

**Village of Mantua  
Regular Council Meeting  
November 17, 2009**

Mayor Hawkins called the meeting to order at 7:01 p.m. and led the pledge of Allegiance. There was a moment of silence for Kathleen Glassner who was a past owner of Pastimes.

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

**Others Present:** Clerk-Treasurer Jenny August, Asst. Clerk Susan Skrovan, Village Solicitor Michele Stuck, Police Chief Harry Buchert, Village Administrator Ed Trego, Rich lafelice with C.T. Consultants.

**Public:** Pearl Campbell, Lisa Zamecnik, Cookie Vanek, Randy & Lauren Weaver, Linda Clark, Patsi Gast.

Motion to excuse Marty Hura from tonight's meeting for a death in the family made by J. Rogers with a second from B. Prescott. All ayes on vote.

**Minutes:** Motion to approve the meeting minutes of October 20, 2009 made by L. Schilling with a second from J. Rogers. All ayes on vote.

**Mayors Report:** Donna gave an update on last months meeting with Congressman Steve LaTourette. Donna met with his chief of staff. Her initial request to LaTourette early in her term as Mayor was for funding to improve the Mats Road Bridge to help economic development in the Village. She believes this project, at some point in the future, should still be completed and thanked Jim Rogers for his diligence in keeping this project alive. Ordinance 2009-63 before Council tonight involves improvements to the infrastructure along Main Street. Should we obtain this money, it would come from the gas tax through the Federal Highway bill.

**Finance Report:** Clerk-Treasurer, Jenny August gave the financial report as of 10/31/09. Jenny and Sue attended the Local Government Services training in Hudson along with Kay and Rosemary from Hiram Village. It was very informative and gave them a chance to network with other clerks. Council will notice a new reconciliation report before them. This report is a result of a recommendation from the Auditor to show that the deposits made to our accounting program and payments applied to the Municipal Income Tax program match. A reminder that purchase orders will be cut off by December 1. It is critical that all departments forward invoices to our office before December 15 to allow them to be approved by Council and paid before year-end. All purchase orders will be closed on December 31, 2009. Jenny wished our Solicitor, Michele, a happy birthday.

Our checkbook balance at the end of October:	\$ 375,051.00
Revenues for October:	\$ 129,414.00
Expenses for October including payroll:	\$ 101,136.00

Reconciliation of the water-sewer department receipts and the UAN receipts matched completely with no exceptions. Reconciliation of the Municipal Income Tax receipts and the UAN receipts also matched completely with no exceptions. Bank reconciliation went well with no adjusting factors.

Motion to approve the financial reports: bank statements, fund status, reconciliation, revenue & expenses reports, made by L. Schilling with a second from B. Prescott. All ayes on vote.

Chief Buchert asked if his police department tickets could be added to the new reconciliation report. Jenny said yes, she does have them listed on the revenue report.

**Bills of Resolution:**

Motion to approve Bills of Resolution with addendum for November omitting the C.T. bills made by L. Schilling with a second from B Prescott. 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:**

**ORDINANCE 2009-48: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 921.07 IN ORDER TO PERMIT THE DRILLING OF WELLS FOR IRRIGATION OR AGRICULTURAL PURPOSES BY POLITICAL SUBDIVISIONS OWNING REAL PROPERTY WITHIN THE VILLAGE. 3rd READING.**

Motion to approve made by L. Schilling with a second from B. Prescott. R. Hawkins voted no, all other ayes on vote.

**ORDINANCE 2009-52: AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF MANTUA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010. 3rd READING.**

Motion to approve made by B. Prescott with a second from L. Schilling. All ayes on vote.

**ORDINANCE 2009-57: AN ORDINANCE AMENDING CHAPTER 955 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA IN ORDER TO INCORPORATE THE RULES AND REGULATIONS RELATING TO HILLSIDE CEMETERY. 2nd READING.**

**ORDINANCE 2009-58: AN ORDINANCE AMENDING SECTION 03.06 AND REPEALING 03.06.1 OF THE VILLAGE OF MANTUA PERSONNEL HANDBOOK AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. 2nd READING.**

**ORDINANCE 2009-59: AN ORDINANCE AMENDING SECTION 10.02 OF THE VILLAGE OF MANTUA PERSONNEL HANDBOOK AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. 1st READING.**

**ORDINANCE 2009-60: AN ORDINANCE AMENDING ARTICLES IX AND XI OF SECTION 121.03 OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. 1st READING.**

**RESOLUTION 2009-61: A RESOLUTION AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2009 APPROPRIATIONS AND DECLARING AN EMERGENCY. 1st READING.**

Motion to suspend the rules made by J. Rogers with a second from B. Prescott. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. Jenny said this is to increase money in the Streets and General funds because we have a little more than expected. Call to question. All ayes on vote.

**RESOLUTION 2009-62: A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF MANTUA TO SIGN AND SUBMIT APPLICATION FOR CEDS FUNDING THROUGH THE UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION RELATING TO FUNDING FOR THE MATS ROAD BRIDGE AND ROADWAY PROJECT,**

**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 L. Schilling with a second from B. Prescott. All ayes on vote.

**RESOLUTION 2009-63: A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF MANTUA TO EXPLORE THE AVAILABILITY OF, AND REQUEST FEDERAL EARMARK MONIES FOR VARIOUS CAPITAL AND OTHER PROJECTS FOR THE BENEFIT OF THE VILLAGE, AND TO REPORT THE RESULTS OF SUCH INVESTIGATION TO THE VILLAGE COUNCIL, 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 J. Rogers. Linda Schilling asked whether this resolution was only allowing the Mayor to try to get money. Jim Rogers said yes, it is earmarked money; we have to ask for it. Linda Schilling asked Jim if this is to fix lines going down S.R. 44. Jim said basically for water and sewer lines, yes. Linda asked if this was not something the Downtown Revitalization Committee was already doing.

Jim said they would do it if there were any money; this is one way to try to get the money. This would be included in that overall plan. The Mayor added the Revitalization Committee cannot apply for money themselves. There is no match; this earmarked money can be leveraged to get other grant monies. This ordinance gives the Mayor the ability to ask. Linda Clark asked what "earmarked" money is and what you have to have in order to apply for it. Jim said the Mayor explained it in her report, it is gas tax. LaTourette is going to put Mantua Village into a special transportation bill for earmarked money. Linda Clark had received some documents from LaTourette's office, which claimed we have to provide a 20-50% match and she submitted it to Council for review. Rich said the paperwork from Linda is correct and explained that it is always 80-20. Federal earmarks have gone on forever and ever. The Mayor, with support of Council, took the initiative to apply for it, it is there, we have just never done this before. The Federal Government pays for construction and only construction. The local entity that applies for it has to get to construction. You cannot get to construction without some local planning and engineering. Construction is typically 80-20 but can be up to 100 percent funding, but not at the federal level. You leverage federal dollars for other dollars to support the local share. This is the first step, to go after federally earmarked monies. Ben said if there would have to be a match, there is not going to be a match, we do not have it. Rich is putting together an estimate now. Patsi Gast asked whether this was for Main Street. Mayor Hawkins said yes, much of it must be for Main Street because this is from the highway bill. Donna added to keep in mind that it will take at least a year and a half to get this funding and then we have six years to use it. Linda Schilling asked if there would be a way to tie in some of the road we are having problems with right now. Donna said no. Rich added, unfortunately, federal highway money can only be used for construction on roads that are in the federal highway system. Randy Weaver asked what happens if this does not work. Rich said nothing, you never get the Federal monies, they flow directly to the contractors. Call to question. B. Prescott abstained, all other ayes on vote.

**ORDINANCE 2009-64: AN ORDINANCE PERMITTING THE CLERK-TREASURERS OFFICE TO PAY CERTAIN MONTHLY INVOICES UPON RECEIPT 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. Jenny explained this would cover the electric, gas and employee medical bills only. These bills are usually due the first of the month. By the time we get them and they are put on the bills list for approval, they get doubled up, it just looks bad. Roger suggested at Finance that we mark them paid on the bills list. Call to question. All ayes on vote.

Chief Harry Buchert said he had questions on two of the ordinances that were just read, 2009-59 & 2009-60. Some of the language in these ordinances is wrong in reference to the personnel handbook. Someone has an old book. Michele said it was probably hers; she will get it edited properly.

**New Business:** Mayor Hawkins asked Council to approve the appointment of Phil Sage as a member to the Board of Zoning Appeals. Motion to accept the appointment of Phil Sage to the Board of Zoning Appeals made by J. Rogers with a second from R. Hawkins. All ayes on vote.

**Committee Reports:** Police Chief, Harry Buchert reported there was no Safety meeting in October. Trick or Treat went well without incident. We had a lot more kids in the Village.

Village Administrator, Ed Trego thanked Roger and Mayor Hawkins for getting the wreaths put up in the Village. We also owe a thank you to Dominic's Tree Service for volunteering to put them up at no cost. Jim Rogers spoke on behalf of the Rotary that they also appreciated them being up.

Ed brought up the plan to purchase fuel through Crestwood School and the use of credit cards. He would like some direction on this. Jenny explained she has the application, wanted to know if Council would need to make a motion to allow her to do it.

A card will be issued for each vehicle, which could be used anywhere. There is a \$40.00 one-time set-up fee plus a \$2.00 per month, per card charge. As far as Crestwood, Jenny thinks all we have to do is put together a contract, they have already approved us purchasing from them. The schools do pay tax on their fuel. Ed asked if we would be federally tax exempt on the credit cards. Jenny said yes, they would be exempt. Michele would like an "oral motion" by Council for Jenny to go ahead with the credit card application. Harry asked if there would be a conflict of interest with Jenny applying for this credit card and working at Barky Mart, one of the places the Village would purchase gas and diesel fuel. Michele said no, there is no conflict because she does not derive any profit from the purchase.

Motion to allow the Fiscal Officer to apply for the credit card made by B. Prescott with a second from J. Rogers. All ayes on vote.

Rich Iafelice with C.T. Consultants reported they are working to request another year's extension on the Glacial Esker Trail project. We may only get 6 months, but it is worth a shot. The Mayor said Marty was very much in favor of applying for an extension.

On the Franklin-Regan project, we have exceeded the OPWC deadline. Rich recommends we apply for another year's extension on this project as well. Linda said we do not have the money to match it. Jim said we did not have the "In kind" match. Roger asked how returning this grant would reflect on future grant applications. Rich said he presumes future applications would be looked at with a stern eye. Jim asked what the downside was to apply for the extension. Rich said nothing. Jim felt we should try to keep it alive. Roger agreed with Jim and said it would not hurt.

Motion to apply for an extension on the Franklin-Regan Storm Sewer grant made by R. Hawkins with a second from J. Rogers. L. Schilling voted no, B. Prescott voted no, all other ayes on vote.

Motion to apply for an extension on the Glacial-Esker Trail grant made by J. Rogers with a second from R. Hawkins. All ayes on vote.

**Planning:** Jim said the Planning Commission meeting would be tomorrow at 7:00 p.m. There will be a presentation from Hal Stamm regarding the property along Canada Road. The Downtown Mantua Revitalization Committee met and is working on revising their article of incorporation and their mission statement.

**Service:** Linda announced the Service meetings are the first Tuesday of each month at 7:00 p.m. The benches to be refurbished were picked up last week.

**Parks:** Marty is absent

**Finance:** Ben reported that we are still broke. Jenny goes over it well.

**BZA:** Roger had nothing to report for the BZA or Shade Tree.

**Safety:** Giles reported the next Safety meeting will be Wednesday, Nov. 25 @ 6:30 a.m.

Council President, Jim Rogers, congratulated those elected to Council.

**Public:**

Patsi Gast representing the Mantua Village Community Action Group asked to present questions to Council.

1. What is the status of the Village Administrator's evaluation, has it been signed?

Donna said yes it has.

2. Regarding the March petition on the storm sewers, Ed stated at the last meeting a draft would be ready in November. What is the status?

Ed said a draft was presented to the Service Committee for review. Ed went on to say the draft presented was to address some of the short-term problems. A long-term storm sewer plan will still need to be formulated. Ed felt they had most of the temporary items addressed. Patsi asked Ed if there is a plan of action. Ed stated these are only recommendations at this time given our financial situation.

3. What was the cost of the temporary repair at the State Route 44 project in front of the high school? Ed said the cost of repairs were \$1,860.00.

4. The contract with Portage County we have now for 15 percent usage for water and sewer, has there been any negotiating with them to modify this contract? Donna Hawkins said they had discussed this last Saturday at Finance and want Michele to look at it first. Donna was able to say that when she met with Howard Huff for another purpose, he said then he does not intend to re-negotiate the contract. Giles asked if we expect to see any profit from the Aurora Meadows sewer project. Donna Hawkins said we would make \$20,000 a year. Giles asked if that would be profit or go to the cost of processing. Rich lafelice explained those figures are not from him and are not correct. Rich had not calculated any figure of revenue. Ed wondered where those figures came from. Rich said the Village would not have any additional maintenance responsibilities from just receiving flow. It will not put a burden on the Village because it is such a small amount of additional flow. It will increase the County's contribution to the Village and get closer to where we can re-negotiate with them. The County is at about 50 percent capacity now of their contract. Once they exceed their contract capacity, the Village can then re-negotiate. The Mayor explained to Ed the figure she had received of \$20,000 annual profit from the Aurora Meadows project had come from Donna Maynard.

5. Patsi asked Linda Schilling about her getting quotes for general trash pickup, what has she found. Linda said she has five quotes coming in right now.
6. Patsi asked Michele regarding the laterals within the Village. Who owns the storm sewer lines on Prospect for example? Michele asked whether they were referring to the parallel lines or perpendicular lines. Randy said the parallel lines. Michele explained it is the Village's responsibility when it is part of the Village main system. Ed commented that just being lateral does not necessarily mean that it is the Village's responsibility. It has to serve the general public purpose. Rich added that a lateral is often referred to as the connection from the home to the sewer line, which is the main. The lateral is on private property, you own it. The lateral then comes into the public right-of-way; the Village owns it and ties into the main, which the Village owns. Michele would not even go that far in saying sometimes the lateral goes under the right-of-way and is still the homeowners' responsibility in some of the cases she has looked at. Rich agreed. Michele said that is why it is hard to make a right line rule.
7. Patsi asked Michele how difficult would it be to get our zoning regulations online? Michele said to hit the zoning tab, Jenny got her the disk last week, and it was finished yesterday.

Tiffany Olsen asked to give an update on her water situation. She brought her water usage from 2004 to present. She is still waiting for a meter. Tiffany went into see Donna Maynard and agreed on a payment of \$300.00. Ed came into the office, asked about the payment and then felt it was not acceptable. Tiffany offered to take her payment to the Mayor and Ed said her payment would be acceptable. She felt there has been a lot of confrontation going on between her and Ed and she does not feel comfortable talking with Ed about it. She asked Ed to talk to her plumber about getting this resolved and would have her plumber contact him. Tiffany received a call from Donna Maynard last Friday saying Ed still has not heard from her plumber. Her plumber had sent Ed an email after the last Council meeting and she felt Ed has not read it. Now Ed wants to pay Tiffany's plumber to install the meter. Is the Village going to pay him to do it, she wants to know.

Ed responded that some of what is being said is not factual. Ed suggested that day in the office with Tiffany that if she was uncomfortable with the Service department coming in and replacing the meter, the Village could have her plumber do the job. Ed said he never had that contact with her plumber. When he asked Donna to call her, Tiffany returned the call and she and Ed talked directly. The email from her plumber was in reference to monitoring our meter against her meter for two weeks. Other than that, there has been no contact. Tiffany said she had asked Ed if he had her plumber's phone number and he said he did. Ed has arranged to meet with her plumber at 8:30 a.m. tomorrow. Ben and Linda wanted to know how the Village was paying the plumber for it. Ed explained that Donna Maynard will send a purchase requisition to Jenny in the morning. The cost to install is about \$40 - \$50.00. A new meter will be charged to her if it is found that the one they took out is accurate. It will be tested. Tiffany felt there is still something wrong. Even if she gets a new meter, that may not solve the problem. Ed said if she allows him to go into her home, he will, however, he would ask that the Police come along because of the attitude and the confrontations in the past. Ben said this needs to be done and behind us. At the conclusion of all of this, Ed would like to meet with our Solicitor, the Mayor and president of the Service Committee to present all the documentation and facts.

Linda Clark asked regarding 2009-62, what is the estimated cost on Mats Road Bridge. Jim Rogers said \$700,000; the local match is \$200,000. The local match would be coming from Stamm Contracting. Patsi asked if that would be in writing. Jim said yes.

Lauren Weaver asked about the last meeting minutes regarding the draft being provided at the last Service meeting. Is this as far as it is going? No, not in Linda's mind or Ed's.

Motion to go into executive session on property acquisition and eminent litigation at 8:12 p.m. made by R. Hawkins with a second from J. Rogers. All ayes on vote.

Motion to reconvene into regular session at 8:40 p.m. made by L. Schilling with a second from R. Hawkins. All ayes on vote.

Motion to adjourn the meeting at 8:42 p.m. made by B. Prescott with a second from G. Seith. Before adjourning, the Mayor wished everyone a happy thanksgiving and our Chief and Councilman Hawkins a happy birthday. All ayes on vote.

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Mayor Donna Hawkins

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Clerk-Treasurer Jenny August