

**Village of Mantua  
Regular Council Meeting  
July 15, 2008**

Mayor Hawkins called the meeting to order at 7:00 p.m. and led the pledge of Allegiance. The Mayor asked everyone to remain standing for a moment of silence for several community members who recently passed away, Shirley Cutlip and Frank Goodell as well as for Josh Miktarian, Twinsburg Police Officer killed while on duty.

**Roll Call:** Donna Hawkins, Jim Rogers, Linda Schilling, Marty Hura, Ben Prescott, Roger Hawkins, Giles Seith.

**Others Present:** Clerk-Treasurer Jenny August, Asst. Clerk Susan Skrovan, Police Chief Harry Buchert, Village Solicitor Tom Reitz, Village Administrator Ed Trego.

**Public:** Don Jovich with Record Courier, Betsy & Dave Woolf, Victor Grimm, Marie Stehli, Wes Hawkins, Pearl Campbell, Dawn Pechman, Donald Schilling, Norm Erickson.

**Minutes:** Motion to approve the meeting minutes of June 17, 2008 made by L. Schilling with a second from B. Prescott. All ayes on vote.

**Mayors Report:** Mayor Hawkins first wanted to correct a spelling error in the last minutes for the Mayor of Hiram, which is Lou Bertrand. Donna gave her report, which included the Village hosting the next Northern Portage County Government Counsel meeting set for Tuesday, August 5th at 8:00 a.m. at the Mantua-Shalersville Fire Department's conference room. Donna invited all of Council to attend. She recently met with Dan Banks, grant administrator for Portage County. The Mayor thanked Charlie English for the use of his property for this year's farmers market and thanked the volunteers who worked so diligently on the Main Street Park. She continues to work with Eric Hummel of Neighborhood Development Services (NDS). They have planned a business development meeting with our local banks at Jim Mochny's storefront on the corner of Main and Prospect on Monday, July 28th at 6:00 p.m. Discussions with Portage County continue regarding the Shalersville Industrial Park.

Ben Prescott asked the Mayor for copies of her report for council members. Donna stated she does not always read her report verbatim. Tom Reitz responded by saying if they are just her notes and not a written report, then they are not a public document.

**Finance Report:** Clerk-Treasurer, Jenny August gave the financial report as of 6/30/08. Jenny reported work on the Budget and the necessity to cut approximately 20 percent from almost all areas. There are expected increases in electricity, natural gas and fuel. Jenny went down to the Auditor's office where she applied for and received an extension on submitting our 2009 Budget. The clerk's office has changed the way the income tax forms are printed and mailed estimating a savings of \$400.00. Nita from Local Government Services recently visited our office requesting additional reports and documents. We are still waiting for a determination from them on the financial status of our Village. Jenny asked Council with regard to the appropriation status report, whether they really need it every month, it is 15 pages. Roger asked if it could be made available online and emailed to anyone requesting it. Jenny replied yes, she would do that.

Motion to approve the financial reports: fund status, appropriation status, revenue status and cash summary by fund made by J. Rogers with a second from B. Prescott. All ayes on vote.

**Bills of Resolution:** Motion to approve the Bills of Resolution for July with addendum as submitted omitting item #112 and less the C.T. bills made by B. Prescott with a second from L. Schilling. Roger brought up for discussion the bill for tree removal. The Village does not seem to have a clearly defined ordinance covering this type of expense. He would like to see a total breakdown of services on the bill and whether any insurance premium covered part of it.

Ed Trego responded homeowners insurance has not been an issue in the past and would recommend that Council does not make that decision retroactive but address it from this point forward. Roger asked if there was an ordinance in place. Ed stated there was a motion by Councilman Hura some time ago but no ordinance per say. Tom informed Council they should not be expending Village funds without a policy approved by Council or ordinance in place. It should not be done on a case-by-case basis. The Village has made a commitment to a landowner in this case and should keep that commitment.

Motion to have the Village pay half of the demonstrated net cost for the tree removal for John & Linda Clark made by J. Rogers with a second from B. Prescott. All ayes on vote. Ed Trego reported he has two other trees, the first on High Street just past Reservoir Drive and the second at the Crestwood Board of Education building that are in the right-of-way and completely dead. Tom suggested the land owners be notified to remove the trees or the Village will do it on their behalf and that Council is formulating a policy as to how much, if any, the Village will contribute to the cost. Call to vote on the bills list. All ayes on vote. Motion to approve the C.T. bills made by L. Schilling with a second from J. Rogers. B. Prescott abstained, all other ayes on vote.

#### **Legislation:**

**RESOLUTION 2008-22 A RESOLUTION DETERMINING THAT FINANCIAL CONSTRAINTS DICTATE A REVISION OF THE POSITION OF ASSISTANT CLERK FROM THAT OF A FULL TIME POSITION TO THAT OF A PART TIME POSITION, AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by L. Schilling with a second from J. Rogers. R. Hawkins voted no, G. Seith voted no, all other ayes on vote. Solicitor, Tom Reitz, informed Council they need to have  $\frac{3}{4}$  votes in order to suspend the rules, they do not have that so this becomes a first reading. The Mayor asked if there was any discussion on this resolution. Roger felt Sue could be used to generate income. We plan to save only \$8,000. Jim responded that the Village does not have the money, we must make these cuts and they are going to be painful.

From the public, Betsy Woolf asked to speak on the position. She understands the Village needs to make cuts; however, the financial office needs to run or this Village will not run. Jenny is new to the position and once you fall behind, it becomes harder and harder to keep up. When Betsy was in the office, she spoke with the chief about the cleaning position; they were both willing to clean their own sides. This would save \$200.00 per month plus the PERS and Medicare. Betsy had also heard talk of putting the Village Administrator's assistant on part time, she does not think this would be a good idea either. Linda Schilling interrupted to say that was a rumor that was out there. Betsy felt they should look at other areas for Sue to pick up time or the income tax. Betsy felt this was a personal decision not a business decision.

Don Schilling, a village resident, spoke on how money is tight. If the person elected to the clerk's position feels that position can be cut and save the Village some money, he does not know why Council, as our elected officials, would not do that. He also commented on Council already taking away his  $\frac{1}{2}$  percent tax credit and wondered if a tax increase would not be next.

Victor Grimm commented on Council's statement that there is no money in the fund, was not there money appropriated last year for this job position this year. He has heard comments that Sue's position was a new hire but there was two other people before her for a long period; that this was always a full time position. Marty replied no, it was not. Betsy responded yes, Diane was full time and Mary was full time. Vic was curious why there was a rush on this decision. A few weeks ago, Sue was told her job was secure and now it is being cut to part time. It does not make a lot of sense to him. Has there been any decision from the Auditor's to how things look and has that question been asked to them about Sue's position.

Jenny responded the Auditor's want to see some cutbacks and to reduce our budget. No official decision by them has been made yet. Jenny felt it was not a personal issue; she relies on Sue very much. Vic hoped that panic was not causing all of this. Sue provides many services to the Village and believes it is going to be a cut to all of the departments, to the citizens and to the community.

Don Schilling asked Council; down the road should things improve, could this position go back to full time. Members of Council said yes, it could.

Ben Prescott said the General Fund is what is in the deficit, per Ohio Revised Code, we cannot run in the red. We have to move that number back to zero, which is our only issue.

Dave Woolf asked Ben to comment on what ways he had to cut back and save money. Ben replied one idea was to put Ed and Harry on salary.

Linda Schilling asked, since this ordinance will go another month, how will the start date for moving the position to part time work. Will that need to be changed or will she need to go back to the date set and have a reduction in pay. Jenny said she figured it by pay period. Tom stated Council cannot cut someone's position back retroactively once that person has done the work. The date would have to be adjusted.

Mayor Hawkins wanted to speak on the situation with the service department. Having Louie out right now on medical and the unfortunate loss of Paul, there was discussion out there about hiring a lot of people. Donna contacted Nita to let her know where we were at and what we were doing. Nita's comment to her was as long as we stay within the appropriations that we submitted, she had no problem with it. Donna knows Sue's job to be of vital importance to our office. She felt Sue was irreplaceable. Since the money for Sue's position has been appropriated, she asked Council to reconsider this action and take this next month to think about it.

**RESOLUTION 2008-23 A RESOLUTION MAKING CERTAIN FUND TRANSFERS BY THE CLERK-TREASURER BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, TO THEIR RESPECTIVE DEBT SERVICE RESERVE FUNDS TO MEET CALENDAR 2008 DEBT SERVICE REQUIREMENTS, AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by B. Prescott with a second from L. Schilling. All ayes on vote. Motion to enact this resolution as an emergency made by B. Prescott with a second from L. Schilling. All ayes on vote.

**RESOLUTION 2008-24 A RESOLUTION REPEALING RESOLUTION 2008-21 WHICH AUTHORIZED REFINANCING OF TWO POLICE CRUISERS 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 enact this resolution as an emergency made by L. Schilling with a second B. Prescott. Giles asked what this resolution was doing. Harry explained this is repealing the resolution passed last month. Jenny added we were not able to obtain extended warranties for the police cruisers. Call to vote: all ayes on vote.

**RESOLUTION 2008-25 A RESOLUTION AUTHORIZING CERTAIN FUND TRANSFERS BY THE CLERK-TREASURER FROM THE GENERAL FUND TO THE GENERAL OBLIGATION BOND DEBT REQUIREMENT FUND AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by B. Prescott with a second from R. Hawkins. All ayes on vote. Motion to enact this resolution as an emergency made by B. Prescott with a second from L. Schilling. All ayes on vote.

Police Chief, Harry Buchert, notified Council the radio tower is fully operational as of 3:00 p.m. today. He was disappointed they were not able to obtain the extended warranties for the patrol cars. The police department received a grant with “zero” matching funds through Homeland Security for the night goggles. The next Safety meeting is set for July 31st at 6:30 am.

Village Administrator, Ed Trego, spoke regarding an authorization request presented at the last meeting from C.T. Consultants for \$7,000 for consulting with Portage County. It did not pass at the last Council meeting and is within his purview to spend that money provided he work with Jenny to see what fund it would be paid from. Professional Services would be the likely place, however, if money is not appropriated for it, how can we continue to incur debt and negotiate without having the funds available. He would like some direction on this from Council. Ben asked where the money would come from. Ed would have to get together with Jenny. Jenny said she would have to look at Professional Services to see what funds are available. Ed asked Jenny whether this could come out of the General Fund. Council members responded there is no money in the General Fund. Ed asked would this need to come before Council again or if Jenny and he locate funds for it, can they go ahead. Ben said for Ed to go ahead.

Ed asked about expenses for the men’s meals when working all night long. In the past, the Village has covered their meals to stop and eat, is this still the Village policy. Ben was not aware of this in the past, can we afford it. Ben said to go ahead and do that.

Ed brought up the big 4-wheel drive pick up truck being down. Current estimates from F & S Automotive have repair costs at \$5800. The truck is not worth \$1500.00. Our trucks are wearing out at 13 and 14 years old.

Jim asked Ed for an estimate as to when the work at the intersection would be completed. Ed stated they are going about it as best they can, but haste makes waste. **Linda** asked how many places are without water right now. Ed said approximately 10 residents.

**Planning:** Jim announced the planning meeting set for tomorrow at 7:00 p.m. He also reminded everyone the second and fourth Saturday’s are the Mantua Country Market.

**Service:** **Linda** Schilling announced July 27th there will be a fitness walk. Service plans to get the copper pipe down to the recycling center. Regarding the old Village Hall, those who wish to volunteer to help clean out the basement need to set a date to get it done. A date was set for Saturday July 26th at 8:00 a.m. at the old hall.

**Linda** asked whether the watering stakes for the planters were in. Ed stated his department has them; they just have to be installed.

**Parks:** Marty reported the work on the trail did not begin this week as expected. He has been guaranteed the first part of next week. The grant money will be lost if work is not completed by October.

**Finance:** Ben stated it has all been said before.

**BZA:** Roger stated they are still working on one zoning appeal.

**Safety:** Giles reported that other than moving bicycles out, everything is okay.

**Linda** Schilling questioned the Mayor's time cards with regard to time spent on observing canoe races possible for the Village in the future. Donna said she had gone to Garrettsville to see how they were utilizing their natural resources.

**Public:** Norm Erickson asked the Village Solicitor, Tom, about his opinion regarding the office downstairs saying the executive branch has the authority to determine who should be in that office. Does Tom see a conflict within the executive branch in the fact that two of those people have a difference of opinion and the other two reports directly to one of those individuals? Tom does see that as a conflict but it does not disqualify the decision. Norm's second question was do you feel the legislative branch has no authority to pass a resolution to reverse a decision that is made by the executive branch by a majority vote? Tom's answer was yes. Norm repeated that the Solicitor's opinion is they do not have the authority to do that. Tom said yes.

Don Schilling commented on how nice the mini park looked but felt they should have supported our local businesses for plants rather than from Lowe's. Donna responded by saying the plants were donated by Lowe's, she just happened to be there for some other items. Don felt she could have worked with someone like Pochedly's Greenhouse to see what she could get locally especially when it is put in our local paper. Donna was unaware it had been published in the paper. **Linda** Schilling said they had quoted the Mayor in the article. Wes Hawkins spoke up saying the plants and labor had all been done at no charge to the Village. We should encourage more people to donate their time and anything else they can to the Village. Don commented he had donated his time and plants in the past to the Village properties.

Dave Woolf asked **Linda** Schilling how her problem with the Ethics Commission was going. **Linda** stated the problem is over and Tom could attest to that. Tom responded by saying **Linda** Schilling received a written opinion prior to her employment from their solicitor at that time. When Tom was brought on board, he disagreed with that opinion and encouraged **Linda** to resign her other employment immediately, which she did. Tom provided all that information to the attorney general's office but has not heard back from the Ethics Commission.

Betsy asked Council to consider appointing an alternate representative to the Mantua-Shalersville Fire Department as is customary with the Townships.

Dawn Pechman reminded everyone there is a public records class set for August 27th from 12:00 to 3:00 p.m. through the Auditor's office. In addition, she has set a BING informational exchange meeting for August 13th from 4:00 to 6:00 p.m. Both meeting will be held at the MSFD conference room.

Jenny wanted to clarify what was said on the office. Tom responded, yes, the legislative branch does not have the authority to override a decision of the executive branch.

Norm Erickson did not agree with the Solicitor's opinion. Tom clarified the executive branch consists of members/officers not on the legislative branch.

Roger Hawkins reiterated the Village does not have the money to make any office moves. More discussion followed between members of the public. The Mayor called the meeting to order. Tom explained any discussion in this meeting is between members of the public and the Council board and Mayor.

Motion to accept a donation from Marty Hura for his Council pay of \$ 345.78 made by L. Schilling with a second from J. Rogers. All ayes on vote.

Mayor Donna Hawkins asked Council how she should go about contacting Saint Gobain/Eaton Corporation. Jim asked how the Village had been notified of the overpayment. Betsy Woolf responded this was through their income tax filing. Marty suggested waiting until they contact us again. Linda agreed with Marty to wait. Jim asked if the auditor was aware of this and if so, would they force action. Jenny replied yes. Jenny stated by not paying our debt, this can put us into fiscal emergency. Tom felt the Village should work on payment terms with Eaton. Ben and Jim felt something needs to be done, approach Eaton Corp. and let them know our plans. Linda decided to move forward rather than wait. Marty also agreed with Ben and Jim. Betsy stated she did contact them at the time and left word for them to return her call, they did not.

Motion to adjourn the meeting at 8:26 p.m. made by J. Rogers with a second by B. Prescott. All ayes on vote.

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Mayor Donna Hawkins

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Clerk-Treasurer Jenny August