

**Village of Mantua
Regular Council Meeting**

October 11, 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, Engineer with C.T. Consultants, Rich Iafelice, Joyce Bond, C.T. Consultants.

Public: Aaron Snopek, John Clark, Bill Zoller, Edie Benner, Michelle Barnauskas, Pearl Campbell, Roberta Zuver, Rick Frato and others.

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

Minutes: Motion to approve the regular meeting minutes of September 20, 2011 made by L. Schilling with a second from M. Hura. All ayes on vote.

Mayors Report: Mayor Hawkins announced Compass Packaging is moving into Mantua officially! The plan is for the end of October. Donna attended a fundraiser for Congressman Steve LaTourette, which allowed an opportunity to network and promote our Village. She wanted to update everyone on the Elm Street house fire project. Portage County Commissioners have all agreed to fund the demolition project. They are waiting for paperwork to be signed by the homeowner. Chief Buchert had concerns about the owner removing things from the property. Donna said he still does own the property. Anthony added there has been a contract awarded for the demolition.

Mayor Hawkins introduced Roberta Zuver, representing the Portage County Library. Roberta gave a presentation on Issue 24, which is a one mil, 5-year operating levy for the Libraries, and passed out some information. Their funding comes strictly from the State, any donations and book fines. They have cut everywhere and desperately need funding. They are currently working on 1996 money. With this one mil levy, they would be working on 2001 money, which would be good. Roberta thanked the Mayor and Council for the opportunity to speak tonight.

Finance Report: Jenny gave her financial report as of September 30, 2011. The Cemetery Trust has submitted everything to the court. We received a call today from the Court that it was approved, however, we do not know how much of it was approved until the check arrives.

Jenny asked Council to authorize payments to Wright-Express, Line-X of Streetsboro and Verizon Wireless when they are received. Since Council had been moved up a week, we had not yet received them and if we wait until next month, they will be late.

Motion to approve the payments for Wright-Express, Verizon Wireless and Line-X made by B. Prescott with a second from L. Schilling. All ayes on vote.

Jenny has included the financial reports in Council packets. If anyone has any questions on them, feel free to contact her office.

In September, we spent about \$28,000 more than we earned. Normally that would be bad, however, our expenditures included the \$22,000 paving project, a \$6,000 repair at the Water Plant, and a \$6,000 job on West Prospect Street.

The Water-Sewer program and the Income Tax program totals matched the UAN.

The bank reconciliation had no adjusting factors. Last night at the Finance Committee meeting, Jenny explained that from now on, we would have adjusting factors most months of one or two cents because of doing all of our OPERS reports and payments online through their website. They calculate differently which causes a "rounding" issue.

The UAN support staff said it would be best to wait until the end of the year and make one single adjustment.

Council approved payments last month for payroll and operating expenses, which covered checks #38613 through #38677. Check #38665 to Thoma Technologies was voided and reissued as check #38674 in order to reallocate the payment.

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 October omitting C.T. made by L. Schilling with a second from L. Clark. All ayes on vote.

Motion to approve Bills of Resolution with addendum for October including C.T. made by L. Schilling with a second from M. Hura. B. Prescott abstained, all other 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. TABLED AT 3rd READING.

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 AT 3rd READING.

ORDINANCE 2011-74: AN ORDINANCE AUTHORIZING A CONTRACT WITH THE PORTAGE COUNTY PUBLIC DEFENDER FOR DEFENSE OF INDIGENT PERSONS CHARGED WITH CRIMINAL OFFENSES UNDER THE VILLAGE ORDINANCES AND DECLARING AN EMERGENCY. 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. All ayes on vote.

RESOLUTION 2011-75: 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 SEPTEMBER MONTHLY TRANSFER TO FUND 5701, AND DECLARING AN EMERGENCY. 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 M. Hura. Jenny explained the reason this was set for November was that she expects a payment from Mantaline then, which should help our water fund. All ayes on vote.

ORDINANCE 2011-76: AN ORDINANCE AMENDING SECTIONS 147.17 AND 909.02 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA IN ORDER TO CLARIFY THE POLICY OF COST-SHARING FOR REMOVAL OF DISEASED OR DYING TREES ALONG VILLAGE RIGHTS-OF-WAY. 1st READING. Linda Schilling said there are changes to be made to this ordinance. The Village gets the estimate and the homeowner pays one-half of our estimates. Marty said no, we pay one-half of our estimates; the homeowner can get anyone they want to remove the tree. Michele Stuck asked if this estimate would come from an independent company, not from the Village. Marty said no. Michele felt that each party should get an estimate and then we take the lower of the two.

Anthony would like to see only licensed contractors for tree removal. Michele thought there was another section in the chapter that addresses licensing. Anthony said they should be licensed, bonded and insured. Linda Clark asked if this should go back to Shade Tree to amend it so that it is clear. Michele said she would write something up and submit it to Shade Tree for review. Then the amendment can be made at the next Council meeting. Anthony asked Michele if it states they must show proof of insurance liability so that it can be filed with his office. Michele checked the legislation and said it was all in there. Ben asked if it includes bonding, it should. Michele said that is a whole other section. Before we do that, lets ask Shade Tree to look it all over and if you want bonding, that can be their recommendation.

ORDINANCE 2011-77: AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF MANTUA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012. 1st READING.

RESOLUTION 2011-78: A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF MANTUA TO APPLY FOR FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM (TEP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) FOR THE S.R. 44 BRIDGE & STREETScape IMPROVEMENTS, AND DECLARING AN EMERGENCY. 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. Edie Benner presented a letter to Council and the Mayor read. Linda Clark felt the letter addressed all of their concerns. Rich Iafelice gave an overview of the project. Rich asked Joyce Font, a licensed landscape architect with C.T. Consultants, to be present to answer any questions since she is familiar with downtown Mantua. He did send Council a revised cost estimate and application form. He brought to Council's attention the schedule on page two that shows the funding potentially being available sooner than what was originally figured of 2016. This shows the drive for this project is the funding. Since revising the application, there were some questions about extending the sidewalk to Canada Road. There are protected wetlands on both sides of St. Rt. 44, probably in the right-of-way. There is not enough room to expand the sidewalks. Mitigating land to do that would make this project extremely expensive. Information received from those involved, Aaron, Michele and Edie has been very helpful. All ayes on vote. Rich will need a certified copy of this resolution to include with the application.

RESOLUTION 2011-79: A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF MANTUA TO APPLY FOR THE "CONNECTING COMMUNITIES PLANNING GRANT" OF UP TO \$25,000.00, AND DECLARING AN EMERGENCY. 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. The Mayor read a letter for the grant from DMRC. Rich asked Joyce to present an overview of the application. Joyce said there are two initiatives here, the trail connection and extension to Canada Road. Regardless of how it all pans out for Canada Road, this is a planning grant and it lays the groundwork for future construction projects. All ayes on vote.

Committee Reports:

Police Chief, Harry Buchert acknowledged a donation from F & S Automotive to the Police Department for \$145.00 worth of towing and storage services. Thank you. Motion made to accept the donation by B. Prescott with a second from M. Hura. All ayes on vote.

The next Safety meeting is set for October 20 at 6:30 a.m. The Pumpkin Roll is moving forward. They are just waiting on the insurance. Linda Schilling said the Potato Festival is taking them under their policy for the insurance coverage. Trick or Treat would be from 6-8 p.m. on Monday, October 31 as well as the Pumpkin Roll that night.

Village Administrator, Anthony Fiorilli III reported his department received the new truck from Valley Ford. They are in the process of installing the extra items needed for it.

There was a zoning issue on Bramley Drive regarding the new home built and the grinder pump set-up. There was a \$500.00 fee given to the Village. Our ordinance states that on a single-family dwelling, a site plan review is not required. He would ask to move this project along and just get approval from the engineer's office on the grinder pump and accompanying piping and let John Vechery and he handle final grades on the property. He would ask for Council's approval because the ordinance states he has approval for sanitary sewer tie-ins, storm sewer tie-ins and waterline tie-ins. There is no "slash" for grinder pump approvals. This is why he referred the general contractor on this home to C.T. Consultants to speak with them on this and to pay the review fees. If Council wishes, this could be added into the ordinance later for him to have this approval or leave it with the engineer's department. Linda Schilling started to make a motion to allow Anthony to work with John Vechery to handle this project; however, Roger wanted to hear what Rich, the Village's engineer, had to say about it. Mayor Hawkins asked Council what they were actually voting on to do. Linda Clark said she believes it would be for Rich to look at the plans for the grinding pump and lift station to see if it meets all the criteria for this property. Anthony said that is correct. Roger asked if we are going to have our Village Engineer look at it at all. Linda Clark said yes, he is going to approve the grinding pump and lift station. Roger said Rich is shaking his head no.

Rich said this was the first he was hearing about this and has an objection. He thought the code required a site plan review. The Mayor said a single-family dwelling does not require a site plan review. Michele said not for zoning purposes. Donna said for building purposes yes but it has little to do with zoning. When Anthony said we had a zoning issue, Donna does not view this as a zoning problem. Anthony felt it potentially could be a zoning problem because they are conflicting. Rich added that he advised the Village many times that the lack of control of site development has led to a number of problems the Village has had over the years. Properties are graded and built on without reviews and controls. He was following what he thought was for construction purposes. To look at a pump and determine if it is going to work or not is impossible without a grading or site plan review. Most communities want to be aware of what is happening during construction so they know the best interest of the public is being served. It is completely up to Council to determine what they are comfortable with in regard to construction. A professional engineer and surveyor, not just a sketch of a house showing a line, should prepare the plan. A sketch was what was submitted in this case. The Mayor asked Rich if this is installed incorrectly, would that cause a health hazard to the surrounding neighbors. Rich could not answer that question because he does not have a plan, he does not know. Typically, when you build a home, you do a site plan to establish where the house is being built and the grades of the house. Roger asked how long it would take to figure this out to where Rich would feel comfortable recommending it. Rich cannot say because he is not preparing a plan, the builder objects to preparing a plan because the house is already built. Linda Schilling asked Rich if there was ever a site plan turned into to review. Rich said he has never seen one. Jenny asked about Portage County Building Department; don't they look at all of that. Rich said the building department issues a permit for the structure; the Village issues for zoning and you have to have a site plan.

Rick Frato, owner of the new home on Bramley, said if this is that important, why was this not an issue when they started. Anthony said the biggest concern is the ordinance does not state he has the authority to approve the grinder pump and how it is installed. The Planning Commission needs to fix this. John Clark believed the Village only has precedence to fall back on, not hold this couple up on them getting into their home. More discussion followed. Rick Frato asked whether he needs a survey from his builder. Rich said yes and you will need elevations from a USGS surveyor. He added that it cannot be in the right-of-way, that is the Village's domain. Anthony felt we need a letter stating the homeowner would be responsible for the pump in the right-of-way and it would not obstruct, in any way, lines or anything else in the right-of-way.

Roger felt Rich brought up a number of issues and being that he is the only one, he believes, in this room with an engineer's license, it would be a disservice to go against what he is paid to do. Rich can only advise Council not to allow a private pump in the public's right-of-way. Rick said he would get Rich Iafelice whatever he has. Anthony suggested to Council to let him handle this from start to finish and then the ordinance can be changed for moving forward. Rich Iafelice said your builder should have something. Linda Schilling said to let Anthony and the Zoning Inspector do what they need to do to get them in the home. Mayor Hawkins believed the Zoning Inspector is pretty much done with what he needs to do.

Motion to allow Anthony Fiorilli III, Village Administrator, to take control of this situation to get it done and not have it in the right-of-way made by L. Schilling with a second from L. Clark. B. Prescott abstained; R. Hawkins voted no, all other ayes on vote.

Shade Tree: Linda Clark reported they plan to meet next month and work on the tree ordinance and working on possible fundraisers for Shade Tree.

Finance: Linda Clark reported money is still tight. She had something to present to Rich Iafelice on the Franklin/Regan Street grant, hoping to submit this to him for some work.

Service: Linda Schilling reported they meet the first Tuesday of every month at 7:30 a.m.

Parks: Marty Hura reported that Anthony and he are working on repairing or replacing the stove at the Park Lodge. Anthony added his department has changed over the lighting fixtures as well. Marty reminded everyone the deadline for Mantua Matters is October 25.

Planning: Mayor Hawkins reported the Planning meeting was cancelled tonight due to Council being moved up. Donna also said they had received a check from Bontrager Excavating for the site plan review on Rick Frato's house of \$500.00. We would need to refund this to them.

BZA: Roger Hawkins had nothing to report.

Safety: Nothing to add for safety.

Linda Clark asked everyone to please keep Giles and his family in your hearts while he is recovering.

New or Other Business: Mayor Hawkins would like to appoint to the Board of Zoning Appeals, Ken Hetzel. Ken used to be a Council member and was once on the BZA board. He is a resident and a teacher. She would ask for Council's approval.

Motion to approve the appointment of Ken Hetzel to the BZA Board made by R. Hawkins with a second from B. Prescott. All ayes on vote.

Public:

Motion to adjourn the meeting at 8:10 p.m. made by L. Schilling with a second from R. Hawkins. All ayes on vote.

Mayor Donna Hawkins

Clerk-Treasurer Jenny August