

**Village of Mantua  
Regular Council Meeting**

**August 19, 2013**

Mayor Clark called the meeting to order at 6:30 p.m. and led the pledge of Allegiance and also asked that everyone remain standing for a moment of silence for Pearl Campbell.

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

❖ Motion to excuse B. Zoller by B. Prescott, seconded by G. Seith. All ayes on vote.

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

**Public:** Michelle Barnauskas representing DMRC, Les Hopkins, Graham Harmon, Roy Peck, John and Karen Harper, and Aaron Snopek.

**MINUTES:**

❖ Motion to approve the July 16<sup>th</sup> 2013 regular Council meeting minutes by B. Prescott with a second by M. Hura. All ayes on vote.

❖ Motion to approve the July 25<sup>th</sup> 2013 Special Council meeting minutes by B. Prescott with a second by M. Hura. All ayes on vote.

**MAYORS REPORT:**

Mayor Clark reported that she received a letter from Portage Parks district thanking the Village for their support of the Headwaters triathlon held in July. She also spoke with Kent from the Ohio Municipal League regarding House Bill 5 and he provided sample legislation and a letter to send out to the state official's showing the Village's opposition.

The Village was featured in the Akron Legal News this month. She has a copy of the very nice article if anyone is interested in reading it. Tonight's legislation regarding declaring the Village a disaster area after the big storms will be the last step we need to take for the EMA, then we just wait for an answer on whether or not we will be getting any assistance.

In the June Cities and Villages publication, there was information about getting a free assessment for employee safety and she would like Council's permission to contact PERRP and have this inspection done for the village.

❖ Motion to allow the Mayor to contact PERRP for a free inspection by B. Prescott, with a second by G. Seith. All ayes on vote.

Mayor Clark would like approval for a special event. It is the Crestwood Youth & Cheerleading for Cheerleading practice from July 29 to Oct 31 from 5-8 pm.

❖ Motion to allow the Mayor to authorize Crestwood Youth & Cheerleading to have a special event by M. Hura, with a second by B. Prescott. All ayes on vote.

AMATS has approved the increase in the S.R. 44 Sidewalk Project from \$45,000 to \$125,000. Mayor Clark would like Council's approval of a work authorization for C.T. Consultants in the amount of \$11,300 for work on the S.R. 44 Sidewalk project.

❖ Motion to authorize C.T. Consultants to do some Engineering for the S.R. 44 Sidewalk Project not to exceed \$11,300 by B. Prescott, seconded by G. Seith. All ayes on vote.

Kate has been busy packing up the Service Department office. The Village Administrator informed Lisa Davis that she would be moving to the Village Hall offices and she opted to resign. She and Kate went to Garrettsville and looked at a new water-sewer billing program.

**CITIZENS:**

Mr. John Harper addressed Council regarding his property located at 10971 Ambler Lane, parcel #23, 26, & 27. Parcel 27 was considered to be in the village since way back before he bought it. Sometime in 1970's, it somehow became part of the township. He attended a Council meeting in October 2003 to question the surcharge to township water-sewer customers. Somehow, the audio of the meeting is missing and the written minutes do not reflect Council authorizing his property to be grandfathered using the Village rate without the surcharge. Solicitor Michele Stuck asked when the surcharge began. She would like to check some things first before Council takes any action. Marty Hura said he remembers the meeting and he is one of the Councilmen that suggested grandfathering him in. John asked Council to charge him Village rates going forward. Michele will try to have some information ready to refer to the Service Committee for recommendation at their next meeting. Mrs. Karen Harper asked for it to be retroactive to tonight.

Michelle Barnauskas representing the Downtown Mantua Revitalization Committee said they have forwarded a check to the village in the amount of \$11,300. She wants to make sure that it is clear that the whole check is not for C.T. Consultants. Some of the matching funds will be in-kind labor done by local contractors at local cost. Some of the comments that she read in the minutes were non-factual. DMRC wants the Village to know that they are not going to keep cutting checks when projects go over budget. The donors are giving money for revitalization projects and want to see the money going towards their vision. They don't want to lose their donors.

Graham Harmon asked what was the outcome of the design in front of NAPA? Michelle said it is a full concrete apron so it looks like a sidewalk and not a section of driveway, sidewalk, and another sidewalk. Michelle thinks C.T. should come to Planning, and that this should be a Planning decision, not Council. Graham said in his opinion, the area in front of NAPA is the biggest problem. His business, Perfect Choice, is blocked about three times a week. The temporary island with the caution tape was a joke. Mayor Clark said the center part is supposed to be able to be driven over, but the ingress and egress is blacktopped.

At this time, Village Engineer Rich Iafelice arrived. Michelle asked Rich Iafelice when the final design will be done. Rich said there is no design yet because they are waiting for authorization. They understand that there will be a concrete apron. Michelle said the design was approved once, then there was a special Council meeting and everything changed. Graham said there must be designated arrows, ingress and egress. Mayor Clark said we had a design, then business owners showed up at a Special Council meeting with concerns and Council changed it. Originally, there was to be sidewalk, an ingress area, then a small 20-50 ft enhancement area in front of NAPA, and then an egress. Then, business owners came to Council, complained and Council changed it. This Council converted an island to an apron.

Giles said we have now created a 160 foot pedestrian area. Graham said it just needs to be looked at. He is donating to an enhancement project, and he has already enhanced his property which wasted his own money. The traffic issues need addressed.

Paul said that once C.T Consultants submits the plans, we can all meet and take a look at it. Michelle said they already paid \$1,500 for preliminary plans, and now they have changed. Rich said he will prepare something to be reviewed, and once agreed upon, the final plan will be done, and once it is filed, they are done. Michelle asked Rich when the utility plans will be done. Rich said they have not been authorized by the Village to do the utility plans. Paul said the utilities are a small part of the project.

Graham asked when the actual work will start. Rich said next summer. We have to follow the state's schedule since we incorporated it into their project. The plans will be filed by the end of the year. The Village has to escrow the balance of the 20% share at that time. The project can be sold next spring. Jenny asked what the local share will be. Rich said \$36,000. Mayor Clark reviewed the project timeline.

### **FINANCIAL REPORTS:**

Jenny started out by welcoming Kate to the Village family. She also mentioned receiving a check from DMRC in the amount of \$11,300 for a donation to the S.R. 44 Sidewalk project, and asked Council to accept this donation.

- ❖ Motion to accept the donation of \$11,300 from DMRC for the S.R. 44 sidewalk Project by J. Clark with a second from P. Janson. All ayes on roll call.

Jenny gave her report as of July 31, 2013. All funds are in the black. Total revenues for July were \$178,866. Total expenses were \$101,536. On the Cash Summary report, there were no adjustments. The Revenue Status report shows that we are at 55.61% of our expected revenues. The Appropriation Status report shows that we are at 46% which is pretty good but we will catch up in December. The Income tax balanced with the UAN, as did the Water-Sewer program. The bank reconciliation went well with no adjusting factors. Council approved payments on checks 40353 through 40422.

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

### **CORRESPONDENCE:**

Jenny received the quarterly report from the Portage County Health Department which will be on file in her office if anyone wants to read it.

Also, she received a letter from Peggy Painley requesting history about the Crestwood Ponytail League, specifically if anyone knows what year they started using the Village Park. Jenny was unable to locate that information. They think that they might be the oldest and longest running recreational organization for Crestwood school children. If they determine that to be true, they want to do a publicity campaign. Council knew they have been around for a long time but didn't know when they started out.

**BILLS OF RESOLUTION:**

On line 42, the Mayor explains that the invoice for First Energy can be removed because she called the insurance company and they are going to pay it. There will not even be a deductible because it falls under General Liability. Also, Jenny should hold off paying the Ohio Pump bill until Dave approves it because they sent the wrong fittings.

- ❖ Motion to remove lines 42 and 145 from the Bills of Resolution made by B. Prescott, with a seconded by M. Hura. All ayes on vote.
- ❖ Motion to approve the Bills of Resolution as amended 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 HAS PER YEAR.** 3<sup>rd</sup> Reading. No discussion.

- ❖ Motion to approve by B. Prescott, seconded by M. Hura. 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.** 2<sup>nd</sup> Reading. Paul Janson said the Finance Committee has recommended amending the rate increase schedule. He would like to amend section (d) to 2020, section (e) to 2023, and drop section (f). Michele said in addition, all “effective August 1<sup>st</sup>” dates in section 1 & 2 should be changed to October 1<sup>st</sup>. Giles asked if this has to continue on for so many years. Mayor Clark said it was decided to do it this way so Council would not have to keep doing it over.

- ❖ Motion to amend as stated by B. Prescott, seconded by P. Janson. All ayes on roll call.

**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.** 2<sup>nd</sup> Reading. Ben said the Finance Committee would like to amend this the same way as 2013-60. He would like to amend section (d) to 2020, section (e) to 2023, and drop section (f). and all “effective August 1<sup>st</sup>” dates in section 1 & 2 should be changed to October 1<sup>st</sup>.

- ❖ Motion to amend by B. Prescott, seconded by M. Hura. All ayes on roll call.

**RES. 2013-66 A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF HB 5 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE.** 1<sup>st</sup> Reading.

Paul said the state would like to take over our local tax collections, and charge us for doing it.

- ❖ 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.

**RES. 2013-67 A RESOLUTION DECLARING A STATE OF EMERGENCY FOR THE VILLAGE OF MANTUA, AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading. Mayor Clark said this is for FEMA to declare the Village a disaster area and hopefully get us some financial assistance.

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

**RES. 2013-68 A RESOLUTION CORRECTING THE WATER AND SEWER BILLING RELATING TO THE RESIDENCE AT 4483 WEST FRANKLIN STREET, AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading. Mayor Clark said a resident had a faulty meter that was giving incorrect readings resulting in very large water bills. Attached are the recalculated bills.

- ❖ 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 P. Janson. All ayes on roll call.

**ORD. 2013-69 AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, RELATING TO COSTS FOR WATER METERS, BACKFLOW PREVENTERS AND RELATED EQUIPMENT, AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading. Mayor Clark said when determining the cost of meter replacements, we realized that charges were sporadic and we needed to codify the charges. The charge will be cost plus 20%.

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

**ORD. 2013-70 AN ORDINANCE AMENDING SECTION 7.2.A.1 OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK RELATING TO CALLING IN EMPLOYEE ABSENCES, AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading.

Mayor Clark said employees will not be allowed to text or e-mail in if they are not able to work. Service Department employees must contact their supervisor at least three hours before their shift, and Police Departments must call in no more than ½ hour before their shift. Chief Buchert asked Council to let this go to second reading so he can discuss this with his staff.

**ORD. 2013-71 AN ORDINANCE CREATING THE FULL-TIME POSITION OF ADMINISTRATIVE SERVICES OFFICER FOR THE VILLAGE OF MANTUA, ESTABLISHING A JOB DESCRIPTION FOR THAT POSITION, AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading. No discussion.

- ❖ Motion to suspend the rules by B. Prescott, 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. 2013-72 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. No Discussion

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

**ORD. 2013-73 AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2013 APPROPRIATIONS AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading.

Jenny said we are getting more money from the Cemetery Trust and this will allow us to spend it on tree work that needs done.

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

**RES. 2013-74 A RESOLUTION CREATING CAPITAL PROJECTS FUND 4907 IN ORDER TO PROPERLY TRACK RESOURCES RELATED TO THE SOUTH END SIDEWALK PROJECT, AND DECLARING AN EMERGENCY.** 1<sup>st</sup> Reading.

- ❖ 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** said the next Safety Committee meeting is Wednesday, September 4th at 6:00 pm. Harry expects the new Police cars to be delivered on August 26. There is a citizen that wants to donate \$850 for a bullet proof vest for the K-9 Officer. He asks Council to accept the donation.

- ❖ Motion to accept the donation of \$850 for the K-9 bulletproof vest by B. Prescott with a second from M. Hura. All ayes on roll call.

The School Resource Officer will be back working at the school beginning August 23. The first day of school is August 27. There was a Community Day at the Intermediate School and our S.R.O. Officer and K-9 Officer was there.

**Village Administrator-** Report was given by Mayor Clark in Dave Akerley's absence.

The Service Department has been very busy. Tomorrow Dave is meeting with someone regarding the filters at the water plant that need changed. Mike May has been working on the Ambler lift station. Audley Zuver is due in town tomorrow to work on three areas. We are waiting on estimates for possibly chipping and sealing Regan St. and Canada Rd. Lisa has resigned and Kate was able to get the water & sewer billing out with less than three hours of training. The guys are cleaning up the park, trimming back trees, and also preparing to have some trees cut down in residential area tree lawns.

**C.T. Consultant Engineer,** Rich Iafelice said regarding the Crestwood Sewer project, plans are complete and submitted to EPA for review. The easements are what is outstanding. He has only gotten one of the five, the one being from Crestwood School. Once the easements are finalized and Council accepts them, the remittance for compensation due can be made to the property owners. The EPA review takes 3-4 weeks, so that coincides with the easement work. He has correspondence in to each family, but hasn't heard back yet. Paul said he would call the property owners. They have done a redesign to avoid utility conflicts.

The S.R. 44 Sidewalk project has been discussed already, but he wanted to add into the timeline some things to follow the ODOT process. There are stages of review, and he wants to have his staff develop the design and submit them to ODOT to have a workshop. If he is not available, he will have his highway project manager, Bill Baker, attend the meeting. He will have them ready for the Sept. 10<sup>th</sup> Planning meeting. ODOT requires three stages, all to be completed by December, and this is stage one.

The Hydrant Replacement project is being worked on. They are coordinating with the Village Administrator on this.

Relative to the two treatment plants, he and his process engineer met with the treatment plant operator to start an analysis and he will provide some recommendations to Council once the study is complete. He and David looked over the operation manuals for the Tonka filters. He is getting some quotes together from Tonka for getting these changed. Some municipalities do this, but there is a lot of equipment needed and logistic issues to work out. It has been fifteen years since they were installed. There is a fifteen year life span for these filters. Lastly, the Orchard St. pay applications are ready for the Mayor to sign.

### **COMMITTEE REPORTS:**

**Shade Tree:** John Clark had nothing to report.

**Finance:** Paul Janson said finances are still tight but we are doing okay.

**Parks:** Marty Hura said they are hoping to get the new grills installed.

**Planning:** Mayor Clark said the Planning Commission is going to address revamping the signage and site plan reviews. Devin hale is the new Zoning Inspector.

**Cemetery:** Mayor Clark reported that Claude Hopkins, Matt Benner, Norm Erickson and Cookie Vanek are busy at the Cemetery with graveling, putting down topsoil, grading and seeding. The Mayor would like Council to accept the donation from Brugmann Sand & Gravel for 15-20 loads of topsoil as well as about 25 bales of hay.

❖ Motion to accept the donation of 15-20 loads of topsoil and hay from Brugmann Sand & Gravel by B. Prescott with a second from M. Hura. All ayes on roll call.

**BZA:** Nothing is happening at this time.

**Service:** Bill Zoller was absent and the Mayor covered everything when she gave the Village Administrators report.

**Safety/Fire Board:** Giles Seith reported that the Campbell family gave a glowing report on how Harry handled the death of their mother, Pearl. Fire Department is doing fine.

### **NEW OR OTHER BUSINESS:**

The Mayor said they had a discussion at Service about hiring an Independent Contractor to read the water meters every month. This person would be paid per actual meter read, not leaving cards. Michele has written a standard Independent Contractor agreement. Michele said Council would have to authorize the Village Administrator to hire an Independent Contractor to do this. Jenny said when we were looking at hiring Independent Contractors for plowing, she thought the IRS told us that they had to prove insurance and use their own vehicle that has their company name. Michele said the agreement covers that they provide their own insurance and the village is not responsible for workers compensation. Giles asked what the minimum liability the village must have for Independent Contractors. Michele said the Independent contractors are covered to an extent under the Village insurance coverage. The Mayor said we have two men that spend two days every month reading meters that could be doing other things for the village. We are trying to find more ways to cut costs. This will be discussed more at the next Service meeting.

❖ Motion to adjourn the meeting at 8:05 p.m., made by B. Prescott, with a second from M. Hura. All ayes on vote.

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Mayor Linda Clark

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Clerk-Treasurer Jenny August