

**Village of Mantua  
Regular Council Meeting  
December 14, 2010**

Mayor Hawkins called the meeting to order at 7:04 p.m. & led the pledge of Allegiance. There was a moment of silence for a recent death in the Village.

**Roll Call:** Donna Hawkins, Linda Clark, 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

Motion to excuse Linda Schilling and Marty Hura from tonight's meeting made by L. Clark with a second from G. Seith. All ayes on vote.

**Minutes:** Motion to approve the public hearing minutes of November 16, 2010 made by L. Clark with a second from B. Prescott. All ayes on vote.

Motion to approve the regular meeting minutes of November 16, 2010 made by L. Clark with a second from B. Prescott. All ayes on vote.

**Mayors Report:** Donna thanked the Mantua Garden Club for all their help in decorating the mini park, it looks better than it ever has. She also thanked Ellie Stamm for donating help to put up the wreaths before Santa's arrival. Donna thanked Paulette Nichols for hot chocolate and Haylett's Corner Store for donating the candy canes that were passed out by Mr. and Mrs. Claus to the many children on December 3. Thank you to the Mantua-Shalersville Fire Department for a safe delivery of Mr. & Mrs. Claus. Donna hoped everyone was able to see the living Nativity Scene at the mini park this past Saturday, which was put on by the Methodist Church. It was a wonderful display. Donna thanked everyone who helped welcome in Christmas and wished all a happy holiday season.

**Finance Report:** Jenny gave her financial report as of November 30, 2010. Even though there are not supposed to be any purchase orders after December 1, our office received 25. Some were emergencies; however, most were simply poor planning. Since "all" purchase orders close at year-end, our office will have to reissue new PO's in January for any invoices that did not arrive for approval tonight by Council.

Our bank balance is more than \$100,000 higher than it was one year ago. We do not have additional revenues of any substantial amount. The higher bank balance, in my opinion, can be attributed mainly to spending reduction. The Police Department has done a fantastic job with their budget and appropriations this year.

As Council will see in Resolution 2010-62, the General Fund will need to advance money into the sewer debt fund in order to make the OWDA semi-annual payment. The water money is all there, but sewer might be as much as \$35,000 short. We will not know the exact amount until the day the payment is withdrawn from our account on December 27. This is actually less than what has been needed in the past several years. Financially, the Village seems to be moving in the right direction but we still have to remain cautious.

Our checkbook balance at the end of November: \$ 513,647.00  
Revenues for November: \$ 174,098.00  
Expenses for November including payroll: \$ 90,034.00

The Cash Summary shows adjustments were made in the sewer fund. There were two uncashed OPERS checks. We determined these were overpayments we were able to void, which put money back into the account. Reconciliation of the Water-Sewer department receipts and the UAN receipts matched. Reconciliation of the Municipal Income Tax receipts and the UAN receipts also matched. The November bank reconciliation had no adjusting factors. Lastly, Jenny wanted to wish everyone a Merry Christmas.

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

**Bills of Resolution:** Linda Clark asked to discuss item #66 on the bill's addendum list. The estimate for this work was \$100.00, but it came in at \$398.00 and no one seemed to have an explanation why. It was almost four times more than the estimate. Donna said since we just received this today, if Linda would like it removed from the bills of resolution so it can be inquired upon, we can do so. Motion to remove line #66 from the Bills' Addendum list until it can be investigated made by L. Clark with a second from B. Prescott. All ayes on vote. Motion to approve the Bills of Resolution with addendum as amended for November including C.T. made by L. Clark with a second from G. Seith. B. Prescott abstained, all other ayes on vote.

Motion to approve the Bills of Resolution with addendum omitting C.T. & #66 on addendum as amended made by G. Seith with a second from B. Prescott. All ayes on vote. Jenny asked if this bill would have to wait until January to be paid, or can we get it approved before year-end so that we can pay it off this purchase order. Donna said we could approve it in our Friday meeting as long as it is advertised, specifically, in the paper.

### **Legislation:**

**ORDINANCE 2010-40: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE CHAPTER 145 IN ORDER TO ESTABLISH THE COMPOSITION, POWERS AND DUTIES OF THE VILLAGE OF MANTUA BOARD OF CEMETERY TRUSTEES, AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. TABLED AT 3rd READING.** Motion to take off the table made by B. Prescott with a second from L. Clark. All ayes on vote. Motion to approve made by B. Prescott with a second from G. Seith. Ben said Council would need to make four amendments to this legislation. 145.01 (a): strike the language, "by and with the consent of Council". 145.02 (d): strike, "record all deeds and". 145.02 (f): add, "and record all deeds" to the end of the sentence. 145.03 (c): strike the entire section and then replace with "The Sexton shall be notified when grave lots are sold or opened". Michele explained the first amendment comes out of the Ohio Revised Code and two, three and four are ones that were recommended by the Finance Committee. The Finance Committee had also recommended changing 145.02 (a), however, when that question came up at the last Council meeting Michele went back and researched. That language in (a) as it currently states, comes directly from ORC. In Cities, the Public Service Director would have these duties and in a Village, it would be the Board of Cemetery Trustees. As that is written it is correct and does not need to be changed. Mayor Hawkins said she did not think the Finance Committee necessarily wanted to recommend it be changed; they just wanted to make sure Michele had a chance to check it.

Motion to approve the amendments made by B. Prescott with a second from R. Hawkins. All ayes on vote.

Linda Clark was not comfortable with this ordinance and felt it takes too much power away from the Cemetery Board and putting too much power in the Village. She did not want to

see the trust funds that our residents left for the care of graves being used for Village projects instead of for the Cemetery. The trust funds were left to take care of the graves. Linda felt the trust fund has been more than generous with the Village. She had received a letter that was emailed to Marty and read it aloud. The letter gave the resignations of John Hall and Lisa Zamecnik from the Hillside Cemetery Board as of December 31, 2010. Ben asked if Linda Clark was objecting to Council being in charge of the funds. Linda felt it give more power than necessary. Ben did not think the Cemetery Board could be in charge of the funds. Linda wanted to make sure the Village would not have more control than what we had before this legislation. She felt they would see more "wish lists". Michele said any request still must go before the court. Harry added any trust fund that is set up usually spells out how that money can be spent.

Giles said that unfortunately, on the major trust fund, parts of it are totally illegible. The court is in control of the trust fund. Harry questioned Michele's explanation of 145.02 (a) and said we do not have a Director of Public Services nor does it say anywhere in ORC about Trustees. Michele said it does in either Chapter 759.08 or 759.07, one of them just before 759.09. Upon further review, Michele found it under Chapter 759.23. Ben asked if Council should table this again. Giles asked Michele if she was comfortable with the way it was written now. Michele said it is up to this Council to determine who will make the recommendations to the cemetery trustee. Harry wondered if this ordinance should reference ORC Section 759.23. Michele did not think so because 759.23 references back to 759.09 to 759.18, she wanted to mirror the language that was in ORC not expand on it.

Motion to table Ordinance 2010-40 made by B. Prescott with a second from L. Clark. Roger asked how this gives us more power than the last one. Michele said that is the problem; there is no "last one", we have to establish one otherwise it defaults to the ORC. Roger said no matter who recommends it; it still has to be used for the Cemetery. Michele said it has to be used according to its terms. Jenny added, and approved by the trust. Roger said we are still guided by the court, the ORC and the trust. Giles said we are looking to put a system in place where there was no system. All eyes on vote.

**ORDINANCE 2010-46: AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF MANTUA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2011.**

**3rd READING.** Motion to approve made by B. Prescott with a second from L. Clark. Michele said the 3rd reading "date" will need to be changed to December 14, 2010. All eyes on vote.

**RESOLUTION 2010-51: A RESOLUTION ESTABLISHING A NEW FUND FOR THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY.** **2nd READING.** This will be put on the agenda for this Friday for 3rd reading.

**ORDINANCE 2010-53: AN ORDINANCE AMENDING SECTION 410.05, CONCERNING OUTDOOR SALES AND DISPLAY, OF THE ZONING ORDINANCES OF THE VILLAGE OF MANTUA.** **2nd READING.** Motion to postpone indefinitely made by L. Clark with a second from B. Prescott. R. Hawkins voted no, all other eyes on vote. Michele was asked if this is now tabled. Michele said no, to postpone it indefinitely would have killed it permanently, however, it did not pass so it will be on 3rd reading with a public hearing in January. This cannot be put on the agenda for Friday because Council will only be dealing with emergency legislation.

**RESOLUTION 2010-56: A RESOLUTION AUTHORIZING CERTAIN FUND TRANSFERS BY THE CLERK-TREASURER BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, AND THEIR RESPECTIVE DEBT SERVICE RESERVE FUNDS, ALL NECESSARY TO MEET CALENDAR 2011 DEBT SERVICE**

**REQUIREMENTS, AND DECLARING AN EMERGENCY. 1st READING.** Friday meeting it will be on 2nd reading.

**RESOLUTION 2010-57: ADOPTION OF 2011 CALENDAR. 1st READING.** Friday meeting it will be on 2nd reading.

**RESOLUTION 2010-59: A RESOLUTION AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2010 APPROPRIATIONS AND DECLARING AN EMERGENCY. 1st READING.** Friday meeting it will be on 2nd reading.

**ORDINANCE 2010-60: AN ORDINANCE SETTING FORTH CONDITIONS FOR THE USE OF THE OLD WATER PLANT AT BUCHERT PARK. 1st READING.** The Mayor opened the floor for discussion. Linda Clark asked under Section 1 (a) where it states the building shall be shared with other Village organizations, clubs, groups, etc; because Council has made changes; do we now need the second "Whereas" clause at all or can we just take it out completely. Roger said it makes it sound like it is directed to the Mantua Potato Festival and if removed; it would then apply to any organization.

Linda Clark said that way the Potato Festival or the Pumpkin Roll Committee or anyone could hold their meetings down there, it is something to think about. Linda realizes the Mantua Potato Festival stores all their stuff down there and there should be a way to have it secured for them. Donna said they do not store all their stuff down there; they have a storage trailer. Giles said they have put a great deal of money into that building. Michele said it is up to Council to determine what the "whereas" clauses will be. Roger felt it should be taken out. Giles felt the Mantua Potato Festival should have preference because of what they have done to the building and the amount of time and effort they have put into it. Roger said what they have put into it was part of the original agreement. Roger thought it should go out for bid; the use of Village property. Ben was not sure it should be taken out; he could see taking the word "storage" out. Roger again felt it should be taken out because it is directed to a private organization. Ben disagreed.

The Mayor said the first sentence says the Village has under its control a building and then below it gives that control to the Mantua Potato Festival; she did not understand why it would do that. Ben said that was the deal; the idea of it was the Potato Festival would allow other organizations to have meetings in there. Ben felt it should stay the Potato Festival's responsibility. Michele said we could not make it the Potato Festival's responsibility; it has to remain under our control. Donna said we could not do it that way or we would have to bid it out; we really should take out the Potato Festival section of it. Ben does not agree with that. Roger said he did not have a problem with bidding it out. Ben and Linda both felt it should not be bid out. Ben said if we take it out then it has to be bid out. Donna said, no, if the Mantua Potato Festival is taken out then it would not have to be bid out. Ben did not agree with Donna.

Michele said it is whatever this Council wants to express as its intent. The way she reads it; the Potato Festival has already expressed a desire to use a portion of this building. That is expressed in the second "whereas" clause, the third "whereas" clause expresses the fact that although we have not heard from other organizations, they may in the future express a desire to use it. Michele said it could come out; it really makes no difference. Ben does not believe it should come out; the Village is going to be responsible. Linda said that is why she felt it could come out because we would have responsibility for it. Is there some way we could take it out and give the Potato Festival "first preference". Ben felt this is going to cause many problems. Donna said she thought the way Michele explained it, it kind of does that, gives them preference. Roger wondered how you could give any one-organization preference on a public building. Donna said you are not; the Mantua Potato Festival "desires" under the first "whereas". The third "whereas" would be other

organizations may also use the facility. Roger asked if other organizations come to them before this ordinance is put together, should they be included. Donna said she guessed by the third reading if there were others that wanted to be included, they could be.

Giles wanted to step back and look at the Veterans of Foreign Wars, which is housed in a Village building; they have a lease. Michele said no, they have an agreement for use. Giles said the Potato Festival could have the same agreement for use. Michele said, however, we cannot relinquish complete control. Giles agreed, but they would have exclusive use of their portion of that building. Michele said yes, but the building in general is under our control. Giles said yes, we cannot lease their portion of the building out. Ben said if we take that out, it is going to happen. Roger asked Ben if we take what out. Ben said if we take out that second sentence where it says, the Mantua Potato Festival desires, there will be problems and he disagrees with it. Giles said you will have those men up here looking at us very mean and he does not want that. Linda asked Giles if he was talking about the American Legion. Giles said yes, but we are also talking about other Village properties and we have organizations very similar to the Potato Festival who have exclusive use of them. Linda added that we did not put the American Legion building up for bid before we leased it to them. Ben said all we are trying to do is establish language for the Potato Festival; it needs to be left in. Michele asked if someone would like to refer it back to Finance for more work. Roger asked whether it will be left in or taken out, do we need to vote on it. Michele said Council does not have to do anything tonight; it was just under discussion.

Donna felt Council should let it go for tonight and work it all out; you have three readings. Linda Clark said she just did not want to alienate the Potato Festival. Ben said by taking it out, you will. This will not go on Friday's agenda; it will wait until January.

**RESOLUTION 2010-61: A RESOLUTION AUTHORIZING THE MAYOR AND CLERK-TREASURER OF THE VILLAGE OF MANTUA TO EXECUTE THE AMENDMENT TO THE CONSORTIUM AGREEMENT BETWEEN ROBINSON HEALTH AFFILIATES AND THE MEMBERS OF THE PORTAGE COUNTY DRUG & ALCOHOL TESTING CONSORTIUM, AND DECLARING AN EMERGENCY. 1st READING.** Friday meeting it will be on 2nd reading.

**RESOLUTION 2010-62: A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO ADVANCE FUNDS FROM THE GENERAL FUND TO THE SEWER DEBT FUND AND DECLARING AN EMERGENCY. 1st READING.** Friday meeting it will be on 2nd reading.

### **Committee Reports:**

Police Chief, Harry Buchert reported his department has received several donations, which he would like Council to accept. The first one is from the Mantua NAPA store who donated four brand new tires for our cruisers.

Motion to accept a donation of four tires valued at \$550.00 from NAPA and extends a big "Thank you" from B. Prescott with a second from L. Clark. All ayes on vote.

From the State of Ohio, the Police Department won a radar unit which Harry thought the value to be around \$2,000, but will verify that for the Clerk.

Motion to accept the radar unit from the State of Ohio valued at around \$2,000 made by B. Prescott with a second from L. Clark. All ayes on vote.

Chief Buchert wanted to publicly thank Mantaline Corporation and specifically Nancy Van Ginkle and Mark Trussel for allowing the Police Department to tie into their internet for our new surveillance system at the park. There will be no Safety meeting for December; the

meeting will be the last Thursday of January. Harry wished everyone a Merry Christmas & Happy New Year.

Mayor Hawkins, as Interim Village Administrator, reported the recent hiring of three snowplow drivers who are all trained. They have been struggling to maintain our equipment and keep up with the snow. Donna especially wanted to thank Vic Grimm and the Mantua Township Trustees for stepping in to lend us a hand last Monday.

Brian Rogers with C.T. Consultants, reported Rich lafelice attending the last Service meeting. Regarding the Franklin/Regan storm sewer project, the time extension was to July 31 of this year. We need to respond to OPWC to let them know our intentions. The second project was the Crestwood Northeast Quadrant waterline with a deadline of December 31 of this year.

As soon as the Clerk has all the paperwork on the OWDA trail project, Brian can submit reimbursement to the State. Jenny said she does not have anything in man-hours as of yet.

**Shade Tree:** Linda Clark reported they would be having a meeting in January before the public hearing.

**Service:** Linda Clark said regarding the report on Service, Linda Schilling was going to get her something typed up; however, she will be going off her own notes on what was discussed at the last meeting. The heat tape/gutter guard will be going up as weather permits. Jenny was going to check on the dollar amount and they decided to wait because first, it cannot be put up with all the ice and snow on the roof right now. Second, if in the near future we will be hiring a new Village Administrator, it may be something we could install ourselves to save a few dollars.

There was discussion with the Service Department regarding vacation time to provide notification to the Clerk's office and put a notice on her door when their office would be closed. In addition, to arrange with the Clerk to take care of any deposits for water and wastewater payments so that money does not sit for a week. There was discussion on the Christmas tree down at the Park Lodge; unfortunately, we do not have the manpower to put that up. We discussed plow truck training, which the Mayor said has been taken care of now. There was discussion on leaves still not being picked up. We discussed why we had to purchase a new plow instead of repairing the one we had. We went over how appropriations work again and discussed the water line break on Ambler Lane and how quickly it was handled. We discussed the condition of the service garage as far as it being in disarray and how to clean it up. Roger offered two weeks of his time and said he could get the building organized. Linda has the report on what Rich lafelice and C.T. wanted Service to go over, however, if Council would not mind, she would rather wait and go over it when Marty is here so when we are ready to make a vote, we can, hopefully Friday. Ben would prefer Friday.

**Parks:** There was no report since Marty was absent tonight.

**Planning:** Mayor Hawkins said she had nothing to report except they will be having a public hearing on January 18 at 6:45 p.m. prior to the Council meeting. On the agenda for their meeting tonight, they had numerous projects before them including new construction of a two family home, an addition to a business and division of property.

**Finance:** Ben said he had nothing to report, Jenny has said it all. The next Finance meeting is the Thursday before Council, January 13 at 6:00 p.m.

**BZA:** Roger had nothing to report.

**Safety:** Giles thanked Mantua NAPA for their donation of tires. One safety issue they discussed was the laptop for the patrol car. It was probably one of the emergency purchase orders that Jenny received but unfortunately, we needed to get that back into the patrol car. Jenny said the whole reason for the December 1 cutoff is to be able to get the invoice in time for Council to approve and get it paid. Harry was able to get that invoice to us. The Fire Board is moving ahead with several projects; he missed that meeting stuck in gridlock in Cleveland but Marty was able to attend. The agreement has been signed with the full-time employees. Harry asked whether the agreement for dispatch has been signed. Giles hoped it was signed that night, it should have been. Giles will check on it. He commended our Safety forces for doing a great job during our snowstorm with credit also going to our Service Department as well.

**New or Other Business:** There will be a special Council meeting scheduled this Friday, December 17 at 6:00 p.m. (We have numerous pieces of legislation, which must be passed this year that can only be passed on emergency with 5 of 6 votes. We have two members of Council absent tonight.)

**Public:** Nothing.

Motion to go into executive session at 8:01 p.m. for personnel employment/discipline and pending litigation made by R. Hawkins with a second from B Prescott. All ayes on vote.

Motion to reconvene into regular session at 9:21 p.m. made by B. Prescott with a second from G. Seith. All ayes on vote.

First regarding the Vyhna vs. Shultz and Village of Mantua litigation, which may be nearly settled, Michele would ask Council for approval to authorize the Solicitor to resolve it subject to the Board of Zoning Appeals approval.

Motion to authorize the Village Solicitor to engage in negotiations to settle made by B. Prescott with a second from L. Clark. All ayes on vote.

The Mayor stated that Linda Clark asked to be reminded of something she wanted to bring up. Linda asked if she could bring up for discussion the NOPEC Grant on Friday night. Ben said yes. Jenny will make a note of it for the agenda.

Second, Michele said we need official action from Council to accept the revised "job description" for Village Administrator, exhibit "A" based on the ORC description and our own codified ordinances. A salary to start of \$33,000 per year based on 30 hours per week and \$31.74 per hour for hours over 40 hours per week, uniform allowance of \$400.00 per year beginning January 1.

Motion to adopt the job description for Village Administrator as noted made by B. Prescott with a second from L. Clark. All ayes on vote.

Mayor Hawkins thanked Council for their support during this transition and the search for a new Village Administrator. She received many resumes and has selected what she considers to be an outstanding candidate for this position. He has over seventeen years of municipal experience. He is a "hands on" administrator with outstanding heavy equipment experience. Safety trained, has overseen maintenance of roads including three state routes. Storm sewers, water lines, parks and facilities, vehicle and equipment repair. He comes to us with such recommendations from his previous employers, as a pleasure to work with, well loved by administration and citizens alike. Runs machinery exceedingly

well, not only a supervisor but also worked hard doing it all. Words such as “devoted” “excellent” “top quality guy” “knowledgeable” and “very patient” describe him. Both municipalities he worked for comments were made that they wished they could have him back. With that said, the Mayor would like to make the appointment of Anthony Fiorilli III and ask for Council’s approval pending his acceptance of Councils offering.

Motion to appoint Anthony Fiorilli III as Village Administrator made by B. Prescott with a second from G. Seith. All ayes on vote.

Motion to adjourn the meeting at 9:26 p.m. made by B. Prescott with a second from G. Seith. All ayes on vote.

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Mayor Donna Hawkins

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Clerk-Treasurer Jenny August