

**Village of Mantua  
Regular Council Meeting  
December 16, 2008**

Mayor Hawkins called the meeting to order at 7:00 p.m. and led the pledge of Allegiance. She asked everyone to remain standing for a moment of silence for the passing of Delores Gregor, Lawrence Urbanowicz and Mary Finley who was a previous police dispatcher.

**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, Village Solicitor Tom Reitz, Police Chief Harry Buchert, Village Administrator Ed Trego, Brian Rogers with C.T. Consultants, Zoning Inspector Bill Zoller.

**Public:** Harold Ullman, Jim & Tammy Wheeler, Theresa Cutlip, Larry Cutlip, Norm Erickson, Pearl Campbell, Gary & Cindy Barton, Ken Justus, James Riley, Lisa Zamecnik, Theresa Zamecnik, Colleen Crane, Dean Stebbins, Susan Mishler, Otto Peck, Linda & John Clark, Bill & Patsy Gast, Diane Smith with Record Courier and others.

**Minutes:** Mayor Hawkins asked that the minutes be amended to reflect the comments made by Tom Reitz regarding the Clemens case. The following should be added to the minutes: "Village Solicitor Tom Reitz stated that the second half of the judgment can be paid under a number of circumstances and that none of those circumstances have occurred at this time. The Village is not compelled to make a payment to him at this time."

Motion to amend the meeting minutes of November 18, 2008 made by J. Rogers with a second from B. Prescott. All ayes on vote. Motion to approve as amended made by L. Schilling with a second from J. Rogers. All ayes on vote.

**Mayors Report:** Mayor Hawkins gave a detailed report including attending the December 1st Crestwood school board meeting with Ed Trego and Rich lafelice. Rich gave an informational presentation during the meeting with regard to the waterline. She thanked Yarnell Tree Service for their help in putting up the holiday wreaths on the poles along Main Street. The Village had one of the largest attendances in history for the Christmas tree lighting at the mini park. The Mayor's annual Christmas party this past Friday was well attended with approximately 80 people. Negotiations are continuing with C.T. on the past debt owed to them. David Benjamin delivered a \$500.00 check towards closing the Enertech settlement with a balance of \$500.00 to be forthcoming. Donna received a letter of resignation from Zoning Inspector, Bill Zoller who wishes to spend more time with his family. The Mayor thanked Bill for his service to his community.

The Buchert Park Trail Leg is complete; Donna thanked all those involved including Brock Benner, who worked on the observation deck as an eagle project under troop #575.

Donna wished everyone a very Merry Christmas.

**Finance Report:** Clerk-Treasurer, Jenny August gave the financial report as of 11/30/08. The clerk's office has been busy this past month trying to close out year-end and finalize the 2009 appropriations. Unfortunately, we need to cut in nearly all areas of our appropriations. Jenny has contacted Local Government Services asking them to come out and evaluate our spending in order to see how we are doing while in fiscal watch. She is waiting to hear back from them but asks that Council pass the 2009 appropriations as they are presented tonight and force the Village to live within it means. Motion to approve the

financial reports: appropriation status, cash summary by fund, fund status, revenue & expenses reports made by L. Schilling with a second from B. Prescott. All ayes on vote.

**Bills of Resolution:** Motion to approve Bills of Resolution with addendum for December less the C.T. bills made by L. Schilling with a second from J. Rogers. 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.

Linda Schilling asked before we move onto legislation, there is a person who would like to address Council regarding some legislation, would this be the appropriate time to do so.

Council president, Jim Rogers asked if it will be on topic and Linda Schilling said yes. Council members and Tom did not have any problem with allowing this at this time.

Linda Clark stated her name and requested on behalf of herself and all residents and business owners that Council open the floor for discussion on legislation to answer any questions or concerns anyone may have tonight.

Solicitor, Tom Reitz explained that under Article 7 of council rules, President of Council may recognize any non-member for the purpose of addressing Council. It is within your authority to allow this, however, it is discretionary and you are not obligated to do so. Jim believes Council has rules such as a five-minute maximum, one topic, on topic, not personal. Tom Reitz stated that is very accurate. You must be recognized by the Mayor, state your name and you have five minutes to speak only on the topic that is immediately before Council at that time. In the event you have spoken once, and you would like to speak a second time, you may have the opportunity to do so but only after every other person that desires to speak on that issue has already spoken.

Roger asked whether Linda Clark was representing all the people. Linda Clark stated she was requesting on behalf of all the people to be allowed to speak. Jim asked should someone already bring up an issue, that others do not repeat the same issue.

#### **Legislation:**

#### **ORDINANCE 2008-45 AMENDED AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF MANTUA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2009. APPROPRIATIONS MUST BE IN EFFECT BY JANUARY 1, 2009. 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 B. Prescott. Teresa Zamecnik asked what declares an emergency. Jim explained when an emergency is declared, it is saying that the legislation, when and if it is passed, becomes law upon the signature of the Mayor. If you do not declare an emergency, it becomes law 30 days following the signature. When the rules are suspended, it changes the reading of legislation from three times to one time; you go for third and final at its first reading. Call to question. All ayes on vote.

#### **RESOLUTION 2008-46 A RESOLUTION INDICATING THAT AN ERROR WAS MADE IN THE 2006-28 TRANSFER FROM GENERAL FUND TO GERALD F. BUCHERT TRAIL 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. Jenny explained this transfer was originally done to establish funds in the Buchert Trail fund, however, because it was done as a transfer rather than an advance, when monies were received from the grant, the Village was unable to move the money back to the General fund. This will correct it. Call to question. All ayes on vote.

**RESOLUTION 2008-47 A RESOLUTION AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2008 STREET CAPITOL IMPROVEMENTS APPROPRIATIONS AND THE GERALD F. BUCHERT PARK TRAIL APPROPRIATIONS 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. Jenny explained this is more bookkeeping. Tom and she went to court to close the Street Capitol Improvement fund. This money originally came from the General fund and in order to move it back to the General fund, it took a court order. There was also about \$500.00 carryover that was overlooked in the Buchert Trail fund so this appropriates that money so it can be moved back to the General fund. Call to question. All ayes on vote.

**RESOLUTION 2008-48 A RESOLUTION DETERMINING THAT FINANCIAL CONSTRAINTS DICTATE A REDUCTION IN THE NUMBER OF FULL TIME POSITIONS ESTABLISHED BY THE VILLAGE OF MANTUA, DETERMINING WHERE THOSE REDUCTIONS SHOULD TAKE PLACE, AND DECLARING AN EMERGENCY. 1st 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 B. Prescott. Linda asked if this resolution pertained to layoffs. Ben said yes. Linda asked are we eliminating a position or is it just a layoff where someone can come back. Giles questioned some of the language. He felt section 1 should say, "up to" two full-time police officers. In addition, Ben felt the word "eliminated" should be removed altogether. Motion to rephrase resolution 2008-48 to read, "To layoff up to two police officers rather than eliminate" made by L. Schilling with a second from B. Prescott. Tom clarified it should be worded as follows: "Effective February 7, 2009 up to two full-time police officers within the Village of Mantua Police Department may be laid off." Linda asked if there was any way other than a layoff of police officers to save money. She would like to see the Village rid of the old village hall building even if we only get \$10,000 for it. Ben said we could not sell that building for too much less than fair market price. Linda asked why we could not put it up for auction, even if it is only \$5,000, it would be money we do not have right now. Jim replied that due to the County appraisal, it would be rather unseemly to sell it for something so far off the appraisal value. Motion to amend Resolution 2008-48 as recommended by the solicitor made by B. Prescott with a second from J. Rogers. All ayes on vote.

**RESOLUTION 2008-49 A RESOLUTION ESTABLISHING NEW FUNDS FOR THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY.** Motion to table made by R. Hawkins with a second from B. Prescott. All ayes on vote.

**RESOLUTION 2008-50 A RESOLUTION ACCEPTING A NON-EXCLUSIVE EASEMENT FROM MANTALINE CORPORATION FOR FOOTPATH AND TRAIL AND ASSOCIATED PURPOSES IN THE EASEMENT AREA IN THE VILLAGE OF MANTUA 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 B. Prescott with a second from M. Hura. All ayes on vote.

**RESOLUTION 2008-51 A RESOLUTION AUTHORIZING THE CLERK TREASURER TO ADVANCE FUNDS 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 approve made by B. Prescott with a second from L. Schilling. Jenny explained this is to cover two bills from C.T. Consultants for the Glacial Esker project and one for the Franklin/Regan Storm Sewer project, which have no money in them to cover these bills. This will advance money until the grant money comes in and it can be advanced back to General fund. Call to question. All ayes on vote.

**ORDINANCE 2008-52 AN ORDINANCE AMENDING SECTION 921.08 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE VILLAGE OF MANTUA**

**AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by J. Rogers with a second from B. Prescott. All ayes on vote. Motion to approve made by B. Prescott with a second from L. Schilling. Jenny explained this is for billing the \$5.00 water surcharge. Linda Clark questioned the last sentence on page 2, B; it looks as though the way this is worded, Council could direct these funds to go into the General fund rather than the Water Capitol Improvement fund. Tom explained that would not be an accurate understanding of Ohio fund accounting. This allows Council to determine what water capitol improvement they can use this money for, it does not give them the ability to take it from water capitol improvement and use it for an unrelated purpose. Call to question. G. Seith voted no, all other ayes on vote.

**ORDINANCE 2008-53 AN ORDINANCE AMENDING SECTION 931.01 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by B. Prescott with a second from J. Rogers. All ayes on vote. Motion to approve made by B. Prescott with a second from L. Schilling.

Linda asked if this is what would be raising the sewer rates. Jim said yes. Roger asked if this could be reviewed in one year. Linda agreed. Ben said Council always has that option; maybe we can review it in 6 months. Linda still felt Council was putting a bigger burden on the residents, the Village has no money, what do you think the residents do not have. Roger said we could be forced to do this rate increase. Linda Schilling asked who would force us. Ben said the Ohio EPA, the loan agreement contract we signed in 1996 states we would adjust rates to cover our debt payments. Jim said the Village could not default on their loan; the County would love to take our plant over. We would loose any equity built up and have no bargaining power for a JEDD or anything else in the future. Ben spoke on the water and sewer debt payments the Village incurs every 6 months. Monies generated at this time, will not be enough to meet that debt obligation.

Linda Clark asked to have the rate increase explained, the .0063 multiplier. Jim explained the increase is approximately 5.5 percent on sewer only. The multiplier is by cubic foot, it is somewhat deceiving. John Clark asked what unit is the multiplier, .0063 of what. Ed Trego said it should say per cubic foot. Jim said it does. John Clark asked this is per cubic foot of what; it should be in simpler terms. Ed explained this multiplier was put on specifically to generate funds to be used toward debt. On a 2,200 cubic foot usage, you would be looking at about \$55.00 additional per year.

Bill Gast asked how long this surcharge would stay on and when we repay the debt, will it then come off. Ed said if another entity should move into Eaton, this could be taken off. Patsy Gast asked if the tie in from Aurora Meadows could potentially help us out. Ed said yes it would, however, we do not expect to see any revenue from that until 2010 or 2011.

Motion to approve as amended made by B. Prescott with a second from J. Rogers. L. Schilling voted no, all other ayes on vote.

Linda Schilling asked if there has been any word from the schools regarding an easement for the water line; she thought we had to know something by the end of the year. Ed said no, we do not only have this month. Discussion was that Council should take some action by the end of the year or in January. Jim asked, so Council still has time to step away. Brian Rogers reminded Council that they could sign the agreement, get the grant and simply not spend it. Linda said at that meeting, a school board member asked Rich lafelice, if the high school moves, who would bear the cost of moving the waterline and Rich, said the Village. Ed said no, the answer from our engineer was that the school would bear the cost. Linda said no, he did not say that and it shocked her and Giles. Ed said that was not what he heard but whatever the minutes reflect. Norm Erickson spoke up and said why

would the school pick up the tab to move your pipe, that would be insane. More discussion followed between Council members. Ed stated any negotiations for the easement would include wording that would be acceptable to both parties.

**Committee Reports:** Police Chief, Harry Buchert announced Advanced Rehab would be holding a 5K race on the 31st at 2:00 p.m. The police department received a donation of \$100.00 from the Livezey's family. Motion to accept the \$100.00 donation for police capitol made by B. Prescott with a second from L. Schilling. All ayes on vote. Harry wished everyone a Merry Christmas.

Village Administrator, Ed Trego, reported the Buchert Park Trail Leg is complete. The paperwork is now being finalized.

Ed received a letter from the Ohio EPA; copies have been circulated to Council. Every five years we re-evaluate our water, which we just went through. On our wastewater, it is time to renew our NPDES permit, which expires at the end of April 2009. Ed thanked everyone for their efforts this past year and wished everyone a Merry Christmas.

Brian Rogers felt the Buchert Park Trail looked very nice. The next project is the Glacial Esker Trail, which is a \$24,000 grant project.

**Planning:** Jim announced their planning meeting tomorrow night at 7:00 p.m. will cover strategic growth planning from Portage County Regional Planning.

**Service:** Linda reported there was no service meeting this month. Linda had a couple other items to bring up. Looking over the last finance committee minutes she received in draft form, there was discussion regarding the solicitor's bill and a charge for Tom to call Linda. Linda wanted it noted she did not call Tom, she asked him at the last Council meeting if he would get her the phone number of the person she spoke with at the Ethics Commission. Tom's charge was for his response back to her with that number.

Linda also questioned in these minutes where the Mayor had asked Jenny not to take her raise that was stated in her contract. She found that ironic when the Mayor is getting \$10,000 worth of insurance that the Village does not have.

Linda also asked Mayor Hawkins regarding her time sheets, if she could not abbreviate what she does; it makes things harder to understand. Linda felt the 11 hours for the Ghost Walk should not have been billed to the Village. Donna asked how many hours she had on that week. Linda said 45.75 hours. Linda stated she also showed time spent on Christmas cards, which was Donna's choice to put the party on. The Mayor felt it really was not her choice, she had no idea this had been done by the previous administration. It was a networking situation involving both townships and our village.

**Parks:** Marty wished everyone a Merry Christmas and Happy New Year. He asked that everyone use the trail and observation deck, it took three years to finish so enjoy it.

**Finance:** Ben wished everyone a Merry Christmas

**BZA:** Roger wished everyone the same and announced there is a BZA hearing set for Monday, January 22 at 7:00 p.m.

**Safety:** Other than layoffs, it has been somewhat of a good year. Giles also wished everyone the same.

**Public:** Linda Clark asked when Bill Zoller would be resigning from Zoning Inspector. Mayor Hawkins said February 28, 2009. Linda asked whether the Village plans to post an ad and when. Donna said she just received his letter of resignation today. Linda asked the Mayor who paid for the Mayor's Christmas party. Donna said she paid for everything herself. Linda asked Council whether they were aware of the letter sent to Attorney Kevin Poland last July for a wish list for Ed Trego of \$83,000. Council members Linda, Jim and Ben remembered the letter. The Mayor stated we are trying to find money any way we can, this had been generated through finance. Linda asked the Mayor if the Village was working with the cemetery board on this. Donna could not answer that question.

Lisa Zamecnik stated she was not aware of any letter to the tune of \$83,000.

Ed Trego asked Lisa how long she has been on the cemetery board. Lisa replied she has been on for three years; the last two years they submitted letters to the clerk's office, which were then sent to the trust fund lawyer. Ed explained that the letter shows the need.

Linda Clark asked for copies of any other correspondence since July from the attorney.

Linda Clark read the Mayor's campaign brochure that she circulated when she ran for the office. Linda came in early in the year, spoke with Donna, and felt very optimistic, now she is not so optimistic.

Linda on point #1 fiscal accountability, she was not happy the Mayor added an \$8,000 debt to the Village for her health insurance.

Linda Clark asked on point #2, utilizing our natural and human resources about the subcontracting work and how much the Village contracts out.

Ed Trego addressed her question by saying he has had a reduction in employees every year, however, at this time only the mowing and some cemetery work is contracted out. Linda wondered if the Village was utilizing their employees to the fullest potential. She also wanted to know how much the employees are paying toward their medical benefits. Jenny replied the employees pay 5 percent.

Linda Clark asked on point #3, how the Village is attracting new businesses to the community. Mayor Hawkins said we have had numerous businesses come into our community and for other reasons they could not stay.

Linda asked on point #4, revitalizing Main Street to bring in revenue where has this happened. The Mayor stated she has been working with contacts on the State and Federal levels to bring money into our Village in the form of grants.

Linda Clark asked on point #5, with regard to communicating effectively so that everyone is made aware of what is happening, how much legislation is passed as an emergency. Donna could not attest to that, Council makes that decision.

Ben said the finance meetings are at 8:00 a.m. on the Saturday before Council; they review every ordinance at that time. Linda Clark, as would others, like to attend some of these meetings but feel they are not set at times when most people could possibly attend.

Linda asked on point #6, evaluating truck traffic on High Street. The Mayor responded she had not had a chance this year to focus on that. Truck traffic has diminished. Roger Hawkins also spoke on what they found out in Columbus.

Linda asked on point #7, promoting community involvement. The Mayor referenced the tree lighting at the mini park as well as the wreaths that she arranged to have Yarnell Tree Service put up at no charge to the Village.

Linda asked on point #8, staying available to the community. Donna stated her position is a difficult one to define. The Mayor is involved in so many different segments.

Linda asked on point #9, sponsoring community events. The Mayor referenced the recent Ghost Walk, the Revitalization project that includes getting the community involved. Neighborhood development holds a community meeting. The tree lighting was a community event as well as the flowers in the mini park.

Linda asked on point #10, holding town hall meetings every three months. The Mayor admitted she had not been able to do this year. She needed to get her feet wet this year.

Lastly, Linda Clark asked the Mayor how she rated herself on her ten points. Donna felt she rated herself well, on a scale from one to ten, she rated herself a seven and a half. Linda Clark did not feel the Mayor lived up to her promises and asked her to resign. Mayor Hawkins appreciated Linda's opinion and thanked her.

Pearl Campbell commented she appreciates what Linda Clark had said.

Linda Clark asked with regard to Ordinance 2007-2, whether Council has to adopt their Rules of Council every year or are they standing rules. Tom replied no, you do not have to adopt the rules every year; it was passed in ordinance format.

Linda Clark asked about the sale of the old police department, she was told several the Village was offered \$50,000. Council responded no, it was \$28,000 in writing.

Motion to adjourn the meeting at 8:40 p.m. made by J. Rogers with a second from B. Prescott. All ayes on vote.

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Mayor Donna Hawkins

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Clerk-Treasurer Jenny August