

**Village of Mantua
Regular Council Meeting
October 21, 2008**

Mayor Hawkins called the meeting to order at 7:01 p.m. and led the pledge of Allegiance. The Mayor asked everyone to remain standing for a moment of silence for the passing of Elinor Wood, longtime Village resident and Richard "Red" Fedor.

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, Rich Iafelice & Brian Rogers with C.T. Consultants.

Public: Bill & Patsy Gast, Norm Erickson, Cookie Vanek, Pearl Campbell, Denise Smith with Record Courier.

Minutes: Motion to approve the meeting minutes of September 16, 2008 made by B. Prescott with a second from L. Schilling. All ayes on vote.

Mayors Report: Mayor Hawkins hosted the Northern Portage County Government Counsel meeting October 7th at the Fire Station. She commended Ed Trego on the price for salt he obtained for the coming season of around \$42.00 per ton. She attended an economic development seminar recently held at NEOUCOM. She was also asked to speak at the Republican Party's meeting held this month at the Park Lodge. Donna was invited and attended Congressman LaTourette's clambake in hopes of positioning the Village to receive federally earmarked money. She was honored to present Fire Chief Matthew Benner with a proclamation at his retirement dinner on October 18th. Donna met with attorney Kevin Poland recently and is glad to say progress is being made on the Bina Coit cemetery trust fund. Donna thanked all those people who donated their time around the Village this past year.

The Mayor is asking Council to consider passage of Resolution 2008-39 to authorize the income tax money raised should Ordinance 2008-6 (Issue 15) pass to be allocated directly to the police department in hopes to continue to provide 24/7 police and dispatch service. Without the passage of Issue 15, there is little doubt that layoffs in our police department will be eminent. Donna went on to review the categories that fall under the general fund. The Mayor, in no way, advocates any increase in new spending. She would only like to continue the services presently provided to our community. She thanked Council for their consideration.

Finance Report: Clerk-Treasurer, Jenny August gave the financial report as of 9/30/08. She also attended the Northern Portage County Government Counsel meeting. Local Government Services held continuing education training in Hudson where Sue and she attended a one-day class. The Village funds are in the black so far and the third quarter income tax returns are just now coming in. Funds for our Solicitor's wages are used up; Jenny would like to split the rest of this year between the departments as discussed with the Finance Committee. Then next year appropriate his wages between departments.

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

Bills of Resolution: Motion to approve Bills of Resolution with addendum for October less the C.T. bills made by J. Rogers with a second from L. Schilling. All ayes on vote. Motion to approve the C.T. bills made by L. Schilling with a second from R. Hawkins. B. Prescott abstained, all other ayes on vote.

Legislation:

ORDINANCE 2008-30 AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA IN ORDER TO CLARIFY THE PROCEDURE FOR APPOINTING PLANNING COMMISSION MEMBERS. 3rd READING.

Tom noted that Sections 2, 4 and 6 should be the same. More discussion followed. Motion to amend Ordinance 2008-30 as the solicitor designated made by J. Rogers with a second from B. Prescott. All ayes on vote. Motion to approve Ordinance 2008-30 as amended made by M. Hura with a second from J. Rogers. All ayes on vote.

ORDINANCE 2008-38 AN ORDINANCE AMENDING SECTION 921.08 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY. 1st READING.

Tom explained Council authorized to go ahead with the application for the grant and this will allow those funds to be collected. Once enacted as an emergency, this charge would become effective as of January 1, 2009. Motion to suspend the rules made by J. Rogers with a second from M. Hura. All ayes on vote. Motion to approve Ordinance 2008-38 made by L. Schilling with a second from J. Rogers. Giles asked whether there has been any discussion with property owners to obtain easements for this water line improvement. Ed Trego stated there was discussion in the past on easements. Giles felt there could be substantial additional costs involved. Linda asked how the Village could start a project without knowing whether we can even obtain the easements. Rich lafelice explained preliminary work had to be performed prior to the actual design of the project. That is the risk you take when looking at any project. Marty felt if we do not know what that cost will be, then there is a risk to the Village. Jim asked who estimated the project and whether the costs of easements were figured into that estimate. Rich said he and Brian estimated the project, however, only their time to prepare easements are included, not cost for property acquisition. Brian Rogers with C.T. explained that only the school property would be affected by an easement, all the other properties, work is in the public right-of-way. Ed suggested a meeting be scheduled with all those involved. Ed said the Village had gone way out to benefit the school district with regard to the sizing of the booster station for fire protection and service to the new school buildings and hopefully the harmony is still there with the school board. Norm Erickson, speaking as a member of the school board, stated the Village has done nothing free for the schools; they were paid handsomely. The school board must approve any easements; the Village has no right to an easement on the property. Tom suggested Council enact the ordinance, then follow up with a meeting as your administrator has recommended. Should the school board decline to grant an easement, the Village can repeal the ordinance and withdraw your grant application. This would allow you to continue to pursue the project and at the same time investigate some of these issues. Tom explained Section 921.08 subparagraph (a); all that text presently exists in our code except for paragraph (b), which is new. Giles asked how the billing of this \$5.00 charge would work given that our water bills are staggered. Ed said the bills are sent out quarterly, we have three different areas so we collect monthly. Each individual user is billed quarterly. Rich lafelice asked Tom and or Council why the last sentence was put in specifying how these funds must be used. Tom explained the language is directed from the state auditor. Jenny asked why we could not hold off until after the meeting with the school board. Tom explained as he said earlier in the event an easement is not acquired, then Council can repeal the ordinance. When you make the application for a grant, the clerk-treasurer must certify the funds are available or that you are taking the steps to collect the funds. Roger stated by passing this we would give it a chance; if we do not there is no chance. J. Rogers called to question. L. Schilling

voted no, B. Prescott abstained, and G. Seith voted no, all other ayes on vote. Tom informed Council that Ordinance 2008-38 failed. Tom asked that Council direct the administration as to how to move on the application. Mayor Hawkins asked Tom whether this could be tabled until more discussion can be done. Tom said an alternative could be brought before Council; however, you have to figure out where you plan to get the money to do this project. Jim asked if we could resolve the issue with the school board first which might make things a little easier. Ed Trego said out of fairness to the process, if the Village does not plan to pass this, the money should be passed on to another community. Council should keep in mind that the EPA eventually will force us to do this at any cost. Linda Schilling asked if this was something that had to be done tonight. We had a month to approach the school board and have a meeting; all this could have been done.

Linda asked Brian Rogers what the deadline to withdraw the application is. Brian said they could issue the agreement to the Village in January; you could just sit on the money and then give it back. It is already passed the point to withdraw; it already went to Geauga County at the district level. The funding list has been approved and will be forwarded any day to Columbus. We could withdraw it tomorrow or even after it goes to Columbus, but it does not look good for future applications. Linda felt it should have been voted down last month, everything should have been done. We need to approach the school board first. Rich felt the issue before us tonight was the certification of collecting the funds for the project and if the clerk would be in violation if this does not move forward. Marty said what Council is being asked to do is certify funds when we do not know what the total amount will be or whether the funds we raise will be enough. Ed spoke regarding meter costs and how these funds could go to update meters as well should the project itself not move forward. Giles asked Ed why we did not move to increase water rates across the board rather than a surcharge. A person that uses very minimum would pay \$5.00 and someone like Mantaline, a major user, would pay \$5.00. Ed stated rates need to be addressed as well; legislation before us tonight was a way to direct funds for a certain purpose. Tom explained what steps need to be taken now regarding the application. Rich said this could be done without utilizing school property; however, it would be coming through a 6" and a 4". The improvement would be a much less drastic improvement. Roger could not see why the school board would refuse an easement for the need of the Village. Roger asked Ed should we have to do this project without the grant, would it be devastating to the Village. Ed felt the finance officer would be best to answer that question. Ed does not see where we can skirt the school property and still obtain the high-pressure service we need. Tom stated the ordinance can be reconsidered and he explained that someone who voted no would have to make a motion for reconsideration. Linda asked, should she rescind her vote, we have until January to withdraw the application. Rich told her in his experience with other communities, they do not withdraw; they receive the agreement, sign it and then do not do the project. The money goes back to the OPWC. Linda and Marty had concerns about the Village not having the money to proceed. With recent layoffs, Linda wondered how Council would justify this spending to its residents and then, turn around and ask to rescind the income tax credit. Jim Rogers called point of order. Linda felt, if this was in the works years ago, it should have been done years ago when we had the money in the bank. Mayor Hawkins spoke on the opportunities available today for the funding of this project with a 30 year 0% loan and 80% of grant money. Ed stated this has been presented to Council before; it is the last phase of a three-phase process. Linda asked the Mayor if we could have another meeting to discuss this again after the school board is approached or would she have to rescind her vote now in order to do that. Tom said no, you would have to come back with something different next time. Marty said the \$1,800 a year that it would cost the Village for this loan is not going to bring back a dispatcher or a police officer or any other cuts that we have had to make. Motion to reconsider the vote made by L. Schilling with a second from M. Hura. B. Prescott abstained, all other ayes on vote. Motion to

approve Ordinance 2008-38 made by J. Rogers with a second from M. Hura. B. Prescott abstained; G. Seith voted no, all other ayes on vote. Ordinance 2008-38 passed.

RESOLUTION 2008-39 A RESOLUTION DESIGNATING THE USE OF ANY ADDITIONAL FUNDS WHICH MAY BE RAISED AS THE RESULT OF THE PASSAGE OF ORDINANCE 2008-6 AND DECLARING AN EMERGENCY. 1st READING. Motion to suspend the rules made by J. Rogers with a second from L. Schilling. B. Prescott voted no, all other ayes on vote. Motion to approve made by L. Schilling with a second from J. Rogers. Ben discussed the funds and stressed the importance of paying off our debt. We should not be designating these funds only to the Police department. Jim voted for this in 2007 and in 2008 because we need this to help balance our general fund, it should not be earmarked to be spent; it should reduce our debt. Roger felt this would free up money that would normally use for the police department to go back into the general fund. Jim said it does not work that way, you are saying the \$45,000 to \$50,000 that this would raise will be spent on the police department. Roger said which would mean that \$45,000 to \$50,000 we would not have to take out of the general fund. Jim asked Roger where it says that in this resolution. Ben asked how we are going to pay down the debt. Giles pointed out the need for services to attract new businesses to our area. The 24-hour police protection is a major asset to the Village.

Ben stated if we were put in fiscal emergency because we have not attempted to pay our debt down, we would have little control over our police department. Jim stated our responsibility to our residents is to show we can pay our bills; it needs to go into the general fund. Mayor Hawkins was at a loss to understand the reasoning here and referred to the permanent appropriations for 2008 to show how these extra funds would actually help reduce our debt. Ben disagreed with the Mayor's way of thinking. Jim felt we need to be honest with the voters. Linda commented this does not affect people who work in Mantua or are retired, only those who work outside the Village. She felt everyone should help to reduce the debt, not only those that work outside. Ben called to question which stops all discussion and calls for a vote. Jim – no, Linda – no, Marty – no, Ben – no, Roger – yes, Giles – yes. The motion failed.

RESOLUTION 2008-40 A RESOLUTION AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2008 APPROPRIATIONS AND DECLARING AN EMERGENCY. Motion to suspend the rules made by J. Rogers with a second from M. Hura. All ayes on vote. Motion to approve made by B. Prescott with a second from J. Rogers. Jenny explained this resolution adjusts the transfers made last month. The general fund was increased for the cruiser warranties and the water-operating fund she moved \$9,000 instead of \$27,000. Jim called to question. All ayes on vote.

RESOLUTION 2008-41 A RESOLUTION RESCINDING A FUND TRANSFER BY THE CLERK-TREASURER, AND AUTHORIZING THE TRANSFER THAT ACTUALLY TOOK PLACE IN CONFORMITY WITH THE DIRECTION OF THE STATE AUDITOR, AND DECLARING AN EMERGENCY. Motion to suspend the rules made by L. Schilling with a second from M. Hura. All ayes on vote. Motion to approve made by M. Hura with a second from B. Prescott. Jim said Jenny already explained this in Resolution 2008-40. Jim called to question and the vote was taken. All ayes on vote.

Solicitor, Tom Reitz, spoke briefly on Resolution 2008-42, which had been put on the agenda, and then Council was asked to cross it off. Tom informed Council it had to do with regulations from the Federal Trade Commission with respect to creditors. Legislation should be enacted on this at an appropriate time.

Harry announced Halloween trick or treat would be Friday, October 31st from 5:30 to 7:30 p.m. Extra patrol will be out. The next safety meeting is October 30th at 6:30 a.m.

Village Administrator, Ed Trego, questioned the C.T. bills from past years, he reviewed those bills again but did not see them on the bills list. Jenny responded we plan to start picking away at them. Ed went on to explain that the 4" and 6" water lines on school property belong to the Crestwood School District. The Village does not want to assume those lines. There was a leak on the north end of the Village Friday evening; we lost water pressure due to a contractor doing work at the condominiums trying to repair a small leak, which then became larger. We issued a boil advisory that cleared today.

Rich lafelice discussed the progress on the Buchert Park Trail Leg and had requested a time extension with ODNR. Also, with regard to the Shalersville Industrial Park, there has been no further discussions to report on with the County. There has been no decision from the State as of yet.

Rich would like to reconcile the Village's debt with C.T. Consultants. He asked that negotiations take place to come to a reduced amount and get it cleared up, not wait on a payment plan. He asked that Mayor and Council let him know how they wish to proceed.

Planning: Jim announced the planning meeting was moved to tomorrow at 7:00 p.m. He has tickets available for the upcoming Walking in Mantua's Past on Saturday, October 25.

Service: Linda said she had nothing for service. She did receive a call on a dead tree on Woodbridge. Ed responded the tree is actually not dead but it is distressed.

Parks: Marty said Rich covered everything.

Finance: Ben felt enough was said.

BZA: Roger had nothing.

Safety: Giles said it has been covered. We did use the warranties on the cruisers already.

Public: Patsy Gast asked Rich lafelice how much the debt to C.T. Consultant was. It is approximately \$64,000. Therefore, C.T. is asking for this money and asking the Village to proceed with another project with money we do not have. Patsy commented that no tax increase of any kind would pass at this time; the economy is in bad shape. She also wanted to comment on our water and sewer rates being astronomically high. No one has any money. Pearl Campbell added people have moved because of the high cost of living.

Bill Gast asked Ed Trego about the recent water boil advisory. Ed stated the advisory went only to those affected by the leak. Bill also asked Council why everything before them comes up as an emergency. Donna Hawkins explained why 2008-39 was an emergency measure. Jenny explained 2008-40 and 2008-41. They are not always urgent, it is all in the language.

Motion to go into executive session with the solicitor, clerk-treasurer and Council on a pending personnel matter at 8:45 p.m. made by J. Rogers with a second from B. Prescott. All ayes on vote.

Motion to come out of executive session and into regular session at 9:05 p.m. made by J. Rogers with a second from L. Schilling. All ayes on vote.

Motion to adjourn the meeting at 9:05 p.m. made by R. Hawkins with a second from B. Prescott. All ayes on vote.

Clerk-Treasurer Jenny August