

**Village of Mantua
Regular Council Meeting
January 19, 2010**

Mayor Hawkins called the meeting to order at 7:00 p.m. Donna welcomed Linda Clark to the Council table and asked Ben Prescott to lead us in the pledge of Allegiance.

Roll Call: Donna Hawkins, Linda Clark, 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, Village Administrator Ed Trego, Rich lafelice with C.T. Consultants.

Public: Pearl Campbell, Christine Pitsinger, Wes & Ashlee Hawkins, Patsi Gast, Cody Cleary, Bill & Marge Cleary, Aaron Snopek, Michelle Barnauskas, Irene and Wendy of Garden Girls, Robert & Rose Fathauer, Dean Olson, Dick Krzys, Norm Erickson, John Clark, Bob Ress, Anita Hanzlik.

Mayor Hawkins asked for nominations of Council President for 2010. Motion by L. Schilling to nominate Ben Prescott for President with a second from R. Hawkins. All ayes on vote.

Minutes: Motion to approve the meeting minutes of Sunday, November 25, 2007 made by L. Schilling with a second from B. Prescott. All ayes on vote.

Solicitor, Michele Stuck, suggested that any member of Council, who was not present at a particular meeting, should abstain from voting on the minutes of that meeting.

Motion to approve the meeting minutes of Saturday, March 15, 2008 made by L. Schilling with a second from B. Prescott. L. Clark abstained, all other ayes on vote.

On the meeting minutes of December 15, 2009, Mayor Hawkins asked for an amendment. On her Mayor's report, something she said was not stated in its scope of meaning. She had stated "the conditions of our residential streets are of a major concern to me. It was my hope that the \$50,000 grant could be utilized for their repair". Then under new business when Brenda Fargo was speaking from First Energy Solutions, "It had been stated by Brenda Fargo from First Energy Solutions that the minimum grant amount had since been changed to \$25,000, however, since she had spoken to the Mayor, me, prior to the change, she would honor the \$50,000 grant amount." The Mayor is asking Council to please make a motion to approve as amended. Motion to approve the meeting minutes of December 15, 2009 as amended made by L. Schilling with a second from B. Prescott. L. Clark abstained, all other ayes on vote.

Mayors Report: Recently, Donna had the opportunity to speak to a young Cub Scout troop and one of them asked her, "How are your people doing?" What a profound moment. She thinks often of how our citizens are doing, these are difficult times. Here in the Village administration, there is a new attitude committed to working together. The Village has been working its way out of our recent financial situation. Police Chief, Buchert and she were successful in securing the dispatching contract to service Hiram's police, fire and EMS, bringing in an additional \$30,000 in revenue to our General Fund without any additional cost to us. She has been continually working with Congressman LaTourette to secure Federal funding for our Village's aging infrastructure. Tonight you will see legislation before Council, 2010-2 that will place on the ballot an opportunity to the citizens to reduce their electric supply charges by 6 percent and at the same time help to bring in much needed

revenue to the Village in the form of a \$50,000 grant. In Resolution 2010-3, she is asking Council to use these funds, she secured, for residential road repair. As she sees it, this is the number one liability facing the Village today.

We have numerous new businesses in town including: Jakes, Head to Toe Massage, All that Sparkles and Budget Beds making all Main Street storefronts full for the first time in a long time.

Couple that with recent additions to our park and trail systems including a new observation platform last year by the Cuyahoga completed by future Eagle Scout, Broc Benner and a handicap accessible viewing platform this year on the Glacial Esker trail built by future Eagle Scout, Cody Cleary. We have seen the beautification of our downtown area thanks to the efforts of the Garden Girls and new events such as the triathlon and Art-On-The-Hill. As we enter into 2010, this is an exciting new time for our Village. With that, Mayor Hawkins wished to present awards to those who have helped contribute to the Village in 2009. These awards are not presented in any particular order. There are others who are deserving as well and those who will be recognized next year for 2010. The Mayor thanked everyone on behalf of the Village of Mantua.

1st Award goes to Michelle Barnauskas who in 2009 held the first business workshop in order to help start-up and existing businesses succeed. She is recognized for her knowledge and expertise.

2nd Award goes to Ilene and Wendy of the Garden Girls for their positive can-do attitudes.

3rd Award goes to Jeff Benner for his assistance and instruction on the observation platforms. (not present)

4th Award goes to Cody Cleary for his work to install a handicap accessible observation platform as part of his Eagle Scout project. He has shown great leadership and organizational skills in providing a real asset to our community.

5th Award goes to Robert Fathauer who was instrumental in directing Cody during this complex project.

6th Award goes to Hank Freeman, our own local Yo-Yo Champion. (not present).

7th Award goes to Christine Pitsinger, Dean Olsen, Becky Newell (not present) and Laura Landreth (not present) for their efforts on organizing our "Art-On-The-Hill" event.

8th Award goes to Linda Schilling and Donald Schilling (not present) and their committee for their many years of dedication to the success of the Mantua Potato Festival and for refurbishing of the old water pump building.

9th Award goes to Mr. Dick Krzys, troop leader for Scout Troop #575. For many years, he has provided support and guidance to future Eagle Scouts and their numerous projects. The Village of Mantua owes him a debt of gratitude.

Donna asked award recipients to come up for a group photo and then thanked everyone.

Finance Report: Clerk-Treasurer, Jenny August gave the financial report as of 12/31/09. W-2's are out and nearly all of the year-end procedures have been completed. We

definitely will have to make some decisions regarding the Water and Sewer funds. We ended the year with both funds in the negative for the first time in two years. I do not see us being released from fiscal watch until we address this. As I have been saying for months, we spend more in water and sewer than we are taking in.

Here are a few comparisons of how we ended 2009 as opposed to how we ended 2008:

- In 2008, we ended the year with a checkbook balance of \$258,736.
- In 2009, we ended the year with a checkbook balance of \$174,021.
- Nearly \$85,000 **less** than we ended 2008 with.

- In 2008, excluding the one time inheritance tax we received, we had total revenues of \$2,074,230.
- In 2009 we had total revenues of \$1,884,844 .
- We earned \$189,386 **less** than we earned in 2008.

The General Fund's loss of revenue was over \$118,000, \$10,000 in property taxes, and \$100,000 in income tax receipts. Other fund losses were as follows: water receipts were down about \$32,000, and sewer receipts were down more than \$49,000 from 2008.

Our checkbook balance at the end of December:	\$ 174,021.00
Revenues for December:	\$ 88,864.00
Expenses for December including payroll:	\$ 325,431.90

(This includes the semi annual OWDA payment of \$217,252)

The Cash Summary Shows that no adjustments were needed to end the year clean.

Reconciliation of the Water-Sewer department receipts and the UAN receipts matched except for a receipt for the County share of the semi annual OWDA payment in the UAN that the Service Department does not enter into their program. Reconciliation of the Municipal Income Tax receipts and the UAN receipts also matched completely with no exceptions. The December Bank reconciliation and year end reconciliation went very well with no adjusting factors.

Motion to approve the financial reports: bank statements, fund status, reconciliation, revenue & expenses reports, cash summary report, made by L. Schilling with a second from B. Prescott. L. Clark abstained, all other ayes on vote.

Bills of Resolution: Motion to approve Bills of Resolution with addendum for January 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 M. Hura. B. Prescott abstained, all other ayes on vote.

Linda Clark had a question on the bills list. Discussion followed as to when it is appropriate to pose a question. Michele said it should be after the motion to approve has been seconded and left it up to the Mayor to decide whether to back up and discuss Linda's question. The Mayor asked Linda to go ahead and ask her question. Linda asked regarding line #108 on the bills list, the C.T. Consultants bill for 5 hours on the Glacial Esker trail. There was not a purchase order for it. It reflected a purchase order from back in 2007. C.T. was made aware in May that all purchase orders prior to 2009 were no long good and that they would have to get new ones. Rich lafelice explained the bill; he has all

the information and said he was negligent. He has all the documentation and will submit it to the clerk.

Motion to amend the Bills of Resolution omitting the C.T. Consultants bill made by B. Prescott with a second from L. Schilling. All ayes on vote.

Motion to approve the Bills of Resolution as amended made by L. Schilling with a second from B. Prescott. All ayes on vote.

Legislation:

ORDINANCE 2009-59: AN ORDINANCE AMENDING SECTION 10.02 OF THE VILLAGE OF MANTUA PERSONNEL HANDBOOK AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. 3rd READING. Motion to approve made by L. Schilling with a second from B. Prescott. Jenny said this changes evaluations for department heads from every three months to once a year. All ayes on vote.

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. 3rd READING. Motion to approve made by L. Schilling with a second from B. Prescott. Chief Buchert questioned item 1, c under Articles XI, Committees. This one says the Safety Committee will be responsible for evaluating all safety personnel and then in 2009-59 it says the department heads would be responsible. Michele Stuck, Solicitor, addressed the Chief's concerns and said the language was reproduced in its entirety from the old section in the Codified Ordinances. The only amendment that is not from the old version of Council rules says, "each twelve months". Ed pointed out the same conflict is in section "a" under Committees. Harry said 59 is okay, all you would have to do in 60 is remove "safety personnel" under section c and then under section a, "service personnel". Motion to table made by B. Prescott with a second from L. Schilling. All ayes on vote.

RESOLUTION 2009-65: A RESOLUTION DESIGNATING JENNY AUGUST, MANTUA VILLAGE CLERK-TREASURER, AS THE APPROPRIATE DESIGNEE TO ATTEND MANDATED TRAININGS RELATING TO THE ADMINISTRATION OF THE VILLAGE'S PUBLIC RECORDS POLICY FOR THE YEARS 2010 AND 2011. 2nd READING.

ORDINANCE 2009-67: AN ORDINANCE AMENDING CHAPTER 210, CONCERNING THE DEFINITION OF "BUILDING HEIGHT", OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA. 2nd READING.

ORDINANCE 2009-68: AN ORDINANCE AMENDING SECTION 502.07 OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA. 2nd READING.

ORDINANCE 2009-69: AN ORDINANCE RENUMBERING CHAPTER 650 OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA. 2nd READING.

RESOLUTION 2010-01: A RESOLUTION MEMORIALIZING THE APPOINTMENT OF THE MEMBERS OF THE VARIOUS COMMITTEES, BOARDS AND COMMISSIONS OF THE COUNCIL OF THE VILLAGE OF MANTUA, AND DECLARING AN EMERGENCY. Motion to suspend the rules made by L. Schilling with a second from R. Hawkins. All ayes on vote. Motion to approve made by B. Prescott with a second from M. Hura. Jenny said there was only one change made to the committees. Ben Prescott was taken off as the alternate to the Mantua-Shalersville Fire Board and put Marty Hura on. All ayes on vote.

ORDINANCE 2010-02: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH

OPT-OUT PROVISIONS PURSUANT TO O.R.C. 4928.20 AND DIRECTING THE PORTAGE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF THE VILLAGE OF MANTUA, OHIO, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FIRST ENERGY SOLUTIONS, INC. FOR SUCH PURPOSES, AND DECLARING AN EMERGENCY. Motion to suspend the rules made by B. Prescott with a second from M. Hura. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. Linda Schilling asked who would be paying for this to be put on the ballot. Michele Stuck said the Village ultimately will, either up front or taken out of our grant money and paid by the utility company. Linda asked do we have \$400.00 to do this. Jenny said we have it, if Council so chooses to spend it that way. Jenny said we could take it out of professional fees. Linda Clark asked for clarification; at the time it passes, will there be "opt-out" notices sent to each resident before it changes over. Michele said the utility company will send out notices but it will not happen the minute this passes. There are other procedures before the aggregation starts. They are responsible to send out the notices every "opt-out" period, which is every three years. Linda Clark also asked if the \$50,000 grant was contingent on how many residents "do not" opt-out of the plan. Linda Schilling said no, once it passes, we get the grant money. Ed asked if this was strictly for residential uses. The Mayor said no, this is for small businesses as well including our Village facilities. All ayes on vote.

RESOLUTION 2010-03: A RESOLUTION DESIGNATING AN ANTICIPATED \$50,000.00 IN GRANT MONEY, WHICH WILL BE RECEIVED FROM FIRST ENERGY SOLUTIONS, INC. UPON THE PASSAGE OF THE ELECTRICITY AGGREGATION BALLOT ISSUE, FOR THE PURPOSES OF LEVERAGING GRANTS FOR RESIDENTIAL ROAD REPAIR AND MEETING ANY MATCHING FUNDS REQUIRED OF THE VILLAGE AS A CONDITION OF OBTAINING SUCH GRANTS. 1st READING. Motion to table made by B. Prescott with a second from L. Schilling. Roger asked why this would be tabled on the first reading. Ben said there is an issue that we need to talk about before this passes. Roger asked what that issue would be. Ben really could not say at this time but felt it should be tabled for now. R. Hawkins voted no, all other ayes on vote.

RESOLUTION 2010-04: A RESOLUTION AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2010 APPROPRIATIONS 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. Ed asked about the \$5,000 being taken out of Storm Sewer and the \$25,000 out of Sewer, is this an adjustment from last year. Jenny explained the storm sewer fund, 2901, is being dissolved because we are using the enterprise fund, 5762.

The sewer is because we ended in a negative balance and our certificate of estimated resources will bounce with the County Auditor because we have exceeded our estimates. Ben called to question. All ayes on vote.

ORDINANCE 2010-05: AN ORDINANCE AMENDING ARTICLE 07 SECTION 7.08 OF THE PERSONNEL HANDBOOK OF 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 L. Schilling with a second from B. Prescott. All ayes on vote.

ORDINANCE 2010-06: AN ORDINANCE AMENDING SECTION 640.07 OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA. 1st READING.

New Business:

There was no new or other business.

Mayor Hawkins asked Council to approve her recommendation of Aaron Snopek to the Planning Commission. Motion to approve the appointment of Aaron Snopek to the Planning Commission made by B. Prescott with a second from L. Schilling. All ayes on vote. Mayor Hawkins gave Aaron his oath of office.

Committee Reports:

Planning: Ben said the Planning Commission meeting would be tomorrow at 7:00 p.m.

Police Chief, Harry Buchert said there was no safety meeting in December. Their next meeting will be January 28 at 6:30 a.m. Harry welcomed Linda Schilling to the Safety Committee and Linda Clark to Council.

Village Administrator, Ed Trego, also welcomed Linda Clark to Council. He asked Jenny for a copy of her financial report. Ed reported that Mother Nature took her toll on our service equipment.

Mayor Hawkins commended the Service Department on work well done in snow removal during the recent snowstorms.

Rich Iafelice with C.T. Consultants gave an update on their report before Council. Three projects are on time extensions. Rich would like to request a strategy meeting on where to go from here on the extended projects such as the waterline.

Service: Linda reported on their last meeting, the boy scouts want to put up a sign where the antique store sign is located. Much of the materials are being donated from Stamm's and Benner's. Wes Hawkins said this initially came from the Planning Commission and discussed this as a possible Eagle Scout project. Plans are to have a sign installed with the help of Jason Sage to show all the local organizations here in the Village, i.e. Boy Scouts, Rotary, Lions Club. It would need to be completed by June for Jason's Eagle Scout project. This would belong to the Village and be completely funded by donations.

Linda also noted Tiffany Olsen's water meter was checked and is working 100%.

The Stamm family would like water and sewer lines run to their property. Ed asked Hal Stamm to propose something and put it in writing exactly what they are looking at.

Volunteers were brought up to help plow our parking lots and some roads. Being that the service department is short handed, Linda felt we should utilize volunteers. She checked with Love Insurance and found out it is not a liability. All volunteers for the Village are covered under our policy. Roger asked Ed if he has a policy for volunteer snowplow drivers. Ed does not recommend doing this, especially for street plowing. They would have to be properly trained; we are intimately familiar with the streets and the obstacles that exist.

Ben and Linda felt we should look into this further. Roger would like Ed to coordinate this. Harry said the subject that there is no liability is an incorrect statement. Volunteers would be covered under our liability so if they have an accident with our truck, our insurance would protect them. They would be part of our work force but there is liability. Michele said there is no such thing as "no liability". Ben would like Michele to look into it. Ben said we need to find ways to cut expenses in the Village, especially overtime. Roger asked who is responsible to make sure volunteers are qualified to plow. Ed replied there are background checks to be done along with physicals and random drug testing. Jenny asked why we cannot consider just hiring someone to be "on call" who may be a retired person. We have part-time people in the summer to help in the cemetery for mowing. They would be employees so they would be covered. Ed commented we have something similar to that

now with people who have worked for the Village before. The problem with part-time help is that we are at their mercy to work or not work.

Parks: Marty said as weather improves, more work would be done on the trails. Charlie English asked for authorization from Council to take his equipment to the west end of the trail to do some clearing and cut work. He cannot move all of those piles, but he can cut in some of that up to the road. Ed would also like an estimate from Stamm Contracting to help move material around. Marty felt this was a good idea. Motion to allow Charlie English to proceed and utilize his equipment at the west end of the trail made by M. Hura with a second from L. Schilling. All ayes on vote.

Finance: Ben said the Finance meeting will be the Thursday before Council at 6:30 p.m.

BZA: Roger announced there is a hearing set for February 12, 2010 at 7:00 p.m. There was nothing to report for Shade Tree.

Safety: Giles reported the Safety committee is in the process of reorganizing.

Linda Clark asked regarding First Energy Solutions, when would the first public hearing be scheduled. Michele said the first public hearing does not happen until the ballot issue passes. Linda Schilling felt a meeting beforehand would be appropriate so that people know what they will be voting on. Michele said that would be up to the Village. Ben said we need to get something in Mantua Matters and on the channel as well. Linda Clark also wanted to know from Ed about the men plowing and salting the roads and on their trips back, are they plowing up the salt they just put down into the yards. Ed explained how his department plows. It depends on the type of snow and condition of the roads.

Jenny wanted to ask Linda Schilling when she was on Service if they discussed a curbside pickup, we could put a notice in Mantua Matters. Linda asked if we have the money. Ed said he could call Consolidated to check on the cost but did not think it was budgeted.

Public: Patsi Gast wanted to comment on volunteers. The cemetery was left in poor condition this past fall, could we use volunteers to help. Ed apologized for the situation she found there.

Bob Ress from Franklin Street thanked Ed for how he trains his people; he has done a really good job. Bob thanked Rich and his engineer's for their help on his road. He did feel the Village should look at grant money again. Mayor Hawkins commented regarding the Franklin/Regan storm sewer project, we extended that project until July 31 of this year. Rich recapped; four years ago, we had the ability to leverage some money for the Franklin/Regan project. The Village allocated \$10,000 of an \$80,000 project. We applied for 50 percent of the project or \$40,000. Of that \$40,000, \$10,000 was cash and \$30,000 was in-kind such as our own labor, equipment and materials. Under financial constraints, the project was reduced to \$60,000. Can we get the same project done for that, \$30,000 from the grant and \$30,000 of in-kind? Rich believes we can get that project done for \$60,000; however, we never had a design plan. He was never authorized to do the design. Ben commented that we have no money to advance for these projects. Ed said there are two areas we need to spend money on; a survey needs done to work from and the need for the right equipment for the job.

Rich spoke on having a work plan for the "in kind", the State may go along with a "pay as you go" arrangement. Ben stated we are still on fiscal watch. Bob Ress asked if anyone knows of a surveyor who could do the work in kind. Bob felt we all have to get creative.

Anita Hanzlik from Glenwood Drive asked whether there was not some sort of plat map showing where all of this underground stuff was. The Mayor said we have the easements; but you need a professional surveyor to show you exactly where the markers are and where the easements are.

Anita questioned the enforcement of ordinance 650.01 by the Zoning Inspector. He only enforces the zoning on a written complaint and said he does not drive around and check out zoning violations. Anita does not feel this is fair. Donna Hawkins said there are two separate issues here, a maintenance code issue which is complaint driven and the zoning issues, which he does drive around to check on.

Motion to go into executive session on litigation, matters to be kept confidential and personnel at 8:42 p.m. made by L. Schilling with a second from B. Prescott. Ben invited Jenny, Ed and Harry into executive session. All ayes on vote.

Motion to reconvene into regular session at 9:17 p.m. made by L. Schilling with a second from B. Prescott. All ayes on vote.

Motion to adjourn the meeting at 9:17 p.m. made by L. Schilling with a second from M. Hura. All ayes on vote.

Mayor Donna Hawkins

Clerk-Treasurer Jenny August