \$15,000 a year. This year by the time we paid everything out like the assessment from the Health Department and Treasury fees, it whittled it down. Where we only had \$1,000 to begin with, it was whittled down to \$200. Carl had his house re-evaluated and his property taxes were reduced. If others do the same thing, the property taxes drop and subsequently, the monies the Village receives will drop. Jenny said yes.

Carl said Jenny had mentioned something costing \$500. Jenny said yes, whenever we have something on the ballot, like the issue about the trucks, she was not certain whether it will cost us \$500 or \$800 but she played it safe and put in \$500, but she suspects it might cost us \$800. Carl asked the Village Solicitor, Michele, why the Village has to pay for that to be on the ballot. Michele said the Board of Elections and the statute governing the Board of Elections says it comes out of Village revenue because it is a Village issue. She added that anything which is within Council's power to legislate; can be placed on the ballot as an initiative petition by a citizen. Carl felt if somebody wanted to squander the Village's money, they could easily do it.

Carl also brought up something that has bothered him numerous times when he has come to Council. He wondered why anytime the Mayor is asked about her hospitalization, you are gavelled for it and you are out of order. Mayor Hawkins said that statement is incorrect. Carl rephrased his statement; the meetings he has been at, when anyone has mentioned the Mayor's hospitalization, you have gavelled them and told them they were out of order. He cannot figure out why they are out of order. The Mayor said the only reason they have been gavelled and she very reluctantly uses the gavel, would be if it was a disparaging remark. That would happen regardless because that is what the Council rules state. It would have to be personal or something of that issue.

Tracy Leva asked if there had been work done on Oak Street. The Mayor said yes. Tracy said she has not noticed any alleviation of water issues on her property. If the curb could be replaced, it would be great; can that be done? Anthony said the work on Oak Street has been slow as they re-channel the water and detailed his plan. Anthony has also talked with Mike McCauley who plans to put in a new driveway apron with a depressed curve. He would like to meet with Tracy and walk her property to see what is happening there. Tracy agreed and will contact his office.

Roger Hawkins asked that anyone who spoke from the public to please state their name and address.

Tracy Leva, 4525 West Prospect Street.

Carl Zeleznik, 3962 Pioneer Trail. Just in case, he happens to own commercial property at 10840 Main Street, Mantua Village, Ohio.

Motion to go into executive session at 8:22 p.m. on imminent litigation made by L. Schilling with a second from B. Prescott. All ayes on vote.

Motion to go back into regular session at 8:35 p.m. made by L. Schilling with a second from L. Clark. All ayes on vote.

Motion to authorize our Village Solicitor and Zoning Inspector to file a zoning violation and or violations made by L. Schilling with a second from L. Clark. All ayes on vote.

Motion to pay Perfect Choice Auto Collision \$874.39 for repairs to Christine Pitsinger's car caused by a rock thrown during mowing along State Route 44 by our Service Department made by L. Schilling with a second from B. Prescott. Anthony felt that Council would be setting a precedent by paying this claim; we are only legally responsible for \$250.00 of the person's deductible. He also wondered why we were not submitting this claim to our insurance carrier. Jenny felt we would be better off to just pay the claim and said last year we turned in two claims to our insurance company and our rates increased by \$4,000 this year. Anthony felt it was wrong to pay the entire claim and said he would stop mowing along State Route 44 altogether. Ben said it is Village property; the Service Department would have to mow it. All ayes on vote.

Motion to adjourn the meeting at 8:42 p.m. made by B. Prescott with a second from L. Schilling. All ayes on vote.

Mayor Donna Hawkins

Clerk-Treasurer Jenny August