

# Council Meeting

## December 20, 2022

Call to order at 6:30 PM by Mayor Linda Clark

Pledge of Allegiance, and a moment of silence for Larry Lietzow

Roll Call: Steve Thorn, Heather Paisley, Tammy Meyer, Marty Hura, Scott Weaver

❖ Tammy made a motion to excuse Nina Schroeder. Marty second. All ayes.

Others present: Mayor Linda Clark, Solicitor Michele Stuck, Chief Joe Urso, Village Administrator Greg Thomas (via Zoom), Fiscal Officer Maryann Fabian, Village Engineer Gene Arters (via Zoom).

Citizens present: Terri Lewis, Tanema Lease, Vickie Wilcox, Linda Wilke, Miranda Brothers, Kevin Maloney, Lauren Weaver, Stephanie Morhidge, Randi Lyle, Jill Peterson, Barbara Stiebelling, Lee Lundblad, Brooklynn Meyer, Riley Meyer, Chuck Peterson, Phil Rath, Cookie Vanek, David Yoder, Chavon Yoder, Clark Magdych, Cory Turnbull, Wendy Davis, Sam Paratore

### Mayors Report

Mayor Clark submitted request for license fee tax auditor reports for the year January 2022 through December 2022. They will be compiled after January 03, 2023 and send to us. Heather has volunteered to review and when she completes the review she will get with me to go over before it is submitted to state BMV for any changes.

Volunteer committee members that expire on 12/31/22

### Landmark Commission

Clark Magdych will not be returning

Jaden Slovensky will not be returning

2 other seats vacant

### Parks

Nina Schroeder have not heard back from her yet

Don Buchert have not heard back from him yet

Cookie Vanek will do another term

### Shade Tree

Don Buchert (parks board rep) have not heard back from him

one vacant seat

### BZA

Wes Hawkins will do another term

Portage County Water Resources wants permission to make Mats Rd passible for their vehicles so they won't have to use the Compass/Stamm easement drive. They would put in gravel and geotextile. There is no time line when they will be doing so.

❖ Scott made a motion to approve. Steve second. All ayes.

Work authorization for CT on the water issue on the west side of Village Hall. \$3000.00.

❖ Heather made a motion to approve. Tammy second. All ayes.

Mayor Clark was approached by Tim Benner. He wants to work with the American Legion to put a plaque by the cannon at village hall.

### Citizens

Mayor Clark went around the room and asked all the citizens if they had any comments or questions. The following did.

Phil Rath is the DMRC liaison. He said that they have been working on the Friends Campaign and so far, have over \$19,000 for projects in the Village. The Reverse Raffle is coming up on April 1<sup>st</sup> at St. Joe's. He also inquired about where to start the discussion about heavy traffic and parking at Art-on-the-Hill. Mayor Clark stated the conversation should start at the Safety Committee. Phil also asked if there was anything to go back to the DMRC, and Steve Thorn stated he was not getting the minutes from the DMRC meetings.

Chuck Peterson said he came to the meeting because he was concerned about the investigation, reading the articles that have been published. Mayor Clark explained that it is an ongoing investigation, Council wanted to first check into a relationship between two of our officers but there is nothing in the handbook that cites that it cannot happen. Then they had other concerns that the investigator is checking into. Chuck asked if we had a time line on when the investigation would be done. Mayor Clark stated that we did not.

Vickie Wilcox read the following letter into the minutes:

*Mayor Clark and Council:*

*I have read some of the articles that have been published and have attended a meeting, in reference to the allegations being brought against Chief Urso and Patrolman Brothers. These allegations have been investigated and were "unfounded" by Mayor Clark, and council is now dragging Chief Urso and Ptl Brothers name and reputation thru the mud.*

*According to council the original allegation was that Chief Urso and Ptl Brothers were having a romantic relationship. Our employee hand book does not prevent them from having a relationship, therefore there are no violations. Ptl Brothers reports to Sgt Gilbert or Sgt Dunn according to the chain of command. Chief Urso and Ptl Brothers are not violating the policy defined in section 2.4C.*

*As stated in the handbook dated 12/21/2021*

#### *Section 2.4 Appointments*

*"Police officers, other than the Chief of Police and Auxiliary officers, are recommended by the Chief of Police, and appointed by the Mayor subject to confirmation of the Village Council. After the probationary period, pursuant to Ohio Revised Code 737.17 the Mayor shall transmit to the Village Council a record of the employee's service with recommendations to remove or finally appoint the employee. Prior to initial appointment, all such officers must submit to and pass a physical examination at the cost of the village, pursuant to Ohio Revised Code 737.16.*

#### *Subsection C*

*The Village of Mantua may not hire individuals who relatives are employees of the Village of Mantua. Employees shall be defined as all full-time employees and part-time employees, consultants, members of Village Council, and members of council-appointed bodies having direct oversight on expenditures. Persons involved in husband/wife, parent/child, parent/child-in-law, first cousins, aunt-uncle/niece and nephew, siblings, grandparent/grandchild relationship, and members of the same household, as defined by the United States Census Bureau, shall be considered relatives for the purpose of this regulation. It shall be incumbent upon applicants to make known such relationships. The council reserves the right to make decisions concerning the hiring of relatives on a case-by-case basis."*

#### *1. Exceptions*

##### *a. Existing Appointments:*

*b. Appointments where neither individual involved is employed in a supervisory or management position and where neither individual involved, or the work performed or the employment of either individual is or may be directly influenced by the other individual. The determination of such influence shall be at the discretion of the Council. To be eligible for this second exemption, employees must make application to the Council prior to any event, which would require exemption to allow continued employment. Failure to do so may result in the discharge of both parties.*

*The investigation should have stopped there. However, council is now demanding an outside investigator which is a waste of time and village money. Council has led the readers in the articles in print or on social media to believe that this is some type of criminal investigation. There is nothing criminal going on here. This request for another investigation has now turned this into a smear campaign, that can ruin the future employment for both of them. It is also creating a hostile work environment, which we did not have prior to September 20<sup>th</sup> of this year.*

*Chief Urso and Ptl Brothers have given everything to this department, they fill in shifts where needed, to make sure this department is able to run smoothly. Ptl Brothers has worked during her off time to make sure that the Mantua Police Department is getting out and meeting with people that we serve in our village, by starting up new annual events. We now have an Easter egg hunt, Halloween party a Toy/Food drive are the events currently. All of these events are advertised throughout the Village and various businesses. The Village businesses have helped tremendously, by donating items or time to Ptl Brothers, in order to offer a great opportunity to meet the Village residences. I have been fortunate to be able to help out with these events, the Community turnout is phenomenal. These events bring the community together. Unfortunately, I can count on one hand the number of Village Council Members that have attended or at the very least offered to donate time to help with during these events. They are promoting these events more than council, yet council gets the recognition when the name "Mantua" is in the newspaper articles or on social media.*

*Ptl Brothers has also stepped up and is assisting in dispatch, without her help this dispatch center would not be able to run 24/7. Chief Urso has been running this department with no issues what so ever. He has put in hundreds of hours to make this department what it is. We, as his employees, have a well-deserved strong comradery with him. I personally have never seen any sign of favoritism to Ptl Brothers or any other employee in that department. I read one of the articles that patrolman brothers was involved*

*in 2 crashes while in a patrol vehicle. On both occasion she was reprimanded, and according to the current Mantua Police Department handbook, end of story.*

*I have worked for this department for 12 years and I have always been 100% behind the Mantua Police Department. Since these allegations of misconduct and romantic relationships have started, I can honestly say I am embarrassed how our council people have handled this. Council has yet to show anyone the original complaint that was made. Council Members have argued about Chief Urso and Ptl Brothers not being transparent with alleged relationship, where is councils' transparency? Chief Urso and Ptl Brothers are entitled to know exactly who filed this complaint, and see the original copy of the complaint. As of right now, council has neglected to fulfill this duty. In fact, Council has become very argumentative with people attending the meetings and going so far as to actually verbally threaten an attendee at an open meeting, which is criminal.*

At this point during the reading of her letter Mayor Clark apologized for interrupting Vickie to say her 5 minutes was up. But asked for a copy of the letter.

Chavon Yoder read the following letter:

*I wrote a letter in hopes that people who read it will have a better understanding of the person who is being investigated. I had the pleasure of working with Chief Urso and several other officers during the 5 years I was the Crestwood Middle School Secretary. During this time, I gained an even greater respect for the department. Chief Urso truly cares about our community and his department. I have watched him sacrifice time with this own family and put himself last when making decisions because he puts the department first.*

*The investigation that is currently taking place looks and feels like a witch hunt. For what? I'm not sure, I can only speculate, but from my perspective it looks like council is overstepping their duties. They state that there is no policy against Chief Urso and Patrolman Brothers having a personal relationship outside of work, yet the list of questions being investigated sound like a deep dive into their personal lives and should have no bearing on whether or not they can do their jobs.*

*There have been several instances that I have seen noted in the newspaper stories and I would like to take a second to say they are deeply misconstrued. If in fact my child was at a home that I knew police was being dispatched to and my fastest way there was in the police cruiser I was driving, you bet I would take that car and get to my child. I don't know any mother that would have handled that situation any different. As far as the accident that occurred with the deer, it happens. We live in the country and there are deer, people hit them every day. I get officers are held to a higher standard but they are not perfect. It's called an accident for a reason. I would be interested to see the write-up in its entirety and verbatim not just a small piece that helps construe the one-sided story. I keep seeing notations for transparency but this is the opposite of transparency.*

*I'm actually kind of appalled that Mantua is wasting good tax dollars on an attorney to investigate something that is based on a non-violation of the handbook. Our police department is way underpaid as it is, and instead of funneling those funds into creating decent wages and incentives for officers to come to Mantua you are using the funds to diminish the integrity of the Chief. This right here is what creates a hostile work environment.*

*I have always been proud to say that I'm from Mantua. I made this place my home for over 20 years ago. I have proudly supported the efforts of this community through donations, taxes and volunteering. I am in disbelief that this is the way council is handling this situation and it's really embarrassing.*

*An officer of the law puts their life on the line every day to keep our town safe and for very little pay. Our department is underfunded and underappreciated. They spend the majority of their time covering shifts for the road, sporting events, community gatherings and making a presence inside of our schools all to keep each and every one of us safe. I personally wouldn't want their job and furthermore wouldn't even be able to pay my bills on their salary so it's time to call off this investigation and utilize these funds to do something worthwhile.*

*I could continue on for 10 more pages but I won't. Let's respect and appreciate the people who sacrifice so much for our community. They deserve it.*

Mayor Clark asked Chavon for a copy of this letter also.

#### Financial Reports

Maryann said that the financial reports had been reviewed in Finance. She said the last Tahoe payment was paid in November. The Village has received almost 109% of our estimated revenues. The Village has spent almost 82% of the appropriations, which is good for this time of the year. She added a new revenue code and appropriation code for the ½% increase in Municipal Income Tax. Although it shows that we have received \$31,739.29 at the end of November, RITA has just finished all the reports and the amounts will be updated in December. Maryann explained the "other adjusting factors" in the Bank Reconciliation was because the payroll date was December 1<sup>st</sup>, and some of the withholdings came out early. She asked if anyone had any questions. None were asked.

- ❖ Tammy made a motion to approve the financial reports. Scott second. All ayes.

Approval of previous Minutes

- ❖ Tammy made a motion to approve the minutes from the Council Minutes from 11.15.2022. Marty second. All ayes.
- ❖ Scott made a motion to approve the minutes from the Appropriations Workshop from 12.7.2022. Heather second. All ayes.

Legislation:

ORD. 2022-04 AN ORDINANCE REPEALING CHAPTER 159 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA AND DISSOLVING THE MANTUA VILLAGE HISTORIC LANDMARKS COMMISSION. Tabled on 2<sup>nd</sup> reading. Mayor Clark said that we were going to leave this on the table.

ORD. 2022-50 AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK. Tabled on 2<sup>nd</sup> reading. Mayor Clark said that we were going to leave this on the table.

ORD 2022-51 AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF MANTUA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023, AND DECLARING AN EMERGENCY. 3<sup>rd</sup> reading. Maryann read the amendments that were discussed at the Appropriations Workshop.

- ❖ Tammy made a motion to approve the amendments. Heather second. All ayes.
- ❖ Tammy made a motion to approve as amended. Scott second. All ayes.

RES 2022-56 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CT CONSULTANTS FOR THE PROVISION OF GENERAL ENGINEERING SERVICE, AND DECLARING AN EMERGENCY. 2<sup>nd</sup> reading.

- ❖ Scott made a motion to suspend the rules. Marty second. All ayes.
- ❖ Scott made a motion to approve. Marty second. All ayes.

RES 2022-58 A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER OF THE VILLAGE OF MANTUA TO ENTER INTO AN AGREEMENT FOR THE PROVISION OF DISPATCHING SERVICES TO THE MANTUA-SHALERSVILLE JOINT FIRE DISTRICT, AND DECLARING AN EMERGENCY. 1<sup>st</sup> reading

- ❖ Scott made a motion to suspend the rules. Tammy second. All ayes.
- ❖ Tammy made a motion to approve. Scott second. All ayes.

RES 2022-59 A RESOLUTION AUTHORIZING A REPAYMENT OF \$4,239.44 TO THE DOWNTOWN MANTUA REVITALIZATION CORPORATION AND DECLARING AN EMERGENCY. 1<sup>st</sup> reading

- ❖ Scott made a motion to suspend the rules. Marty second. All ayes.
- ❖ Steve made a motion to approve. Marty second. All ayes.

RES 2022-60 A RESOLUTION AUTHORIZING APPLICATION FOR A FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION GRANT, AND DECLARING AN EMERGENCY. 1<sup>st</sup> reading. Mayor explained that there was more information that the Village had to gather and this will be discussed at the January meeting.

RES 2022-61 A RESOLUTION DESIGNATING THE PROPERTY LOCATED AT 4531 WEST FRANKLIN STREET A HISTORIC LANDMARK IN THE VILLAGE OF MANTUA, OHIO. 1<sup>st</sup> reading. Clark had no comments. He was just at the meeting in case anyone had any questions. Mayor Clark said that she sent the applications to the State, and they had no concerns. Nathan Bevel (at the State) said that he does need a letter from Landmark Commission stating that the Landmark Commission wants to move this forward.

- ❖ Scott made a motion to suspend the rules. Tammy second. All ayes.
- ❖ Scott made a motion to approve. Marty second. All ayes.

RES 2022-62 A RESOLUTION DESIGNATING THE PROPERTY LOCATED AT 10783 MAIN STREET AS A HISTORIC LANDMARK IN THE VILLAGE OF MANTUA, OHIO. 1<sup>st</sup> reading.

- ❖ Heather made a motion to suspend the rules. Tammy second. All ayes.
- ❖ Tammy made a motion to approve. Steve second. All ayes.

Department Heads and Village Engineer-

Police Chief Joe Urso summarized the Safety meeting. He also asked for approval for a donation of \$1581 from Fill-a-Cruiser.

- ❖ Tammy made a motion to approve the donation. Steve second. All ayes.

Chief also asked people to be mindful of deliveries and your neighbor's deliveries of packages to ensure that they do not get stolen.

Village Administrator Greg Thomas summarized what the Service Department has been doing. The report is on file. Tammy asked who did he find to put the leaves that are collected in the Village. Greg replied that the guys are putting the bags in the bay at the service garage, and as they can, they put about 60-70 in the dumpster to be taken away.

Village Engineer Gene Arters from C.T. Consultants summarized his report that is on file. Mayor Clark asked Gene if he was going to get the Village a work authorization after the first of the year for Buchert Park Phase IV. He replied that he was.

#### Committee

- ♦ Scott summarized the Service Meeting. The Planning Commission meetings are canceled until April, unless something comes up.
- ♦ Tammy summarized the Finance Meeting. She turned in the minutes from the PCRFP although she could not attend due to a health issue. At the Fireboard meeting they discussed the contract with dispatch, and approved it. Swore in two part-time firefighters. EMS rates are increasing. They received \$500 donation for fire detectors and they also discussed the Bond going back on the ballot in May.
- ♦ Marty said that there was nothing to report for Parks and Shade Tree.
- ♦ Mayor Linda Clark reported for the Cemetery Board and said that there was nothing at this time. There was a burial at the Cemetery. There was no meeting of Board of Zoning Appeals.
- ♦ Heather said nothing for Safety Committee. She complimented the Service Department for fixing the lamp post in the front of village hall.

Mayor Clark asked if there was anything else.

Tammy talked about Sunshine law training and complimented the DMRC events in the Village.

Chief Urso hand delivered Village Council with a letter (Nina's copy was given to Scott Weaver) and said that they could decide if they wanted it read out loud or just to submit it to be included in the minutes. It was decided it will go into the minutes. The letter follows verbatim:

*December 20, 2022*

#### *Council Members:*

*This letter is to notify you in writing of some of your previous actions. On Tuesday, September 20, 2022, during your regular Council Meeting, Council Member Nina Shroeder attempted to go into Executive Session without a given reason. Council Member Nina Shroeder then received the required elements of the Statute needed to go in to Executive Session. Council Member Scott Weaver then made a motion at 8:06pm to go into Executive Session. Council Member Heather Paisely second the motion. All ayes. At 9:06pm, Council Member Nina Shroeder made a motion to come out of Executive Session, Council Member Heather Paisely second the motion. Council Member Scott Weaver then made a motion for Council President Tammy Meyer to draft a letter, filing a complaint of employee misconduct, and present the complaint to Mayor Linda Clark. Council Member Heather Paisely second the motion. All ayes.*

*On Tuesday, September 27, 2022, Council President and Complainant, Tammy Meyer, knowingly presented an official complaint to Mayor Linda Clark, witnessed by Village Solicitor Michele Stuck, without providing proof that an actual complaint had been properly filed. In that complaint, there are 2 references to the Mantua Village Employee Handbook. Specifically, the 4<sup>th</sup> and final sentence of Paragraph One of the Complaint which states: "Although our Employee Handbook does not, at present, prohibit a romantic relationship between supervisor and subordinate, concerning allegations have been made about the relationship between Urso and Brothers, and these allegations illustrate potential conflicts of interest, wrongdoings, and a lack of transparency." That particular statement communicates that Council acknowledges that there has been no violation of the Mantua Village Employee Handbook, yet still proceeded to initiate the investigation. The second reference is on page 3 of the Complaint. The Complaint states "NOTE: SHOULD ANY STATEMENT AGAINST A MANTUA EMPLOYEE PROVE TO HAVE BEEN FALSE OF UNTRUE, THE EMPLOYEE HAD THE RIGHT TO FILE A CIVIL SUIT AGAINST THE COMPLAINANT MAKING SUCH A STATEMENT AND/OR CRIMINAL CHARGES." This statement is incorrect, per Mantua Village Employee Handbook Section 8.2(l).*

*On Tuesday, October 18<sup>th</sup>, 2022, during your Regular Council Meeting, Council President Tammy Meyer asked for a motion to go into Executive Session to consider the investigation or charges or complaints against a public employee or official. Council Member Heather Paisely made the motion at 7:27pm, and Council Member Scott Weaver second the motion. All Ayes. At 7:50pm, Council Member Scott Weaver made a motion to come out of Executive Session, and Council Member Steve Thorn second the motion. All ayes. Council President Meyer then asked for a roll call on who to hire as an investigator. Council Members Scott Weaver, Heather Paisely, Nina Schroeder, Tammy Meyer, and Steve Thorn all voted for Dean DePiero. Council Member Marty Hura's absence from the meeting was voted on and he was excused at the beginning of the meeting.*

*Council is continually mentioning having transparency within the Village Government. However, to date, there has not been made available a formal initial written complaint which prompted this investigation into the alleged misconduct and wrongdoings that's stated within the complaint. This is not transparency, nor did Council follow proper procedures.*

*This letter is hereby presented to the Complainant and President of Council Tammy Meyer, during its regularly scheduled Council Meeting conducted in the Village of Mantua, County of Portage, State of Ohio.*

*Respectfully,*

*Joseph Urso*

*CC: File*

*CC: Mayor*

*CC: Village Solicitor*

*CC: Fiscal Officer*

*CC: Members of Council*

Tammy requested an executive session at 7:29 PM to consider the investigation of charges or complaints against a public employee or official. Heather second. All ayes.

Tammy requested to come out of executive session at 7:43 PM. Marty second. All ayes.

Adjournment

- ❖ Steve made a motion to adjourn at 7:44 PM. Marty second. All ayes.