

**Village of Mantua
Regular Council Meeting
January 20, 2009**

Mayor Hawkins called the meeting to order at 7:00 p.m. and asked Brock Benner to lead us in the pledge of Allegiance. She asked everyone to remain standing for a moment of silence for patrol officer Jarod Dean, from Boston Heights recently 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, Village Solicitor Tom Reitz, Police Chief Harry Buchert, Village Administrator Ed Trego, Brian Rogers with C.T. Consultants.

Public: Diane Hura, Dave Woolf, Ashley & Wes Hawkins, Ron Kulesza, Norm Erickson, Pearl Campbell, Christine Pitzinger, Lisa & John Rizzoto, Edie, Jeff and Brock Benner, Charlie English, Kevin Vidmar, Cookie Vanek, Mr. & Mrs. Rodney Terry, Les Hopkins, Tom Smith, Brian Fink, Eric Hummel, Kathy Jaczo, Frank Ference, Ellie Stamm, Bob Ress and others.

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

Mayors Report: Mayor Hawkins gave a detailed report of what she had learned over the past year. As of May 31, 2008, the Village was placed on fiscal watch. We have been working on paying down our outstanding debt to C.T. Consultants as well as clearing up open lawsuits. Donna attended the Mayor's conference in Columbus this past June. She felt our Village has an amazing and highly effective team of people. She has been able to establish a lot of networking connections with federal, state and local officials.

Regarding the infrastructure improvements before Council tonight, she has pledged to be proactive. We have secured an 80/20 grant already for the Village and she wanted Council to know that our Village engineer and her are in the process to try to secure 100 percent funding on this project.

The Mayor met with Mark Trushel, President of Mantaline; they plan to sell their Aurora plant and move operations to Mantua Village. A new business will be coming to town very soon at the corner of Prospect and Main Streets, a specialty store.

She was proud to have been involved with so many projects and events that took place in our Village this past year. This would include the completion of the Buchert Park Trail Leg as well as the upcoming Glacial/Esker Trail Leg and the walk through Mantua's Past.

At this time, Mayor Donna Hawkins wished to present awards of appreciation for 2008.

1st award went to Diane Hura for her dedicated work on the Mantua Matters newsletter.

2nd award went to Martin Hura for his time devoted to completing the Buchert Park Trail.

3rd award went to Mantaline Corporation, President Mark Trushel and Vice-President Brian Fink, for their contribution to Buchert Park Trail along with an easement.

4th award went to Charles English for all his involvement, tireless dedication and equipment donated for so many projects.

5th award went to Norm Erickson for materials donated and delivered for the Trail.

6th award went to Ellie Stamm for machinery and manpower toward so many projects.

7th award went to Eric Hummel for his commitment to and beautification of the Village.

8th award went to Kathy Jaczo and Frank Ference, owners of the old post office for beautification work to their building.

9th award went to Tom Smith, Scout Leader for Troop 575, for all his efforts over 40 years and in orchestrating the help with the eagle scouts to finish the observation deck.

10th award went to Eagle Scout Brock Benner for his efforts on the observation platform.

11th award went to Jeff Benner for a father's support and for help from Benner Masonry.

12th award went to Edie Benner for all her support and efforts to improve our Village.

Motion to go into executive session at 7:23 p.m. for the purpose of eminent litigation made by J. Rogers with a second from L. Schilling. All ayes on vote.

Motion to reconvene into regular session at 7:37 p.m. made by M. Hura with a second from L. Schilling. All ayes on vote.

Motion to nominate Jim Rogers for Council President for 2009 made by L. Schilling with a second from M. Hura.

Motion to nominate Ben Prescott for Council President for 2009 made by G. Seith with a second from J. Rogers.

The Mayor asked if there were any further nominations, there were not so nominations were closed. Tom explained Council could take their vote by voice or ballot. A voice vote was taken. For Jim Rogers as Council President; L. Schilling-aye, M. Hura-aye, R. Hawkins-abstained. For Ben Prescott as Council President; G. Seith-aye, R. Hawkins-abstained. Jim Rogers will be Council President for 2009.

Motion to nominate Marty Hura as Village Council delegate for representative to the Mantua-Shalersville Fire Board with G. Seith as alternate made by J. Rogers with a second from L. Schilling. M. Hura-abstained, G. Seith-abstained, all other ayes on vote.

Finance Report: Clerk-Treasurer, Jenny August gave the financial report as of 12/31/08.

Our office managed to advance the accounting program into 2009, which was no small task. This involved over 60 pages of steps to perform for the state auditor's office. We chose the GASB rather than the regulatory for our annual financial report. They are more complex but eventually, everyone may have to report this way. I hope that this will help our 2007/2008 audit go more smoothly and save the Village on audit fees. We managed to end 2008 with all funds in the black; however, 2009 will be more challenging.

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 J. Rogers. All ayes on vote.

Bills of Resolution: Motion to approve Bills of Resolution with addendum for January 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. Marty asked why there were four Cargill bills listed for salt. Jenny explained they got a lot of salt, one of which may have been the extra delivery that belonged to the Township. Because of the shortage, we accepted it. B. Prescott abstained, all other ayes on vote.

Legislation:

RESOLUTION 2008-48 AMENDED: 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. 2nd READING. Motion to suspend the rules made by R. Hawkins with a second from B. Prescott. All ayes on vote. Tom informed Council they may want to fill in some blanks before this is approved. Chief Harry Buchert said the blanks would have the names of Dan Forman and Rodney Terry. Motion to approve made by L. Schilling with a second from J. Rogers. Giles expressed his unhappiness with this resolution and asked whether these officers will have the ability to be called back to work. Ben said yes, they would if possible. Linda agreed with Giles, she is not happy about this. Marty said no one is happy with this action. Call to question. All ayes on vote.

RESOLUTION 2008-49: A RESOLUTION ESTABLISHING NEW FUNDS FOR THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY. 2nd READING. Motion to suspend the rules made by B. Prescott with a second from J. Rogers. All ayes on vote. Motion to approve made by J. Rogers with a second from M. Hura. Giles asked if this was the Crestwood School project. The Mayor said this actually creates a line item for accounting purposes.

Jenny explained the \$5.00 surcharge needs to be separated from regular water operating; this creates a fund where that money can be deposited. Jenny said, should the Village go through with the project, Section 1 establishes fund 5705 to receive grant and loan money. Section 2 establishes fund 5761, which is where the quarterly surcharge would be deposited. Ben said the fund has to be set up because we are collecting this charge. Roger said it is basically an accounting procedure. All ayes on vote.

RESOLUTION 2009-1: ADOPTION OF 2009 CALENDAR. 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 J. Rogers. All ayes on vote.

RESOLUTION 2009-2: A RESOLUTION CONFIRMING THE DIRECTION OF THE VILLAGE COUNCIL AND RATIFYING THE ACTIONS OF THE MAYOR AND CLERK TREASURER IN ACCORDANCE THEREWITH, RATIFYING THE SALE OF THE REAL ESTATE KNOWN AS THE GOVERNMENT CENTER 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 M. Hura with a second from L. Schilling. All ayes on vote.

RESOLUTION 2009-3: A RESOLUTION REPEALING RESOLUTION 2008-50 AND THE ASSOCIATED EXHIBIT "A" FOR THE PURPOSE OF CORRECTING THE TRAIL NAME WHICH GRANTED 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 M. Hura with a second from L. Schilling. All ayes on vote. Motion to approve made by M. Hura with a second from L. Schilling. All ayes on vote.

RESOLUTION 2009-4: 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 M. Hura with a second from L. Schilling. All ayes on vote. Motion to approve made by J. Rogers with a second from L. Schilling. All ayes on vote.

RESOLUTION 2009-5: A RESOLUTION GRANTING A NON-EXCLUSIVE EASEMENT TO THE PORTAGE PARK DISTRICT FOR VEHICLE PARKING AND LIMITED RIGHT OF WAY PURPOSES WITH THE EASEMENT AREA IN THE VILLAGE OF MANTUA, REPEALING RESOLUTION 2008-44 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 M. Hura with a second from J. Rogers. Giles asked what the advantage is to the Village. Marty said this allows the stone to be put in and rolled by the Park District. All ayes on vote.

ORDINANCE 2009-6 AN ORDINANCE AUTHORIZING A PROJECT AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION FOR THE CRESTWOOD HIGH SCHOOL/NE QUADRANT WATER PRESSURE/FLOW SAFETY PROJECT AND DECLARING AN EMERGENCY.

Motion to suspend the rules made by L. Schilling with a second from J. Rogers. B. Prescott abstained, all other ayes on vote. Motion to approve made by L. Schilling with a second from J. Rogers. Giles asked whether we have heard anything from the school board. Mayor Hawkins said she met with Superintendent Joe Iacano last week; there was concern by the school board this would raise their water rates. Donna plans to meet with the school board on February 2nd to show them this would not raise water rates. Giles said at this time we do not have an easement. This authorizes us to do it but we do not have the easement to do it. Donna said this gives permission for her to sign the grant and get it back in. We will continue to work on the easement process. Roger said this is a step forward and felt Council needs to give this project a chance. Jim reminded Council that should we not get the easement or there is a cost involved above our budget with obtaining an easement from the school, we still have the ability to walk away from this. Brian Rogers stated that is correct. Jim said anything over the 80/20 split, Council would not support.

Linda felt there was no way of knowing whether it will go over our budget or not. Jim said there is a way of knowing. Linda said at the last school board meeting it was stated that if any line had to be moved, it would be on this Village to pay for it. Linda had received a letter from Rich stating that was not what was said, but that is what was said at that school board meeting. Jim said there would be signs that tell us if we are going to go over and if so, we are not going. Linda said we have no decision from the school board and there is no telling when we will get a decision. Marty said it does not matter when they make their decision, eventually they will have to tell us yes or no. Marty and Jim commented that if the Mayor does not sign and forward the papers, we are out of the project now. Call to question. L. Schilling-no, G. Seith-no, B. Prescott-abstained, all other ayes on vote. Tom stated the ordinance has failed; it did not get the four affirmative votes it needed to pass.

Mayor Hawkins asked Council with regard to the Franklin/Regan Storm Sewer project, did we have the easements in place before signing the paperwork, no, so what is the difference. She said Council is all in receipt of a letter from the Ohio EPA indicating we are in the process of being investigated and analyzed for this situation. Should we not comply, this burden would be placed on the backs of the citizens of the Village of Mantua. As it stands now, the project would cost the Village \$138.00 per month. The Mayor is in the process of trying to get the 20 percent of the Village's share covered through the Federal stimulus package at no cost to the Village. Donna asked Council to reconsider.

Jim said Council would have the opportunity to veto this later before starting the project. What Council is doing now is guaranteeing this will not start. Jim Rogers made a motion to reconsider Ordinance 2009-6. Linda asked whether Council could take another vote after it was already voted on and whether discussion should have closed after the vote. Tom Reitz explained that reconsideration is provided in Roberts Rules of Order, however, only someone on the side that did not prevail could bring it up for reconsideration. Giles said his vote would not change; it is a 40-year-old problem and is nothing new. Giles felt that until we have an easement in place and the rest of the engineering in place, we have no guarantee where this is going. Roger again said we should give it a chance; it can be cancelled later, otherwise it is cancelled as of right now without a chance. Marty felt it was

a no-brainer, if we do this now, more than likely we would not be approached by the EPA and forced to do it on our own. We have already received a letter from the EPA, they are aware of the problem. Linda asked who approached the EPA in the first place. Marty said that has no bearing on it, it is out there, it was put in the paper. Roger asked Brian if he knew what the cost would be if we had to do this on our own. Brian said the original engineer's estimate was \$225,000. Ed Trego responded no one he knows approached the EPA, as he said at the last meeting, every five years the EPA comes out and reviews our water system. We must maintain, at a minimum standard, 20 psi at all times. It is all about pressure and the EPA will investigate to make certain we have the minimum pressure. If Council does not pass it, Ed will begin the investigation tomorrow when he meets with the Clerk-Treasurer for the funds to do it. Ed has the names and numbers of those residents that experience problems in that area, he asked Council to stop down, get this information and contact them. It is very clear from the communication with the EPA, if this funding or this project does not happen, they can no longer stand idle and an investigation will begin on our end. Dave Woolf and Ron Kulesza, who both live on Glenwood in the NE quadrant, stated their water pressure goes down frequently when washing dishes or taking showers.

Motion to go into executive session on eminent litigation at 8:17 p.m. made by L. Schilling with a second from B. Prescott. All ayes on vote.

Motion to reconvene into regular session at 8:29 p.m. made by J. Rogers with a second from M. Hura. All ayes on vote.

Solicitor, Tom Reitz, stated that it has just come to his attention that Mr. Prescott's abstention during the vote on Ordinance 2009-6 was because he has a conflict of interest being an employee of C.T. Consultants as they are the engineers for the project. Ohio law provides that in the event a member of Council abstains from an action because of a conflict, it is as if there is a vacancy in that seat.

Therefore, instead of having six members of Council voting, there were only five available. A majority vote is needed to pass an ordinance. The vote was three in favor, two opposed with one abstention. Not being aware of the nature of the conflict, Tom announced the ordinance did not pass but he was in error. Ordinance 2009-6 did pass but not as an emergency measure.

Committee Reports:

Police Chief, Harry Buchert announced the next safety meeting is scheduled for January 29th at 6:30 a.m.

Village Administrator, Ed Trego, noted Ordinance 2009-6 lists our old address. Brian said he would correct it.

Brian Rogers then spoke on the Franklin/Regan Storm Sewer project. We did submit and receive an extension on the project. On the Buchert Park Trail Leg project, all the paperwork has been submitted. The Village will now be reimbursed 100 percent.

Planning: Jim said at the December Council meeting he spoke about research on the growth plan. Unfortunately, a resolution to adopt it did not get on the agenda in time for tonight; it will be on in February. The planning meeting is tomorrow night at 7:00 p.m.

Service: Linda announced their next meeting is Tuesday, February 1st at 7:00 a.m. She asked if we have received any applications for zoning inspector position. Mayor Hawkins responded yes we have and anyone wishing to submit his or her resume has until the end

of January. Linda commented about the recent solicitor's bill and was glad to see it way down. She had received several calls from residents; they are here to speak tonight.

Parks: Marty thanked Council for the easement resolution. He reminded everyone that Mantua Matters articles need to be in to Diane by February 25th and earlier if possible.

Finance: Ben announced the next finance meeting is scheduled for the Saturday before Council at 8:00 a.m. and invited everyone to come on down.

BZA: Roger reported they are looking for two members, a secretary and board member.

Safety: Giles was saddened to have to layoff two police officers. He also reported that Fire-Com dispatch is in disarray right now as they discussed at the December meeting.

Public: Dave Woolf asked the BZA board president, Roger Hawkins, about the situation with the Camper, no one has heard how many days she has to move it. Roger explained how the board left it to the discretion of the Zoning Inspector to set the deadline. He believes it was April; this provides enough time for her to locate another place to store it. Dave asked what if she does not move it in the time given. Roger said there are laws regarding that, if that time comes, they will check into those laws and they would apply.

Lisa Rizzoto, her husband and her own Italianos, asked the Mayor why she sent a man to her business on Friday night to inform them they needed to turn off her open sign, which apparently was in violation. Thankfully, Linda was able to get her the rules for signs. Her sign is not rotating or blinking and not in violation. They have operated their establishment here for three years and felt in this economic situation that we are in, an open sign should be the least of the Mayor's worries. She would have appreciated a letter first and felt the manner in which the Mayor went about notifying them was handled unprofessionally as well as rude and intimidating. Lisa thought it was great that the Mayor passed out awards to acknowledge people; however, Donna did not acknowledge anything that she has done. She power washed, painted benches and replaced benches in front of her business. She also does a lot for the community including being on two PTO boards and involved with the Potato Festival. Mayor Hawkins responded to Lisa Rizzoto by first apologizing for the way it was handled; in no way did she want that to happen. The reason it was brought to Bill Zoller's attention was due to a previous incident with a blinking sign in which he had gotten into an altercation with the storeowner.

Therefore, in order to prevent litigation or further problems with this other storeowner, at the last planning commission meeting, Donna mentioned to Bill seeing another sign flashing. It was not that she had a problem with her sign flashing; she recognizes that we have to do everything in our power to get business into your business. Donna had to do something in prevention, which is the only reason. She did not direct him to go right over there and take care of it and does not know exactly how that all came out. Lisa and John questioned why this took three years to become an issue; it should have been addressed earlier if it was a problem. There are plenty of lighted beer signs around town.

Lisa was also concerned with the fact that they were recently broken into, the police did a great job in solving it but now we are not going to have anyone on third shift to protect us. As a business owner, Lisa felt they should have been notified of these layoffs. On the issue of the sign, Linda Schilling said she also apologized to Lisa and John for the way that it was handled. Linda felt we should not be picking on any business owners; we cannot afford to have any other businesses leave this town. We should not be saying anything about the way things look until we look at the property we own. Roger felt the actions by the Zoning Inspector did not reflect the direction that was given. In zoning as in business, consistency is the key. Mayor Hawkins again apologized for how the situation was handled.

Motion to adjourn the meeting at 8:50 p.m. made by R. Hawkins with a second from J. Rogers. All ayes on vote.

Mayor Donna Hawkins

Clerk-Treasurer Jenny August