

REGULAR COUNCIL MEETING

MINUTES
April 21st, 2020
6:30 PM
(amended)

Mayor Clark called the meeting to order at 6:30 pm and led the Pledge of Allegiance and asked for a moment of silence for first responders and people suffering with or lost to the Corona virus.

Roll Call: Marty Hura, Paula Tubalkain, Dave Sluka, Scott Weaver and Ben Prescott.

Other Village Personnel: Linda Clark, Mayor; Clerk- Treasurer, Jenny August; Village Solicitor, Michele Stuck; Village Administrator, John Trew; Police Chief Joe Urso; Village Engineer, Rich Iafelice.

Citizens Present: Harry Buchert

Nomination of Council President due to the resignation of Robert Gaglione:

Ben, Dave, and Marty had no nominations. Paula said if there are no nominations, she will nominate herself. Scott nominated Dave Sluka.

Roll Call: Paula voted for Paula, Ben voted for Paula, Scott voted for Dave, Dave voted for Dave, Marty voted for Dave. Dave Sluka is Council President for the remainder of 2020.

Acceptance of the regular Minutes of February 18, 2020:

- ❖ Ben Prescott moved to approve the minutes from the February 18, 2020 Regular Council meeting, with a second from Scott Weaver. All voted aye.

Approval of the February 25, 2020 Special Council meeting.

- ❖ Scott Weaver moved to approve the Special Council minutes from the February 25, 2020 with a second from Ben Prescott. All voted aye.

Mayors Report:

The Mayor wanted to thank everyone for following the social distancing for the last month and a half. Now that President Trump and Governor DeWine are starting to work on reopening the Country and our state back up, she encourages everyone to continue to follow the guide lines that are put out. We will get through this.

Special Events for approval: Mayor Clark asked if they want to hold off, or approve everything contingent upon social guidelines from Governor DeWine. There is Cinco de Mayo on May 5, Art on the Hill July 11, Potato Stomp on Sept. 12, Potato Festival Sept 7-13, and Turkey Trot on Nov. 25th.

- ❖ Scott Weaver moved to decline the May 5, and approve the rest as long as the Governor's social guidelines are followed. Marty Hura seconded. All ayes on vote.

Work Authorizations from CT

Feb 14, 2020 Continued Negotiation and Rate Analysis not to exceed \$11,000.00.

- ❖ Dave Sluka moved to approve, Scott Weaver seconded. Ben voted no, all others voted yes.

Feb 18, 2020 Prospect St Roadway and drainage Phase 2 not to exceed \$7,500.00

- ❖ Scott Weaver moved to approve, Marty Hura seconded. Paula and Ben voted no, all others voted yes.

Feb 18, 2020 Restoration 44 site plan review for \$500.00

- ❖ Dave Sluka moved to approve, Scott Weaver seconded. All ayes on vote.

March 27, 2020 Orchard Street Widening easement not to exceed \$800.00. This is for an easement for Ohio Edison to have their poles on Compass's property.

- ❖ Scott Weaver moved to approve, Dave Sluka seconded. All ayes on vote.

March 31, 2020 Buchert Park Phase 2 and 3. Mayor Clark presented that DMRC had requested changes to combine 2 and 3, which created an additional lump sum fee of \$4,000.00. Paula said that she thinks it is being misrepresented from the DMRC perspective. DMRC did not ask for it to be reevaluated. The amount that came through for the phase 2, and then the reassessment by CT that they could not do the walkway as they had presented that caused a need for a redesign. Because not having seen the Phase 2 grant submission, Paula doubts they did all of the work that was necessary for the engineering or they would have realized the fence needed to be moved and the pathway would need a foundation. So finally when they came back that it was approved, CT said it was DMRC's fault because they said to go forward with it. When we went back for the reassessment for phase 2 and 3, we knew there was \$53,000 of grant money on phase 2 and we were being told there is no way it is going to work based on the original route submitted in the grant. That is when she and Marty agreed to walk it and make recommendations.

When we (Marty and Paula) met with Gene Archer, and addressed with him how they needed to go about the adjustment for the phase 2, and we also walked the Phase 3 route that needed to be designed. When I saw the grant work for phase three, it was quite expensive and it contained a lot more detail than phase 2. The question is who is funding this. This is not DMRC's issue. This was a failure at the beginning of the phase 2 analysis. Paula asked Jenny where the funds for this coming from. Jenny said if DMRC is not paying for this, Council must decide if it is coming out of the General Fund or Park Improvement.

Rich said phase 2 grant that the village approved that DMRC created was submitted and the grant was received. During the course of the work, he indicated in February that the phase 2 route was not going to work. He thinks DMRC did not take the efforts to really look at how the route was physically set up. The application was successful, although the route was something that was not going to be able to be built to the budget. The phase 3 route prescribed to us was cost prohibited. Paula and Marty walked it with Gene and we modified phase 2 and 3 so it was within the budget of the phase 2 grant. All of that work was unforeseen.

Marty asked where phase 2 ends. Rich said it goes northerly across the street and moves east, then is picked up in phase 3.

Paula said the grant write up for phase 2 was done by C.T. and the DMRC made recommendations as to how they would like it to go. The cost they came back with and proposed for phase 2 came to the \$34,000 grant and DMRC donated the remainder. This is a lack of engineering work. The rework for the phase 3 grant proposal is extensive and not part of

the phase 2 grant proposal. The engineering work was not performed until after the fact. Rich disagrees.

Dave asked for clarification on the costs. Rich said \$4000. Rich said he indicated to Council that the DMRC route may not work. There was no engineering done before submitting the application. When they filed the application with DMRC's design, Rich was sure that he indicated to Council that the design might not work. There was no engineering done.

Scott said we had one week to decide, so due to time constraints, the numbers were used from phase 1 to get the grant, so there was no engineering done.

Paula said we also need to look at the phase 2 submission and see if we have paid C.T. the \$4000. If you look at the grant, they did not hold true to an engineer's responsibility.

The Mayor asked Rich if they usually bill us after the application has been approved. He did not think the cost to file the Nature works application cost the village anything, because there was no Engineering. Jennifer Brown just submitted the design provided by DMRC.

Mayor Clark said this work authorization is the combination of phase 2 and phase 3 and the additional cost due to combining the two. Rich said because of the changes, they revised the route of phase 3, and mapped out, exhibits, cost estimates, and revised phase 2 to meet the budget and the grant. Scott said they brought phase 2 in under the grant. Scott said it is always done last minute, for years. Paula said the Parks Commission is encouraged to be considering these projects. Scott said it is a \$4,000 mistake because it was done last minute. It is a mistake that we can't absorb.

Mayor Clark asked Council if they want to just do phase 2 and turn back phase 3 for now. Rich said the Nature works grant for phase two funding is still approved, and we can proceed to solicit bids. The design for phase 2 is nearly completed. The route is redesigned to meet the budget.

- ❖ Marty Hura moved to approve the additional \$4,000 work authorization for C.T. Consultants for phase 2 and 3 of Buchert Park Trail. Scott Weaver seconded. Marty Hura voted yes, all others voted no.

March 30, 2020 EPA Reservoir mandated repairs additional engineering. C.T. was willing to reduce cost to \$25,500.00. Ben said we already have approved \$70,000 for CT for this project. We have to cut them off or we will go in the red.

Paula said CT started working on this since 2016. She said Rich has come up with another \$100,000 for this project after the application was submitted, and now we are being charged for the design work? Rich said a \$6,500 study was approved to consider the storage of water during construction. The additional cost is to redesign the new tank, structure and foundation since it was determined that the roof could not be replaced. Paula said as the project was started, she would have thought some of the structural engineering would have been done before for the grant money. This didn't come out until you started talking to the county about it, then it is \$100,000 more. John said the structural engineer came out in July and determined that the mortar would not hold a roof. That is when we moved to the new structure.

Rich said looking back, they did a \$6500 analysis, and if they had done the structural analysis would have cost more money then, and reduced what is spent now. That is why he is willing to reduce the original request by \$6,500. Paula said she asked the Mayor at the Finance meeting if she had any of the plans proposed for this structure. Do we have those designs available? Rich said he sent those designs to the Mayor and John.

- ❖ Scott moved to approve the CT Work Authorization for \$25,500. Marty Hura seconded. Ben voted no, all others voted yes.

Citizens:

No citizens.

Financial Reports:

Jenny said we will have first reading on the 2021 budget, and asked if they would like to set up a workshop to work on the budget. Council agreed to meet at 5:30 before Finance.

Jenny said we are seeing a consistent 60% increase for the first quarter in gas tax compared to last year. Monthly gas tax checks for the last three months are decreasing though, so it looks like people are staying home. Regarding Local Government distributions, we are seeing decreases. Interest rates are dropping, but she was able to negotiate a new interest rate for our checking account of a fixed 1% which will get us about \$1,000 per month. Jenny invited questions on the financial reports. There were none.

Harry Buchert asked if the village is taking steps to save money to cover lost revenues due to this pandemic, no SRO money coming in, and Mantaline having temporary shutdowns which will reduce income tax. He asked if Council would consider emergency spending only and only have approval by the Mayor and Finance Chair. Paula said Harry made a good point, and she agrees that our income will be reduced. She said there are always going to be regular expenses. Paula said if anything, she would suggest expenditures over \$1000 being approved by Council.

- ❖ Dave Sluka moved to approve the Financial Reports with a 2nd by Scott Weaver- All Ayes on vote.

Correspondence:

Mayor Clarks said everyone was provided a copy in their Council packet of the letter she sent to the Commissioners. The Commissioners responded that they are willing to sit down and do an agreement to run the plants again.

There was also a letter from Chelsea Gregor.

The Mayor wanted to let us know that she spoke with Scott Rafferty from North Shore and after discussion with Jenny and Michele, we have signed an agreement for 36 months. We reduced our kilowatt cost from 4.862 to 3.454 through Direct Energy.

The Mayor spoke with Todd Peetz from Regional Planning. We need 29 more LMI studies completed. If 11 of those 29 qualify as low to moderate income, that will help us out. Paula said we need to give a big thank you to Sarah Jane Pilgrim (aka Jane Cartwright), Ursula Ficht, and Lois Summerlin for their efforts to contact people to complete the survey.

We have received 2 letters of interest from Jason Wysong and Tammy Meyer, and 3 inquiries. Council has 30 days to find someone, (May 12th) and after that the Mayor has the right to appoint someone. Scott has not seen it in the paper yet, and he doesn't think we should go out and hand

pick who we want. Two letters are not enough. Paula said in the past, we have just gotten one letter and gone forward. She recommends that we advertise a deadline and have a special Council meeting in order to do this in a 30 day time frame. Dave asked if we could interview them. Michele said she can interview them at the meeting, and even set up an executive session in zoom. The special meeting was set for April 30th at 6:00 pm. The deadline to submit letters of interest will be April 28th.

Bills of Resolution, Addendum Bills of Resolution

- ❖ Motion to approve the Bills of Resolution and Addendum Bills of Resolution by Scott Weaver, 2nd by Ben Prescott- All ayes on vote.

Legislation:

ORD. 2019-60 AN ORDINANCE AMENDING SECTIONS 921.08(b) AND 941.14(k) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, INCREASING THE MONTHLY FIXED WATER AND SEWER CAPITAL IMPROVEMENT CHARGES IN ORDER TO FUND THE IMMEDIATE AND LONG-TERM REPAIR AND REPLACEMENT NEEDS OF THE VILLAGE'S WATER AND WASTEWATER SYSTEMS. Tabled on 3rd Reading. Due to new legislation from Service Committee, we do not need this.

- ❖ Motion to take off the table by Dave Sluka seconded by Scott Weaver. All ayes on vote.
- ❖ Motion to approve by Ben Prescott, seconded by Paula Tubalkain. All voted no.

RES. 2020-02 A RESOLUTION AUTHORIZING AND DIRECTING THE PORTAGE COUNTY BOARD OF ELECTIONS TO PLACE UPON THE NOVEMBER 3, 2020 GENERAL ELECTION BALLOT IN THE VILLAGE OF MANTUA, THE QUESTION OF WHETHER ORDINANCE 2019-49, AUTHORIZING THE MANTUA VILLAGE-COUNTY OF PORTAGE WATER AND SANITARY SEWER SYSTEMS TRANSFER AGREEMENT, SHALL BE APPROVED OR REJECTED. 3rd Reading.

- ❖ Motion to approve by Paula Tubalkain, seconded by Scott Weaver. All voted yes.

RES. 2020-13, A RESOLUTION GRANTING CONSENT TO THE OHIO DIRECTOR OF TRANSPORTATION TO COMPLETE PROJECT ID # 109334, BRIDGE INSPECTION PROGRAM SERVICES, AND DECLARING AN EMERGENCY. 1st Reading.

- ❖ Dave Sluka moved to suspend the rules. Scott Weaver seconded. All voted yes.
- ❖ Scott Weaver moved to approve. Dave Sluka seconded. All voted yes.

ORD. 2020-14 AN ORDINANCE AMENDING THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK RELATING TO PROCEDURE FOR FILLING VACANT POSITIONS, AND DECLARING AN EMERGENCY. 1st Reading.

- ❖ Dave Sluka moved to suspend the rules with a second from Paula Tubalkain. All voted yes.
- ❖ Scott Weaver moved to approve. Dave Sluka seconded. All voted yes.

ORD. 2020-15 AN ORDINANCE AMENDING SECTION 931.01 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE VILLAGE OF MANTUA, RELATING TO SEWER RATES, AND DECLARING AN EMERGENCY. 1st Reading.

- ❖ Scott Weaver moved to suspend the rules. Paula Tubalkain seconded. All voted yes.
- ❖ Paula Tubalkain moved to approve, Scott Weaver seconded. All voted yes.

ORD. 2020-16 AN ORDINANCE AMENDING SECTION 921.08(b) OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE VILLAGE OF MANTUA IN ORDER TO INCREASE THE MONTHLY FIXED WATER CAPITAL IMPROVEMENT CHARGE, AND DECLARING AN EMERGENCY. 1st Reading.

Ben said \$30 is too much. It needs to be dropped down to \$20. The water fund does not need that much. Dave asked if this recommendation came from Service. Ben said we have several hundred thousand extra in water right now. Scott said if the county is going to come back and run our plants again, they want to see some progress made on the needs list. Rich Iafelice said that he is surprised with the water increase, because on their analysis, they did not recommend increases in water. The analysis showed that the Reservoir and the new meter projects are covered. The water fund is healthy and the water plant debts are paid off. There are only so many projects you can do in a year.

- ❖ Paula Tubalkain moved to amend section 2 amount from \$32 per month per billing to \$22 per month per billing. with a second from Ben Prescott. All voted yes.

- ❖ Paula Tubalkain moved to suspend the rules, with a second from Ben Prescott. All voted yes.

- ❖ Ben Prescott moved to approve, with a second from Paula Tubalkain. All voted yes.

Regarding the county negotiations, Scott would like to know if there have been any discussions on the surcharge. He wants to know if these increases are staying in the ballpark with what the surcharge would be if the county were to take over so residents are not shell shocked. Dave Sluka said he personally thinks the county rates might be less than they are with this \$50 increase.

ORD. 2020-17 A RESOLUTION OPPOSING ELIMINATION OF THE U.S. CENSUS AKRON METROPOLITAN STATISTICAL AREA AND AUTHORIZING THE MAYOR, ON BEHALF OF THE COUNCIL OF THE VILLAGE OF MANTUA, TO PREPARE AND SUBMIT LETTERS OF OPPOSITION TO THIS INITIATIVE. 1st Reading.

- ❖ Paula Tubalkain moved to amend the 4th “Whereas” to insert the word “been” between the words has and part. Scott Weaver seconded. All voted yes.

- ❖ Scott Weaver moved to suspend the rules. Ben Prescott seconded. All voted yes.

- ❖ Motion to approve as amended by Scott Weaver. Ben Prescott seconded. All voted yes.

ORD. 2020-18 A RESOLUTION AUTHORIZING SOLICITATION OF BIDS FOR 500 RADIO READ WATER METERS, AND DECLARING AN EMERGENCY. 1st Reading.

Harry Buchert asked how this will be funded. At a previous Finance meeting, it was said that there would be a savings from the water-sewer clerk and also employees not having to read meters. Are we planning to lay off service department employees to cover the cost of the meters? Paula said in 2020-16 we have put additional money into Capital Improvements and this work could fall under a capital improvement.

- ❖ Scott Weaver moved to suspend the rules. Paula Tubalkain seconded. Ben voted no. All others voted yes.

- ❖ Motion to approve by Scott Weaver. Paula Tubalkain seconded. Ben voted no. All others voted yes.

ORD. 2020-19 AN ORDINANCE ACCEPTING AN EASEMENT AND PUBLIC RIGHT OF WAY FROM COMPASS REALTY LLC AND DECLARING AN EMERGENCY. 1st Reading. This is basically an easement for Ohio Edison to place poles on Compass property.

- ❖ Paula Tubalkain moved to suspend the rules. Dave Sluka seconded. All voted yes.
- ❖ Motion to approve by Dave Sluka. Marty Hura seconded. All voted yes.

ORD. 2020-20 AN ORDINANCE APPROVING AND ADOPTING A PERMANENT BUDGET FOR 2021 FOR THE VILLAGE OF MANTUA, AFTER PUBLICATION AND PUBLIC BUDGET HEARING PURSUANT TO OHIO REVISED CODE 5705.30. 1st
 Reading. There will be a budget workshop May 13th at 5:30. This goes to second reading.

Addendum for Proposed Correspondence:

Mayor Clark said regarding the Addendum about letters to send for delinquent water-sewer payments. Do we want to assess late fee's, or freeze late fee's if they stay current on past due payments? Scott said they need to stay current on payment plans, and no grace period. Michele said this discussion is whether or not we are assessing or waiving late fees during the corona virus with this letter.

- ❖ Ben Prescott moved to waive late fee's during the corona virus EPA order to not shut off, with a second from Marty Hura. All voted yes.

Department Heads and Village Engineer

Police Chief Urso:

Safety met April 1st. We sold the 2007 Chevy Impala. The 2004 Explorer sold but the buyer has not paid yet. We discussed the full time road officer, which is on hold pending the outcome of the corona virus situation. Governor said kids are not going back to school, so SRO will be a road officer. We are 100% switched to Marcs radio system. The second dispatch console has arrived and is installed. We do have a few area residents that have tested positive for Covid-19. We received a donation of gloves and hand sanitizer, and he asked Ohio Assoc. for Chiefs of Police for masks and sanitizer supplies. The next meeting is May 6th, likely on Zoom. A member of the public asked if there was more than one bid on the vehicle and also wanted to know why we couldn't just sell them outright. Michele said we considered them to be worth more than \$1000 so we had to do a competitive bid.

Village Administrator John Trew:

The sewer line project and the easement is done and complete. Water bills will be estimated if they can't read them remotely. People must call in or else it is estimated. John has prepared a list of about 16 projects for this summer such as missing grates, etc.

Mayor Clark said the Stutzman's and the Mantua Professional Association letter "Water replacement" letters Council had Michele send out. John said Benner's are going to just leave the master meter in and said to just put the surcharge on all meters. Stutzman never removed her 4 meters but did put in a master meter after being informed not to do so. Does Council want the Chief to proceed with charges or how do you want to handle it? Ben said just enforce our ordinance. If we have to take them to court, take them to court. Scott, Dave and Marty agreed. Paula declined comment.

- ❖ Scott Weaver moved to have Chief Urso file complaints against the two recipients of the letters for violations of ORC section 4933.22 tampering with hydrant or meter. Marty Hura seconded. All ayes on vote.

A Park St. property owner come to village hall a year ago came in and requested that we shut off the water to a vacant property. He was advised that John would contact him. John says he never

got the message. The resident stopped in again after a time and asked again and was told that we couldn't shut him off. The house was vacant last year and until the end of February. So he has been getting a minimum bill every month since then. Last month when we asked for residents to read their meters and call or drop the reading off. You can tell from his actual meter reading in March that there has been virtually no usage. He did state that the end of February that he let a local family that he found homeless stay at the house for 3 weeks and he is willing to pay for one month. He is requesting that Council forgive the minimum charges he was billed every month except for the month of February when he allowed someone to stay there. This was discussed at Service and is Council willing to forgive this and bill him for one-month minimum?

❖ Ben Prescott moved to forgive the water bills from Park St. except for one month when it was occupied, with a second from Paula Tubalkain. All ayes on vote.

Scott would like to discuss the process of shutting people off or in activating their account when they request to be shut off. This will be discussed at the Service meeting.

Village Engineer from C.T. Consultants:

Rich said he mentioned earlier that he wanted to advertise for Orchard Street Widening bids. The construction cost estimate is less than \$50,000 and within budget. The grant was approved.

❖ Ben Prescott moved to solicit bids for the Orchard St. project, with a second from Paula. All voted yes.

Rich would also like authorization to solicit bids for Buchert Park phase 2. This is in the grant and CT is trying to confirm that ODNR is releasing funds.

❖ Paula moved to have bids prepared and solicited for Phase 2 of the Buchert Park Trail. Scott Weaver seconded. All voted yes.

Prospect St. phase 2 deadline to submit was in March. Rich completed it and the Small Government fund is now being delayed.

Relating to the new tank, he wants to first confirm that those funds are going to be available. He has heard that funding may be ceased. He is waiting on confirmation so they do not proceed with the design if they are going to have to wait a year for disbursements. Rich shared a rendering of what the new water tank will look like. It is a stainless steel geodesic dome structure to the west of the booster station. Paula asked if we will be required to buy more property? Rich said the landowner may consider donating the land.

Committees

Scott Weaver for Service, and Planning:

Planning- Scott said Planning was cancelled.

Service- Service was covered. We discussed rates, billing, and Ordinance 2018-58 regarding sections 921-02 and 941-02 and also purchasing new meters. Council agreed to table it until next month.

Marty Hura for Parks and Shade Tree:

Marty said Parks and Shade Tree will meet tomorrow night.

Mayor Clark for Cemetery, and Board of Zoning Appeals:

Cemetery Board met in March and they approved the letter to be submitted to the Trust for \$15,465.50. Patti had been contacted to see about putting up Xmas trees on graves over Holiday.

It is already in section 955.12.D not to exceed 18 inches tall or the highest point of the headstone. They are allowed to be put up 7 days prior to Holiday and removed 7 days after. Had Patty and Cookie sign a Volunteer waiver form.

BZA- Nothing at this time

Paula Tubalkain for Safety and Portage County Regional Planning: Regional Planning did not have a meeting. Paula said the Chief covered Safety.

Dave Sluka for Finance-

In Finance, we reviewed legislation and started looking at the budget.

New and Other Business-

Mayor Clark said Scotland Yard won the mowing bid.

The flowers for Main St. are \$770 and that includes the bridge planters.

Anything else that may properly come before Council- Nothing

Adjournment

❖ Motion to adjourn at 9:23 by Ben Prescott, seconded by Dave Sluka. All voted yes.

Mayor Linda Clark

Jenny August, Clerk-Treasurer