

**Village of Mantua
Regular Council Meeting
June 16, 2009**

Mayor Hawkins called the meeting to order at 7:02 p.m. and led the pledge of Allegiance. There was a moment of silence for James Wood and for Jim Stamm, son of our longtime clerk-treasurer Geraldine Stamm.

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 Michele Stuck, Police Chief Harry Buchert, Brian Rogers with C.T. Consultants.

Public: Norm Erickson, Pearl Campbell, Cindy Toth, Bill & Patsi Gast, **Linda** Clark, Randy & Lauren Weaver, Don Engelhart, Jerry & Christine Zimmerman, Wendy Jenks and others.

Minutes: Motion to approve the meeting minutes of May 19, 2009 made by L. Schilling with a second from B. Prescott. All ayes on vote.

Mayors Report: Mantua Village hosted the Soap Box Derby held last weekend, June 13. The Mayor congratulated all the winners. Hiram Village and Mantua Village are moving forward with discussion for Mantua to provide dispatch service. Donna met with Mark Trushel of Mantaline. They will be moving their facility in Aurora to their plant here in Mantua. She has been busy with the Service Department in Ed's absence.

Finance Report: Clerk-Treasurer, Jenny August gave the financial report as of 5/31/09. The auditors are here to perform the audit for 2007/2008. They plan to be here for June and July. Jenny has prepared the 2010-balanced budget for Council approval. She spoke with Nancy at Mantaline as well and was told the same thing. They are setting up another line from the Aurora plant. She has also spoke with Portage County Water Resources regarding status of the Aurora Meadows project. The County did receive some stimulus money for the project and are currently in deep design stage with design completion sometime in September. Plans are to break ground in January and complete the project by September 2010.

Motion to approve the financial reports: bank statements, 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 June less the C.T. bills. **Linda** Schilling had a question on line items #106 and #146. She wanted to know who approved this money going out since the new contract requires prior approval by Council. Jenny said she had emailed Rich lafelice and told him when they use work authorizations from prior years such as the Mercury Variance from 2007; she cannot certify the funds are available. Jenny requested that either Rich or Ed submit a purchase requisition so that Council can authorize the work beforehand. Ben spoke on the Mercury variance, it has to be done, and is required by the EPA. Brian Rogers presented a purchase order signed by the Village authorizing this work. **Linda** stated that purchase order was from 2007, this is 2009. Brian was not aware that this purchase order would expire. Other communities they work with it has not been an issue. Brian said if that is how the Village wishes to proceed, they could certainly do that, but this is the first they heard about the PO's expiring. Jenny said she cannot certify the funds are available two years later; the auditor's office told her that we should close purchase orders at the end of every year. Harry said his department has also been able to use purchase orders from prior

years up until this year. Jenny said that this year we are changing it; we are closing all PO's. Linda asked where we go from here with these invoices. Ben said the work is either being done or has been done, it would be difficult now not to pay the bill. Harry said you have a purchase order that was signed and issued by the Village of Mantua. Jim added the purchase order was not cancelled to C.T.'s knowledge; we are legally obligated to pay it. However, we are all on notice now, there should be no confusion now going forward. Motion made by J. Rogers with a second from R. Hawkins. All ayes on vote.

Motion to approve the C.T. bills made by J. Rogers with a second from M. Hura. L. Schilling voted no, B. Prescott abstained, all other ayes on vote.

The Mayor asked for any new business. Linda Schilling made a motion to get rid of the grant for the Northeast Quadrant project referencing the 3/19/09 letter. Jim asked if the school board has met since the letter from the Fire Chief. Linda said yes, last month. Jim asked do we know officially of any resolution on this matter. The Mayor said the last she knew, the School Board wanted to meet with the Fire Board. Norm Erickson stated the Fire Board was not interested in meeting with them to discuss the letter they received from the Fire Chief. The School Board is not interested in pursuing this further; they chose not to allow the easement. Jim Rogers stated he felt the School Board is holding this body hostage for reasons that have nothing to do with the technical merits of this job. Norm said he resented the use of hostage and felt this was not the case. Mayor Hawkins called the meeting back to order. Donna said to Norm that all she requested was a simple explanation as to why the School Board was refusing to allow the Northeast Quadrant water project to move forward. Donna explained the benefits of this project to those homeowners affected. The letter from the Fire Chief highly recommended this project go forward for the safety of the High School. Norm asked the Mayor why the Fire Chief did not come to their meeting. Donna stated he was not invited, the Fire Board was invited. Norm said he would see that the Fire Chief is invited. The motion was not seconded.

The Mayor asked Council whether we would be going to the public under new business. Jim would prefer that if there are citizen issues that have nothing to do with this question, Council should move onto legislation and have those issues toward the end of the meeting.

Legislation:

ORDINANCE 2009-29: AN ORDINANCE APPROVING AND ADOPTING A PERMANENT BUDGET FOR 2010 FOR THE VILLAGE OF MANTUA, AND DECLARING AN

EMERGENCY. Motion to bring this ordinance off the table made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to suspend the rules made by B. Prescott with a second from J. Rogers. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. All ayes on vote.

ORDINANCE 2009-31: AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE VILLAGE, AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE, 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 L. Schilling with a second from B. Prescott. Ben asked which of these ordinances do not cause the public any additional expense. Michele clarified when she spoke with Chris Thomas from Time Warner Cable; she was under the impression that our previous contract did not include advertising fees. Based on the Mayor's contact with him since then, part of the franchise fee includes an advertising fee of about 3.5 cents per month per customer. This amounts to approximately \$180.00 in revenue per year to the Village. Ben asked which one do we have now. Michele said #31 we have right now. Linda Clark said she had received a copy of the Village's franchise contract and had a question on it. The Village had twelve months

to make a change to the contract, why are they doing this last minute. The Mayor said she had received a letter from Time Warner to renew the contract last summer and Council did receive copies of that information at that time as well as the Service Committee and Finance Committee and given to the Village Administrator. Donna clarified that there was a new law enacted requiring them to notify us; otherwise, this would have just rolled over with the contract. Marty said Council was not planning to make any changes; we did not know about this until just receiving this letter from the company. Jim called to question. All ayes on vote.

ORDINANCE 2009-32: AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY AND VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE VILLAGE, AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE, AND DECLARING AN EMERGENCY.

Motion to suspend the rules made by L. Schilling with a second from B. Prescott. All nays on vote.

RESOLUTION 2009-33: A RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK-TREASURER TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF HIRAM FOR THE PROVISION OF DISPATCHING SERVICES TO THE VILLAGE OF HIRAM, WHICH SERVICES INCLUDE DISPATCHING FOR THE HIRAM POLICE DEPARTMENT AND THE HIRAM FIRE DEPARTMENT, INCLUSIVE OF EMS SERVICE DISPATCHING. 1st READING.

RESOLUTION 2009-34: A RESOLUTION AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2009 APPROPRIATIONS IN ORDER TO REFUND LOCAL INCOME TAX ERRONEOUSLY COLLECTED BY EMPLOYERS AND REMITTED TO THE VILLAGE, 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 companies that hold income tax out for their employees because they have a Mantua mailing address but whom actually live in the Township. The businesses do not know this at the time. Many times, we do not know this has occurred until the individuals file their returns. Jim called to question. All ayes on vote.

RESOLUTION 2009-35: A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO ADVANCE FUNDS FROM THE GENERAL FUND TO THE WATER DEBT SERVICE FUND AND SEWER DEBT FUND 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 M. Hura with a second from B. Prescott. Jenny explained this is just in case we do not receipt enough money in for our water and sewer debt payments due in June. This is done as an advance so as those funds build back up; the General Fund can be paid back. Ben said they would not let us keep the funds in the red. All ayes on vote.

Committee Reports:

Police Chief, Harry Buchert reported the Soap Box Derby went off without a hitch. There will be no safety meeting this month. Harry will be leaving for vacation on Friday and returning June 28.

The Mayor reported for Ed on the Service Department during his recovery. The Regan Street storm sewer has been fixed, forms will be removed and a grate put in place. Cold patching and asphaltting of several roads and berm areas has been performed. Tree chipping has been done throughout the Village. The Walnut Street storm sewer concern turned out to be a natural gas leak. Playground equipment had been vandalized and has

since been repaired by our service department. A metal plate has been placed over the storm sewer by McDonalds for safety reasons. Work on it should begin early next week. **Linda** Schilling asked why there were 51 hours worked in the park based on their time sheets from 5/31-6/6 when our men do not do the mowing. Mayor Hawkins could not answer at this time but said she would look into it.

Brian Rogers with C.T. Consultants stated **Linda** Schilling has asked to schedule a day and time to meet with him regarding the storm sewer issues.

Planning: Jim said there was no planning minutes; they met prior to Council's last meeting. At the last service meeting, he was asked his opinion on the storm sewer problems. Jim said the plan was prepared by C.T. Consultants. Jim felt it falls on the Service Committee to form a public/private team to go after this issue. We all know there is no money, but there are things that can be done to move forward on it. **Linda** said she has been doing that for about three months now.

Service: **Linda** announced the Service meetings are the first Tuesday of each month at 7:00 p.m. She will let everyone know when she plans to meet with Brian Rogers. She asked if Ed's service truck was back. The Mayor said yes it is. She has discussed with the Mayor the two storm sewer projects.

Parks: Marty received final plans for the observation deck for the Glacial Esker trail project. An engineer has stamped them approved. He complimented the County for the great job on the parking lot behind McDonalds and reminded everyone that this parking is not only for the trail, it is a municipal parking area for anyone.

Finance: Ben stated the economic downturn is catching up with us earlier than expected. He said the next finance meeting is the Saturday before Council at 8:00 a.m.

BZA: Roger had nothing to report for the BZA. The Shade Tree committee held a meeting tonight before Council at 6:00 p.m. Roger said there was discussion on a master tree plan of which Marty had much to offer. They are trying to get some things done. They could use two more volunteers if anyone would be interested.

Safety: Giles said our only full-time officer is going on vacation. Robert Reitz will be returning in 60 days. He also said the bids have come in for plates under the siren.

Public: Lauren Weaver read a signed statement from the Mantua Village Community Action Group.

"A series of recent events has brought together a group of concerned citizens. For the record, we will call this the 'Mantua Village Community Action Group'.

It is our belief the administration, both past and present, are guilty of unwise spending practices and bad decisions that are not in the best interest of the Village of Mantua. Unfortunately, the citizens of this village are just as guilty because of our complacency and lack of involvement in the affairs of the village.

Our common belief is that the Village of Mantua should be and can be a wonderful place to live, to raise our children, to make friends and memories. Our goal, as a group, is to insure the lines of communication open up between ALL village officials and citizens. Personal agendas and feelings must be set aside to work through these difficult economic times. The goal for all of us should be to work toward improving and maintaining the quality of life in Mantua.

It is understood that no one who serves as an elected official is here for the money. However, you are here to serve the best interest of the citizens of Mantua Village. It is our intention that we, as a group, will make certain this happens.”

Linda Clark, speaking for the Mantua Village Community Action Group, had some questions for Council she wished to read and passed copies to Council members.

- 1. (Marty Hura) Why do we not get reports regarding the Fire Dept Board?**
 - o **Will you start giving us a report monthly?**
 - o **How was an outside person (Kay Ziska) brought in?**

Linda asked if Marty was still the Fire Board representative. Marty responded that yes, he is and would absolutely give monthly reports. Regarding the clerk-treasurer's position, it was not a mandatory rotation. When Betsy was no longer an elected official, the board hired her. The board has decided since her contract was up, they would open it up to the public. Marty said none of the existing clerks wanted the position.

- 2. (Jim Rogers or Rep) We would like monthly reports from the Revitalization Committee.**

Linda asked Jim if he was still the representative for the Revitalization Committee. Jim responded, I am. **Linda** asked if he could give monthly reports. Jim said sure.

- 3. (Mayor) We would like a follow-up on the petition that was circulated in March regarding the storm sewers. *Per your letter to the petitioners, what is the status of your plan?**

- 4. (Jim Rogers) What are the zoning requirements for yard sales? ie. Someone who has a 'continual' yard sale. . . .are they required to have a vendor's license or pay sales tax etc.?**

Jim said he does not think the intent of what is in zoning covers a continual because then its business. Jim would have to go back and look at that but he does not think the zoning code deals with that. The Mayor replied she was asked to look into this, there is a zoning code that is sited and she has a copy of that. The situation has been addressed and she believes if you look, that it has been rectified. It was a citizen's complaint. If anyone would like a copy of the code, she would be happy to provide that. She felt the situation was handled by our Zoning Inspector so she left it at that.

- 5. (Jim Rogers) We are requesting that all defunct businesses clean up their property with regards to removal of signs, debris etc.”**

Jim said there is an external property maintenance code which deals with those very issues and John Vechery is aware of it and he is going to be taking to people about those issues, particularly the two that you mentioned.

Linda Clark asked on behalf of the citizen's group, we would like to ask Council to make a motion to put their letter and questions into the minutes verbatim.

Motion made by L. Schilling to have their letter and questions put in the minutes verbatim with a second from B. Prescott. All ayes on vote.

Roger Hawkins asked how many people were in the group. **Linda** Clark said they are here tonight. Roger would like a list. Jenny suggested a sign-in sheet at Council meetings. **Linda**

Schilling asked to be the representative for Council. Roger Hawkins offered as well. The next meeting of the Mantua Village Community Action Group is Thursday at 7:00 p.m. at the school board building which was once St. Joseph church.

Pearl Campbell asked where the microphone went. Members of Council stated we did not have one here, we had one at the old hall.

Jerry Zimmerman said Tom and Mike from Service stopped to look at a problem by his home, which was a hole with a rock. Now it is a hole, a barrel, a cone and a rock!

Cindy Toth said Ed mentioned possible debt forgiveness at an earlier meeting. Is that being looked into further? Ben said Michele, Jenny and he are looking into it. She also asked if the Village could go after any stimulus money for our infrastructure. Brian Rogers said that out of \$700 billion dollars, only \$28 billion went out in all of the United States for capital improvement projects. Portage County received three projects.

Wendy Jenks read an email she received regarding The Clean Water Affordability Act of 2009, which has passed in the Senate's Environmental and Public Works Committee and will now go to the Senate. This legislation addresses helping communities make renovations to infrastructure for aging water and sewer systems.

Randy Weaver spoke on his contacts with state officials regarding emergency monies available. He was told you have to be persistent in contacting these agencies for any money that could be out there and go after it. The Mayor added she has been corresponding with Dan Banks who is the Portage County grant administrator. Through our retainer with C.T. Consultants, they have applied for many grant opportunities for the Stimulus package. She is also working on funding to improve our industrial base in the Village for income tax purposes since the Shalersville project fell through.

Don Engelhart asked if the Village took into account the economic downturn when preparing the budget. Ben said yes we have. Don asked for a copy of the budget. Jenny said she is required to post the budget for public viewing. Don would also like to paint the benches at the mini park, can he do this and how should he go about it. Mayor Hawkins asked him to see her.

Patsi Gast asked the Mayor about her political platform she ran on, she wanted to hold community meetings. As far as she knew, the Mayor has not had any of in the nineteen months she has been in office. Patsi also had questions about the finances of the Village. Mayor Hawkins directed her to the Finance Committee meetings and said she has been simply too busy in so many other aspects of her job to hold additional meetings.

Patsi asked about C.T. Consultants' contract renewal and the monthly retainer for \$250.00. She felt the Village does not have the money to retain an engineer. Marty said that Council had determined that it was less expensive to have an engineer working for us under retainer than it would be to bid out each time. An engineer would have to be hired before any project started. Linda Schilling stated not all of Council agreed on that. Patsi asked Marty what projects we are doing with them since we have no money right now. Marty said we are using their expertise in grants to have them apply for grants. Patsi said we have a grant now for Franklin Street that has been there for two years.

Lastly, Patsi asked the Mayor and Council why no one on the board takes any notes on issues from the public and at times, the public is not even getting any responses when there are questions presented to the board. The Mayor responded that she does take many notes but there are times when you cannot speak and other times when you can.

Roger Hawkins spoke on committee meetings; there is more open discussion and more chances for input.

Linda Clark asked the status on the Delia Thompson trust, are you still trying to decipher it. The Mayor said yes.

Linda asked Jenny if she had any updates on Mr. Benjamin and the bill he owes. Jenny said she billed him again last month; she will call him and then re-bill him.

Linda asked Marty if there has been any more work on the cemetery rules. Marty replied nothing yet, Michele and he have not gotten together but he will keep them informed.

Linda asked if there was a policy for employees using Village vehicles to conduct their personal business, like banking. Ben said they plan to go over the personnel handbook.

Linda wanted to bring up a conversation regarding a downed tree on High Street. A resident wanted to have someone remove the tree for \$300.00 on his own; he was approached and told he could not do that. **Linda** asked why. Mayor Hawkins replied that it is not a downed tree; it is a standing dead tree. Donna is looking into it but must protect the Village as well. It is in the tree lawn, we have to consider who is doing the job to make sure he is experienced. The homeowner was told to speak with her.

Linda asked about the committee appointments. Mr. Rogers stated at an earlier meeting that we would go with the same as 2008, and then at the last meeting, he passed out a new 2009 committee list. Jim stated that he and the Mayor arrived at common ground.

Linda asked what rules does Council follow; is it Roberts Rules of Order? Council said yes. **Linda** thought new business should have been opened for public comment. She also asked about correspondence, she said it used to be on the agenda and now it is off. Why was it taken off? No one on Council knew when this happened or why.

Lauren Weaver asked Michele Stuck, Village Solicitor, about looking into a petition that was circulated. Michele said she is waiting for some responses back. Council members asked what this petition was regarding. Lauren said it was a zoning issue.

Motion to adjourn the meeting at 8:37 p.m. made by L. Schilling with a second from B. Prescott. All ayes on vote.

Mayor Donna Hawkins

Clerk-Treasurer Jenny August