

**Village of Mantua
Regular Council Meeting**

November 8, 2011

Mayor Hawkins called the meeting to order at 7:01 p.m., led the pledge of Allegiance and asked everyone to remain standing for a moment of silence for the loss of Donald Altieri, our Head Dispatcher, Linda Wilkes' brother, and for the passing of Mr. Roy Brugmann.

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.

Public: Pearl Campbell, Aaron Snopek, John Clark, Bill Zoller, and three students from the Kent State photojournalism class; Jackie Freedman, Jessica Yanesh, Amy Loomis.

Minutes: Motion to approve the regular meeting minutes of October 11, 2011 made by L. Schilling with a second from B. Prescott. G. Seith abstained, all other ayes on vote.

Mayors Report: Mayor Hawkins thanked Troop #570 for hosting the Annual Pumpkin Roll, which was a great success. Donna updated everyone on the house demo work on Elm Street. The work has fallen behind with the contractor; however, they anticipate demolition to take place this coming Monday. The Mayor also wished to thank our Police Chief, Harry Buchert for 34 years of dedicated service and wished him an early happy birthday. Donna also wished our veterans and their families a happy Veterans Day.

Finance Report: Jenny gave her financial report as of October 31, 2011. The Cemetery Trust has paid us for everything we requested. The financial reports have all been placed in Council packets. In summary, for October we received about \$90,000 more than we spent due to employers third quarter withholding. The water-sewer billing for this month included some large accounts, which helped our utility funds. Our major expenses this month were the new truck and our second half of our liability insurance.

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

The bank reconciliation had a .01-cent adjusting factor thanks to OPERS rounding issues.

We are on track with both the revenues v budgetary report, and the disbursements v encumbrances report.

Jenny informed everyone that even though there are some here on pins and needles tonight, the results are in for her; she is in and will be the Village's Clerk-Treasurer for the next four years! She thanked those that gave her their vote and is looking forward to the next four years of serving our community. Applause and laughter followed.

Jenny asked Council to authorize payments to Wright-Express, Middlefield Visa, the monthly ComDoc bill, and Verizon since those invoices are not here yet.

Motion to approve the payments for Wright-Express, Middlefield Visa, ComDoc and Verizon Wireless made by B. Prescott with a second from L. Clark. All ayes on vote.

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 November omitting C.T. made by L. Schilling with a second from M. Hura. All ayes on vote.

Motion to approve Bills of Resolution with addendum for November 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 2011-76: 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. 2nd READING. Linda Clark passed out an amendment to be made regarding “Stump Grinding”. This was discussed at their last meeting and then taken back to Service to be added. There is another possible amendment under Exhibit A (d), for “Cost”, which was discussed at Finance and Linda read the Section aloud.

Anthony Fiorilli, Village Administrator, questioned why we were trying to charge residents for a tree removal when our Service Department can safely do it and have paid taxes to us for services. Anthony had a hard time understanding why that would even be considered. When he is working during the normal course of any day, they notice a tree that needs to come down, and they can do it without obstructing another tree, wires or signage, they should be able to remove it because they are already being paid on the clock by the taxpayers. Marty asked Anthony about the stump grinding. Anthony said we would not be doing any stump grinding. We would have to pay someone. Mayor Hawkins noted that stump grinding is covered under item #1. Linda Clark said under #3 if our Village can do it, would we still want to split the stump grinding. Ben said we would split the stump grinding. Linda Clark said, even if we took down the tree. Michele felt that Anthony brought up a very good point. Linda Schilling added that if we do not have the equipment, it would have to be purchased in order for our men to do it.

Council discussed what sections need to be modified and/or which costs would be shared. Michele would have it say, “The cost to be shared between the Village and property owner would be any work that cannot be done by Village personnel”. Council felt items 1 and 2 were okay; they could strike #3. Ben felt part of #3 should be left in. Jenny said what Ben was looking for is in #2. Linda Clark said the part of #2 Jenny is referring to is if we send a letter and a resident does not respond and we have to hire someone, we bill them. She felt part of #3 must remain. Marty felt it should read, “In cases where the Village can safely remove the trees using Village personnel, we will”.

Anthony wanted the letter sent to residents to be a “certified” letter. Michele said it is certified. Michele said Council should add the following to #3, “The cost to be shared between the Village and the property owner shall be for any work that cannot be performed by the Village personnel”. Motion to amend as stated by our Village Solicitor made by B. Prescott with a second from M. Hura. Anthony had another question; the Chief brought up a good point. What if we assist the contractor in this removal; would that be “in kind” service or is that “billable” service? Michele said Council just decided not to bill the residents for anything they are already paying taxes for. No cost would be assessed for the Villages work, only for the contractors work. Harry asked if the contractors work would be at 50 percent too. Yes, 50 percent charged to residents and 50 percent would be on us. Anthony added that any help we offer to the contractor would not be charged to the resident. Michele felt this legislation simply formalizes the policy that the Village has had for many years. All ayes on vote. It remains at 2nd reading.

ORDINANCE 2011-77: AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF MANTUA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012. 2nd READING. Motion to suspend the rules made by B. Prescott with a second from L. Schilling. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. All ayes on vote.

RESOLUTION 2011-80: A RESOLUTION GRANTING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO COMMENCE A PROJECT THAT IS EXPECTED TO BEGIN CONSTRUCTION IN FISCAL YEAR 2012, AND DECLARING AN EMERGENCY. 1st 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. Linda Clark had a question on the contract regarding the 100 percent. This is for the in-depth repairs, as long as they do not run into any other problems, it should not cost the Village anything. ODOT is to have their engineers for the project; can we have Anthony be in charge of the project and communicate with ODOT. Michele felt that would be very appropriate. Council members agreed. Roger cautioned Council that we are approving something that could potentially cost us a lot, if they find any problems. Linda Clark asked whether Council needs to make a motion to have Anthony be our liaison on the project. The Mayor felt this would be part of his job description. Donna wanted to make sure everyone was clear that this project is up by the high school. All ayes on vote.

ORDINANCE 2011-81: AN ORDINANCE AMENDING CHAPTER 121 OF THE MANTUA VILLAGE CODIFIED ORDINANCES CONCERNING THE RULES OF COUNCIL OF THE VILLAGE OF MANTUA, AND DECLARING AN EMERGENCY. 1st READING. Motion to suspend the rules made by B. Prescott with a second from M. Hura. R. Hawkins voted no, all other ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. Linda Clark passed out an amended version from Finance, which amended Article 3 only. Jenny said it was what Finance reviewed last night. Mayor Hawkins said they did not review it last night. Ben said we reviewed it four or five times. Donna said we did not review all of Michele's changes last night. Ben said we have been discussing this for three or four months. Linda Schilling felt, under Article XII, it should be up to each committee when they hold their meetings. All meetings to be held in Council chambers she does not have a problem with. This legislation requires all meetings in the evening; if approved, Service Committee would have two individuals who would have to come back in the evening to attend at overtime. She felt once the committees are formed, it should be up to each committee when they hold their meetings, morning or evening. Linda Schilling made a motion to amend the ordinance and remove "evening". Roger said he would like to discuss this before making any motions. We are here to serve the people and most of the people are available in the evening. Roger felt the service people could take off early during the day so that we do not have to pay them overtime to come here in the evening. What are you trying to hide by having meetings in the morning when people are not available? Linda Schilling stated that no one is trying to hide anything; we have no one come to our meetings whether day or night. In her opinion, it should not be mandated that all meetings be at night.

Mayor Hawkins stated this was in Council packets on Friday; however, this evening we all received a two-page list of suggestions from our Village Solicitor. Council has not had an opportunity to look at this two-page list because they have all just received it. This was brought to the attention of the Finance Committee last evening. That meeting was one hour long and during that meeting, none of these was discussed. Ben said we have discussed it in the past. Donna said no we have not discussed Michele's changes to the Council rules at all. Ben said we have. The Mayor said we have not, this was written October 31 by Michele and emailed to everyone on the Finance Committee including herself. When would the Finance Committee have had an opportunity to review it as a committee prior to last night? They would not have had an opportunity. The Mayor believed Council was blindsided with this, in her opinion. It should have stayed in committee where it belonged.

Roger added that in the minutes last month it said Council would have November and December to go over this and that was agreed to in Finance. Jenny said when Roger had mentioned that last night, she checked the tape and it was stated that this would be in ordinance form for the November and December meetings. The Mayor suggested that everyone take some time and review all of Michele's changes that she is recommending. Either do that or send it back to committee. Ben said we have already voted to suspend the rules. Donna said Council is in discussion. Ben said we can continue to discuss it but we need to move on with the motion that was made. Motion to amend the ordinance to strike language on Article XI and add, "To let the committees choose", that all committee meetings shall be held in Council chambers of Village Hall and each committee shall determine the time of their meeting made by L. Schilling with a second from B. Prescott. R. Hawkins voted no, all other ayes on vote.

Chief Buchert had concerns over the language in Article XI (e) regarding the Village Administrator or Chief of Police shall attend semi meetings for all committees. Harry would ask that if they are needed for any other committee meetings we could attend, that we do not have to do it for all of them twice a year. It should state, "The Village Administrator and Chief of Police shall attend committee meetings, as needed". Motion to amend Article XI (e) as stated above made by L. Schilling with a second from B. Prescott. R. Hawkins voted no, all other ayes on vote.

Harry also had some concerns under the same section regarding the Safety Committee and who is required to be on the committee. It speaks to the joint fire district we have; however, we have contracts with other entities. Our contract indicates that to those people we provide service, to come to the Safety Committee meetings with any issues they may have. We may want to add, "dispatch services" after "safety within the Village". Motion to amend as stated made by L. Schilling with a second from B. Prescott. Marty asked Michele to read that whole section and what was being amended or added and she did. Mayor Hawkins felt "dispatch services" alone was very vague, we may want to say, "dispatch services provided to other municipalities". The Chief said the contract spells it out. Council will add, "Dispatch services provided by the Village". All ayes on vote. Anthony asked in Article XII, do we have a Parks Board of Commissioners existing now? Marty said yes we do, we meet as needed. Anthony was asking because it talks about them having the complete control over the facilities, the improvements and additions. Jenny thought that was how it used to be. She was told they used to review the mowing contracts and select the company. They obviously have not been doing that for some time now, but at one point, they were more involved. Marty said it was turned over to Ed Trego when he became Village Administrator. Anthony was okay with it.

Michele Stuck said the pages passed out tonight do reflect all of her suggestions. However, there was one suggestion in the email that she sent to the Finance Committee that she did not incorporate because she felt it would be a point for discussion. Under Article XII, subsection 1(g), all Council Committees shall consist of two members of Council and one citizen of the Village. She believes this would impact the Safety Committee. Harry agreed with Michele since they have a fire representative and a representative from Hiram and then three Council members. Michele's idea would be to specify under each committee what their makeup would be. Harry believed when you have to go into executive session with sensitive items that relate to an investigation; you should not have a citizen going in there as a member of the committee. Harry wondered whether Service, Finance or Safety should have citizens; these are committees of Council. Ben said Planning, Zoning and Shade Tree could have citizens on their boards. Motion to amend, as Village Solicitor Michele Stuck read, including removing (g) altogether, Service and Finance will consist of three members of Council, Safety will be the same plus the other two members will be a representative from MSFD and a Hiram Village representative made by L. Schilling with a second from B. Prescott. All ayes on vote. *Roger felt this legislation should go back to committee; with so many changes, it would be irresponsible not to do that before final approval.* He asked Michele, Isn't there a timeframe that legislation should be in Council packets?

Michele said the original version was available on Friday in Council packets, however, she did not feel comfortable having her revisions put in the packets because she wanted her revisions to be available to the Finance Committee to discuss and/or recommend and then perhaps consider them at Council. Roger argued that the people he spoke to and showed this legislation to and the minutes, he told them this should be available for review in November and December. Linda Schilling called to question. Michele said Council would need to amend 2011-81 to incorporate the remainder of the changes contained in the Village Solicitor's suggestions. Motion to amend made by B. Prescott with a second from L. Schilling. R. Hawkins voted no, all other ayes on vote. Motion to approve as amended made by B. Prescott with a second from L. Schilling. Roger asked Michele if an initiative could be written to reverse this legislation. Michele said yes. R. Hawkins voted no, all other ayes on vote.

ORDINANCE 2011-82: 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 B. Prescott. All ayes on vote. Motion to approve made by L. Schilling with a second from L. Clark. Jenny explained this is based on the appropriations in the water fund getting low. This should get us to the end of the year. All ayes on vote.

ORDINANCE 2011-83: AN ORDINANCE TO REFLECT THE CURRENT SALARIES AND WAGES OF ALL CURRENT FULL TIME AND PART TIME EMPLOYEES OF THE VILLAGE OF MANTUA TO BE EFFECTIVE JANUARY 1, 2012, REPEALING ALL PRIOR INCONSISTENT 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 B. Prescott. The Chief pointed out that Robert Leiendecker is no longer with us on the payroll. Linda Clark explained that the auditors requested Council do this yearly. Motion to remove his name made by B. Prescott with a second from L. Schilling. All ayes on vote. Motion to approve as amended made by B. Prescott with a second from L. Schilling. All ayes on vote.

RESOLUTION 2011-84: A RESOLUTION ADOPTING THE 2012 CALENDAR. 1st READING.

RESOLUTION 2011-85: A RESOLUTION AUTHORIZING CERTAIN FUND TRANSFERS BY THE CLERK-TREASURER BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, AND THEIR RESPECTIVE DEBT SERVICE RESERVE FUNDS, ALL NECESSARY TO MEET CALENDAR 2012 DEBT SERVICE REQUIREMENTS, 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. All ayes on vote.

Committee Reports:

Police Chief, Harry Buchert reported that Safety has been cancelled for November and December. There were no incidents related to the Pumpkin Roll. There seems to be no reason to close off Prospect at Main for the Pumpkin Roll and they plan to discuss this for future events.

Village Administrator, Anthony Fiorilli III reported his department received a donation from Brugmanns for four (4) bales of straw and asked Council to accept the donation. Motion to accept the donation from Brugmanns with thanks made by B. Prescott with a second from L. Schilling. All ayes on vote.

Shade Tree: Linda Clark reported they have been talking about ideas to generate funds. It is all done by donations now.

Finance: Linda Clark had nothing to report.

Service: Linda Schilling reported their next meeting is Tuesday, December 6 at 7:30 a.m.

Parks: Marty Hura had nothing to report.

Planning: Mayor Hawkins had nothing to report.

BZA: Roger Hawkins had nothing to report.

Safety: Giles, feeling a little out of it, turned it over to Marty. Marty Hura said since our Police Chief discussed the Safety meetings being cancelled, he had nothing to add.

New or Other Business: Chief Buchert presented a newly revised "Special Events" form for Council. There are two forms before them to review. Linda Schilling questioned #6 regarding no beverage containers allowed, glass or otherwise. She does not see why people could not carry around a bottle of pop. Harry said it is currently in ordinance form at this time and would need to be changed. Michele said, so this should only mean glass bottles. Council would have to change the ordinance first. Michele said either version that Council chooses is fine, however, under Section II in the "non-draft" version, she would make one grammatical change. Council will make any changes and review at their next meeting. Motion to amend as stated under Section II made by B. Prescott with a second from L. Clark. All ayes on vote.

Council President, Ben Prescott addressed the Department Heads and asked them to watch their spending between now and the end of the year. It should be only for emergencies. Mayor Hawkins added to please get any purchase orders to the Clerk's office by December 1 and close out any you do not need. Giles Seith left the meeting at 8:10 p.m.

Public: No public comments.

Motion to adjourn the meeting at 8:12 p.m. made by B. Prescott with a second from L. Schilling. All ayes on vote.

Mayor Donna Hawkins

Clerk-Treasurer Jenny August