

REGULAR COUNCIL MEETING MINUTES

(amended)

December 17, 2019

6:30 PM

Mayor Clark called the meeting to order at 6:30 pm and led the Pledge of Allegiance

Roll Call: Bob Gaglione, Marty Hura, Paula Tubalkain, Dave Sluka, Scott Weaver and Ben Prescott.

Other Village Personnel: Linda Clark, Mayor; Clerk- Treasurer, Jenny August; Village Solicitor, Michele Stuck; Village Administrator, John Trew; Police Chief Joe Urso; Village Engineer, Rich Iafelice;

Citizens Present: Toomas Tubalkain, Scott and Laura Tinlin, Tony from Cross Country Mortgage, Matt Denzinger, Dave Pifer, Roger Hawkins, Tom Aldrich, Caren Stutzman, Ellie Stamm, Dan Tillett, Terri Vechery, Jim Vechery, Jon Harmon, Marty Fergus, Ted Bixler, Graham Harmon, Dean Stebbins Jr., Roy Peck, Lauren Weaver, John Clark, Ken & Joanne Hetzell, Bob Ress and Cookie Vanek.

Presentation of K9 Donation:

Scott and Laura Tinlin along with Tony from Cross Country Mortgage presented Chief Urso with a check for \$6,000 for the purchase and expenses of K9 Ciko.

Approval of Minutes:

- ❖ Motion to approve the Nov. 19, 2019 Public Hearing for Zoning Amendments minutes by Ben Prescott. The motion was seconded by Marty Hura. All ayes on roll call.
- ❖ Motion to approve the minutes from the Nov. 19, 2019 regular Council meeting by Scott Weaver, seconded by Marty Hura. All Ayes on roll call.
- ❖ Motion to approve the December 10, 2019 Special Meeting Minutes by Marty Hura, seconded by Scott Weaver. All ayes on vote.

Mayor's Report:

Mayor Clark informed Council that Hiram Mayor Bertrand was hosting a swearing in ceremony for elected officials on December 20th at 7:00 pm at Koritansky Hall in Hiram with Congressman David Joyce swearing elected officials. Anyone is welcome.

Mayor Clark received her 21 day notification that on Dec. 27th, the county contract will be up and they will not be operating our water and wastewater plants.

C.T. Consultants is requesting an additional \$3,500.00 work authorization for more work that is necessary on the utility bid documents.

- ❖ Motion to authorize an additional \$3,500 for C.T. Consultants for utility bid document work by Bob Gaglione, seconded by Scott Weaver. All ayes on vote.

Mayor Clark sent a letter to Director Stevenson from the EPA regarding the merger. They replied back on Dec. 10 and would like to have a conference call with the Mayor and John Trew, Rich Iafelice, and Gene Roberts from Portage County Water Resources. Paula suggested that we include a resident, possibly someone from the ad-hoc committee.

Mayor Clark received a letter from a resident with three recommendations relating to the water and sewer: 1) The village should make the minimum use no more than 300 cubic feet instead of 500 cubic feet. 2) The surcharge should be \$20 for 30 years. This would still generate money to start addressing our needs. 3) The sewer plant is nearly paid off, so can't we leverage that amount to secure funding for matching funds for grants?

The DMRC attended the last Parks Commission meeting. They would like to see phase 3 of Buchert Park Walking Trail get started. Phase 1 was the rivers edge, phase 2 was the south side of High Street to the canoe take out. Phase 3 would be across the street to the ball fields and around them, down through the woods to the High St. bridge. The grant application is due in the beginning of February.

- ❖ Motion to allow CT Consultants move forward on the design phase for phase 3 of the Buchert Park Walking Trail by Scott Weaver, seconded by Marty Hura. All ayes on vote.

Mayor Clark said we need to approve the donation from the Tinlins to Ciko.

- ❖ Motion to accept the donation for Ciko by Dave Sluka, seconded by Scott Weaver. All ayes on vote. by Scott Weaver, seconded by Marty Hura. All ayes on vote.

Last, Mayor Clark suggested that we have an organizational meeting on January 7 at 6:00 pm to nominate a Council President and assign committees. The Capital Planning meeting will follow, and after that will be the monthly Service meeting.

- ❖ Motion to have these meetings as scheduled by Scott Weaver, seconded by Bob Gaglione. All ayes on vote.

Citizens:

Roger Hawkins said that regarding ordinance 2019-60, the water-sewer surcharge for capital improvements, the village should contact Rural Communities Across the Country (RCAP). He spoke with Brian Scales in New York and he is interested in helping us work on a solution so we can keep our plants. Roger thinks we need to negotiate a better deal and we need to do it in the best interest of the residents, not the county.

Graham Harmon said the condos north of town are already paying more than residents of the village pay for water. He hopes that extra amount can be considered in the surcharge. Will the county customers using our utilities also have to pay surcharges? He thinks they should. Also, not being a village resident, he thinks he should get to vote on this because he has four properties that will be effected. Mayor Clark said customers that are outside of the village pay 25% more than village residents pay for water. We are discussing the surcharge. Michele Stuck said the referendum can only be voted on by village residents.

Joanne Hetzell asked if we can make a budget option like the gas and electric companies do. Mayor Clark said she can be put on a payment plan.

Terri Vechery asked if the ad-hoc committee has progress reports that they bring back to Council. Mayor Clark said Ted Bixler was on the ad-hoc committee and he submitted a list of recommendations and they met intermittently. Terri asked if we have spoken to other communities to see how they are dealing with old infrastructure and these same issues. John Trew said our merger is being watched by many small communities. Terri asked how we will educate our voters. She said water is gold and we are making a big mistake getting rid of our plants. She thinks the neighboring townships will grow and need our water. She thinks we are giving away income. Mayor Clark said it is not just the plants, it is the infrastructure that is causing issues. That is the reason for the surcharge.

Bob Ress said when S.R. 44 was paved. A 6 inch deep catch basin was fixed in a timely manner. Also, thanks for making High St. 25 MPH.

Jon Harmon said he thinks we should sell the plants to the county since we are part of the county. They already own 25% anyway. The price is not that much different than what he is already paying for water & sewer. He asked for clarification of the \$7.00 off per million statement. Mayor Clark said for every million dollars of completed work that is done from our "Needs" list, the surcharge will be reduced by \$7.00. Jon said the county may not be interested in the plants in a year. Small communities cannot do what a county can do.

Roy Peck said water is a commodity, economy is scale. This is a small village with a small water works. Old people don't want to be responsible for the problem they have created. Young people come up with a plan and it gets knocked down. The plants should have been sold years ago.

Terri Vechery asked who negotiated the contract for a surcharge of 20-40 years? Scott Weaver said during negotiations, we got the surcharge down to an affordable rate. The county would have stuck it to us. The county didn't get anything they wanted. Paula said there were very limited people in the negotiations. Scott said the ad-hoc committee was crucial in the negotiations.

Roger Hawkins said there were insufficient notifications. He asked why the village didn't use the "one call" to inform people of what was happening. He also said those that are complaining about the referendum are saying that the citizens shouldn't vote on this. The referendum is getting people involved.

Graham Harmon has been in business in the village for 31 years. If you are concerned about something, you get involved. As far as water being gold...you have to stop the bleeding. The village does not have the money to keep the plants.

Lauren Weaver agreed with Graham. 10-12 years ago she walked the village with a petition that she presented to Donna Hawkins with water issues, flooding, etc. Why were there only 100 signatures on the referendum?

Corey Turnball said he just moved here. The referendum was a huge opportunity for misinformation. How was the petition presented, and what information was presented? He asked if there is any recourse if they have signed the petition. Michele said the only recourse is to vote in November.

Nina Schroeder asked if they will be voting on a new contract and will it be available? Michele said they will be voting on whether or not Council can enter into the transfer agreement.

Roger Hawkins said Rich Iafelice told him and former Mayor Hawkins to never sell the plants. Rich replied that you can't make money. You can only recapitalize. You can't make a profit. You must build a rate structure to maintain the structure. Rich thinks we need to hire at least 4 people now. Rich said the county was going to assume our debt.

Ted Bixler said they are grateful the ad hoc committee was invited to provide input to the council throughout this process. They do not oppose the county's assumption of the assets however, not with this one sided agreement. The county must share in the costs of the recapitalization because the county will use the water and wastewater treatment plant capacities to their benefit. There

should also be a provision to periodically review the agreement. With the proposed increase in minimum billing the village will essentially “eat their young”. We should strive for a win-win agreement with the county.

Mayor Clark said the rates are currently frozen. We are taking in enough money to operate. John Clark disagrees. He said we are supposed to have 45 days in reserve for capital assets.

Ellie Stamm asked if we can start negotiations again with the county. Mayor Clark said Gene Roberts said he would be interested in negotiating again. Paula said if Council decides to renegotiate, they might vote to recall ordinance 2019-49 and then create a new agreement.

Financial Reports:

Council was provided with the Financial reports representing the month of November. Jenny invited questions or comments. There were none. Jenny said the referendum petition for Ordinance 2019-49 was submitted to her on Dec. 10th with 97 signatures. She has to hold it for 10 days, so on Dec. 20th she will be taking it down to the Board of Elections. Once they verify the signatures, we will know if it goes to vote next November.

Everything is on track for the transition to RITA. Jenny has two more meetings with them, and then we are ready for the final data extract.

- ❖ Motion to approve the Financial Reports by Ben Prescott, 2nd by Mary Hura- All Ayes on vote.

Correspondence:

Jenny said Chelsea’s annual Village donation drive at the park lodge was a success. She collected over \$600 in cash and lots of food that she has already delivered to 4C’s.

Bills of Resolution, Addendum Bills of Resolution

Paula asked about the large income tax refund. Jenny said it was from a major company that gave us a direct deposit through the Ohio Taxation website. If it had been an actual check she would certainly have questioned it. Now they determined that they made an error and requested a refund.

- ❖ Motion to approve the Bills of Resolution and Addendum Bills of Resolution by Ben Prescott, 2nd by Marty Hura- All ayes on vote.

Legislation:

RES. 2019-50 A RESOLUTION AUTHORIZING THE MAYOR AND CLERK OF THE VILLAGE OF MANTUA TO ENTER INTO AN AGREEMENT FOR THE PROVISION OF DISPATCHING SERVICES TO THE MANTUA-SHALERSVILLE JOINT FIRE DISTRICT. 3rd Reading.

- ❖ Motion to approve by Scott Weaver, seconded by Marty Hura. All ayes on vote.

ORD. 2019-54 AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF MANTUA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020 AND DECLARING AN EMERGENCY. 3rd Reading.

There are amendments due to the referendum petition for 2019-49. The following amendments were recommended: Add funds 5101, 5201, 5701, 5702, 5703, 5761, and 5762 back in the appropriations. Water Wages should be increased to \$90,000, OPERS should be increased to \$13,500, Medicare increased to \$1,400, hospitalization increased to \$8,000, Workers Comp to

\$1,000 and unemployment increased to \$600. In Sewer Operating increase hospitalization to \$10,000. The totals in Exhibit A will change. The total appropriations will be \$2,396,666.00.

- ❖ Motion to approve these amendments by Dave Sluka, seconded by Scott Weaver, All ayes on vote.
- ❖ Motion to approve as amended by Ben Prescott, seconded by Dave Sluka. All ayes

ORD. 2019-57 AN ORDINANCE AMENDING SECTIONS 301.12, 375.03(a), 505.11, 517.01(yv), 549.08, 549.09(a), 951.03(b), 951.03(d) AND 955.07(i) OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES, AND REPEALING SECTIONS 549.01, 549.02, 549.03, 549.04, 549.05, 549.06, 549.07, 549.10, 549.11 and 549.99 OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES, RELATING TO THE OWNERSHIP, POSSESSION, PURCHASE, OTHER ACQUISITION, TRANSPORT, STORAGE, CARRYING, SALE, OTHER TRANSFER, MANUFACTURE, TAXATION, KEEPING, AND REPORTING OF LOSS OR THEFT OF FIREARMS, THEIR COMPONENTS, AND THEIR AMMUNITION, AND DECLARING AN EMERGENCY. 2nd Reading.

Michele said this must be in effect before the 28th of December because State Legislature has amended a statute which further restricts a municipality's home rules ability to regulate fire arms in the villages limits. Many villages are filing suits and it may be changed later, but for now we must be compliant with the ORC (Ohio Revised Code).

- ❖ Motion to suspend the rules by Ben Prescott, seconded by Marty Hura. All ayes on vote.
- ❖ Motion to approve by Ben Prescott, seconded by Marty Hura. All ayes on vote.

RES. 2019-58 ADOPTION OF 2020 CALENDAR AND DECLARING AN EMERGENCY. 1st Reading. There was no discussion.

- ❖ Motion to suspend the rules by Scott Weaver, seconded by Marty Hura. All ayes on vote.
- ❖ Motion to approve by Scott Weaver, seconded by Ben Prescott. All ayes on vote.

ORD. 2019-59 AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2019 APPROPRIATIONS AND DECLARING AN EMERGENCY. 1st Reading. This is to increase Fund 4905 by \$10,000 in order to make a PO for CT Consultants for the Orchard Street Widening Project.

- ❖ Motion to suspend the rules by Scott Weaver, seconded by Marty Hura. All ayes on vote.
- ❖ Motion to approve by Scott Weaver, seconded by Bob Gaglione. All ayes on vote.

ORD. 2019-60 AN ORDINANCE AMENDING SECTIONS 921.08(b) AND 941.14(k) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, INCREASING THE MONTHLY FIXED WATER AND SEWER CAPITAL IMPROVEMENT CHARGES IN ORDER TO FUND THE IMMINENT AND LONG-TERM REPAIR AND REPLACEMENT NEEDS OF THE VILLAGE'S WATER AND WASTEWATER SYSTEMS. 2nd Reading. This is recommended by the Service Committee and was discussed during first reading at the Special Meeting December 10th. When this legislation was being worked on by Service, they added exhibit B and C which is the same surcharge the county was going to use based on the \$12 million needs list. They recommend removing the 1.3 million for debt since we will now be paying that, which would result in a slightly lower surcharge. Ben asked that Council please consider removing the cost of the interconnect. Paula asked when we are going to review and revise the needs list. There are issues to be readdressed. We have the potential to reach out for help. She thinks we need to address these things before adding a surcharge. This could be a knee jerk reaction to the referendum. Paula thinks we do need money to rectify some issues, but we also need to consider that we have 177 accounts that use less than 200 cubic feet. Finance recommends looking into basing the surcharge on usage.

RES. 2019-61 A RESOLUTION AUTHORIZING CERTAIN FUND TRANSFERS BY THE CLERK-TREASURER BETWEEN THE WATER AND SEWER OPERATING FUNDS AND THEIR RESPECTIVE DEBT SERVICE RESERVE FUNDS, NECESSARY TO MEET 2020 DEBT SERVICE REQUIREMENTS. 1st Reading.

- ❖ Motion to suspend the rules by Ben Prescott, seconded by Bob Gaglione. All ayes on vote.
- ❖ Motion to approve by Ben Prescott, seconded by Marty Hura. All ayes on vote.

ORD. 2019-62 AN ORDINANCE AMENDING CHAPTER 951 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA REGARDING CONTROL AND SUPERVISION OF THE VILLAGE PARK FACILITIES. 1st Reading.

RES. 2019-63 A RESOLUTION AUTHORIZING THE MAYOR AND THE CHIEF OF POLICE TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CRESTWOOD LOCAL SCHOOL DISTRICT RELATING TO THE SCHOOL RESOURCE OFFICER PROGRAM AND DECLARING AN EMERGENCY. 1st Reading.

Michele said we are not changing the agreement, but there is a new requirement to have a Memorandum of Understanding.

- ❖ Motion to suspend the rules by Dave Sluka, seconded by Ben Prescott. All ayes on vote.
- ❖ Motion to approve by Ben Prescott, seconded by Bob Gaglione. All ayes on vote.

RES. 2019-64 A RESOLUTION ESTABLISHING NEW FUND 4205 FOR THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY. 1st Reading.

This is creating a fund for the Orchard Street Widening Project for accounting purposes.

- ❖ Motion to suspend the rules by Ben Prescott, seconded by Bob Gaglione. All ayes on vote.
- ❖ Motion to approve by Scott Weaver, seconded by Marty Hura. All ayes on vote.

ORD. 2019-65 AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE RESIDENTIAL CURBSIDE RECYCLING AND TRASH COLLECTION SERVICES Contract WITH KIMBLE COMPANIES, AND DECLARING AN EMERGENCY. 1st Reading.

Michele explained that this is adding .60 per year, per household to both trash and recycling services. The costs have increased and Kimble has requested an increase.

- ❖ Motion to suspend the rules by Dave Sluka, seconded by Marty Hura. All ayes on vote.
- ❖ Motion to approve by Scott Weaver, seconded by Marty Hura. All ayes on vote.

Department Heads and Village Engineer

Police Chief Urso:

Chief Urso said the dispatch contract was reviewed at their December meeting. There was also discussion on a traffic light issue. He will be interviewing a candidate tomorrow for the full time position. The police cars did not sell on E-Bay, so they need to discuss what action to take next.

Village Administrator John Trew:

John said there were two furnaces out at the wastewater plant. The cost to replace them is around \$6500. He promoted Vern Oswald to full time status and hired Warren Harbaugh for a new part time employee. Paula asked if we have a plan in place for Dec. 27 when the county is no longer operating the plants. John said he is interviewing a person who is a class 2 wastewater operator. They area also talking to a firm that could run the plants. Paula asked if we can consider shared services with Hiram. John said he didn't think so. Dave Sluka asked if we can't do it because of something in the ORC, or if that wouldn't give us the required hours. John said there is no legal reason, he just wouldn't recommend it, but he will look into it.

Village Engineer from C.T. Consultants:

Rich said he has postponed replacing the reservoir roof, but with the potential for collapse we need to move forward. He is recommending building a new tank. This will be discussed more in our Capital Planning workshop. He would recommend delaying the third reading on the surcharge so we can assess the method of the surcharge. He recommends focusing on daily work at the plants such as operating, maintaining, and repairs. We need professional management, and he can provide options.

He has not heard anything on West Prospect St. phase 2. We may not hear until April or May. He is developing a funding strategy for Mats Road bridge.

Committees

Scott Weaver for Service, and Planning:

Service- They discussed the referendum and how we might fund all of the needs. They also talked about new employees. They are still waiting on easements for the sanitary work at Main & Mill Street.

Planning- cancelled.

Bob Gaglione for Fire Board:

Phase 2 of the roof replacement is going on and looking good.

Marty Hura for Parks and Shade Tree:

Nothing to report. December, January & February meetings are cancelled.

Mayor Clark for Cemetery, and Board of Zoning Appeals:

Cemetery- getting ready to meet with the Board.

BZA- Nothing pending.

Paula Tubalkain for Portage County Regional Planning: Paula said there is going to be a Zoning Inspector training in March. They discussed a lot of changes. They are moving forward with hiring a grant writer.

Dave Sluka for Safety and Finance- Everything has been covered.

New and Other Business-

Mayor Clark spoke with Gene Roberts from Portage County Water Resources and he is willing to come back to the negotiating table. Dave Sluka encouraged her to go forward with negotiating again. Paula said she would like to see a resident involved. She said we also need to consider cubic foot usage. Dave agreed and added that we need to come up with a fair distribution of the surcharge. Who negotiates and how many people are involved needs to be worked out. Paula suggested using a member of the ad-hoc committee.

Anything else that may properly come before Council- Nothing

Adjournment

❖ Motion to adjourn at 9:02 by Ben Prescott, seconded by Bob Gaglione. All Ayes on vote.

Mayor Linda Clark

Jenny August, Clerk-Treasurer

