

**Village of Mantua
Regular Council Meeting
August 15th, 2006**

Mayor Hopkins called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Roll Call: Claude Hopkins, Marty Hura, Wesley Hawkins, Ben Prescott, Jim Rogers, Linda Schilling, Giles Seith.

Others Present: Clerk–Treasurer Betsy Woolf, Asst. Clerk Susan Skrovan, Police Chief Harry Buchert, Village Administrator Ed Trego, Rich Iafelice with CT Consultants, Village Solicitor David Benjamin and Lyle Tayerle with Aflac Insurance

Minutes: A motion was made by L. Schilling to bring the minutes from the Council meeting of July 8, 2006 to the floor. Seconded by J. Rogers. All ayes on roll call. There was no discussion. Motion to approve as submitted made by L. Schilling and seconded by J. Rogers. All ayes on roll call.

Mayor Hopkins first thanked all the council members for dedicating the new building in his name. A special thank you was given to Linda Schilling and Harry Buchert for all their hard work and to David Benjamin for acting on the Mayor's behalf during the open house ceremony. Mayor Claude also noted his attendance for the dedication of the Shalersville Historical Society building as well as the Bicentennial. He was asked to attend the Portage County meeting for Issue 1 on Monday for funding. There is a new group established: CACT, Crestwood Action Coalition Team. Their goal is to help improve the lives of the elderly, underprivileged children and work with the 4C's.

Bills of Resolution: Motion to bring the bills of resolution to the floor made by L. Schilling with a second from B. Prescott. All ayes on roll call. There was no discussion. Motion to approve as submitted made by L. Schilling and seconded by J. Rogers. All ayes on vote.

Legislation:

ORDINANCE 2005-10 AN ORDINANCE (As Amended) ACCEPTING THE DEDICATION OF THE WATER/SANITARY SEWER HARDWARE OFFERED BY THE CRESTWOOD LOCAL SCHOOL BOARD OF EDUCATION AS A PART OF THE VILLAGE OF MANTUA WATER/SANITARY SEWER SYSTEM, ACCEPTANCE OF THIS DEDICATION IS CONDITIONED ON RECEIPT OF A COPY OF THE CERTIFICATE OF CONTRACT COMPLETION APPROVED BY THE CRESTWOOD SCHOOL DISTRICT BOARD, THE DATE OF WHICH ACCEPTANCE SHALL BE PART OF THE ONE YEAR WARRANTY GUARANTEE PERIOD AS FOR THE PROJECTS GENERAL CONDITION SECTION 11.3.1 AND DECLARED AN EMERGENCY. Remained at 2nd reading. Motion to bring to the floor made by L. Schilling with a second from J. Rogers. All ayes on roll call. Motion to pass on 2nd reading made by J. Rogers with a second from L. Schilling. All ayes on roll call. Motion to pass on 3rd and final reading made by L. Schilling with a second from J. Rogers. All ayes on vote.

ORDINANCE 2006-23 AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2006 APPROPRIATIONS DECLARING AN EMERGENCY. This is to put the \$14,000.00 into the trail for Gerald F. Buchert Park extension behind Mantaline. Motion to approve made by W. Hawkins with a second from L. Schilling. All ayes on roll call. Motion to suspend the rules made by M. Hura with a second from W. Hawkins. All ayes on roll call. Motion to approve the 3rd and final reading made by M Hura with a second from L. Schilling. All ayes on vote.

RESOLUTION 2006-24 A RESOLUTION DIRECTING AND APPROVING VILLAGE SOLICITOR DAVID M. BENJAMIN TO CONDUCT THE VILLAGE'S DEFENSE IN A LAWSUIT BROUGHT AGAINST IT BY ENERTECH ELECTRICAL, INC. AS PORTAGE COUNTY COMMON PLEAS COURT CASE NO. 2006-CV 682, TO RAISE ALL CLAIMS FOR RECOVERY TO WHICH THE VILLAGE IS ENTITLED, AND TO TAKE ALL OTHER STEPS HE DEEMS APPROPRIATE. Motion to bring to the floor made by L. Schilling with a second from J. Rogers. All ayes on roll call. B. Prescott asked if there was any way to settle this. W. Hawkins thought the council had discussion before on this situation, are they willing to settle this at all. Rich lafelice response was no. The Village and David Benjamin have made the initiative before to settle. David just arrived to the meeting and explained the situation; now he cannot even get a response. Motion to pass the resolution made by L. Schilling with a second from J. Rogers. All ayes on vote.

RESOLUTION 2006-25 A RESOLUTION AUTHORIZING AND DIRECTING VILLAGE ADMINISTRATOR R. EDWARD TREGO TO COMMUNICATE, ON BEHALF OF VILLAGE COUNCIL, WITH RESIDENT DONALD SYKES CONCERNING HIS UNSAFE FOILAGE, PURSUANT TO MANTUA CODE OF ORDINANCES SECTION 147.17, DIRECTING HIM TO COMPLETE CERTAIN MAINTENANCE, OR FACE THE COMPLETION OF THE MAINTENANCE BY THE VILLAGE AND THE ASSESSMENT OF THE CHARGES INVOLVED. Motion to bring to the floor made by W. Hawkins with a second by J. Rogers. All ayes on roll call. W. Hawkins asked who Donald Sykes is. E. Trego explained the situation with regard to notification given to a resident on a tree hazard. Motion to approve made by J. Rogers with a second from M. Hura. All ayes on vote.

ORDINANCE 2006-26 AN ORDINANCE REDUCING, PURSUANT TO MANTUA CODE OF ORDINANCES SECTION NO. 921.03(C) THE AMOUNT OF TAP-IN CHARGE ASSESSED AGAINST A BUSINESS KNOWN AS TL EXPRESS, AS A RESULT OF THE ECONOMIC DEVELOPMENT OPPORTUNITIES WHICH WILL RESULT FROM THIS DEVELOPMENT, AND DECLARING AN EMERGENCY, AS VILLAGE COUNCIL DESIRES TO IMPLEMENT THIS ACTIVITY AT THE EARLIEST POSSIBLE OPPORTUNITY. 1ST reading. Motion to bring to the floor made by W. Hawkins with a second from M. Hura. All ayes on roll call. Motion to pass on 1st reading made by W. Hawkins with a second from L. Schilling. All ayes on roll call. Motion to suspend the rules made by W. Hawkins with a second from J. Rogers. All ayes on roll call. Motion to pass on 3rd and final reading made by L. Schilling with a second from M. Hura. All ayes on vote.

ORDINANCE 2006-27 AN ORDINANCE APPROVING SUMMA HEALTH CARE INSURANCE/HOSPITALIZATION COVERAGE FOR THE TIME PERIOD SEPTEMBER 1, 2006 THROUGH SEPTEMBER 1, 2007, AUTHORIZING THE MAYOR AND THE VILLAGE CLERK-TREASURER TO ENTER INTO AN AGREEMENT TO THIS EFFECT, AND DECLARING AN EMERGENCY. 1ST reading. Motion to bring to the floor made by L. Schilling with a second from M. Hura. All ayes on roll call. W. Hawkins stated Larry Kaczmarek did attend a finance meeting and explained the substantial savings. Wes went on to explain the plan and benefits. E. Trego asked if Robinson Memorial Hospital was in the network. Robinson will be in the network soon. E. Trego asked since this takes effect on September 1, would there be some guidance to direct our employees as to what to do during the transition period should someone be going in for something during this time. W. Hawkins said he would take care of setting up a meeting. Motion to pass on 1st reading made by J. Rogers with a second from L. Schilling. All ayes on roll call. Motion to suspend the rules made by W. Hawkins with a second from M. Hura. All ayes on roll call. Motion to pass on 3rd and final reading made by L. Schilling with a second from M. Hura. All ayes on vote.

RESOLUTION 2006-28 A RESOLUTION MAKING CERTAIN FUND TRANSFERS BY THE CLERK-TREASURER IN ORDER TO MAKE PAYMENTS, AND DECLARING AN EMERGENCY. Motion to bring to the floor made by M. Hura with a second from L.

Schilling. All ayes on roll call. Clerk-Treasurer, Betsy Woolf explained this is to transfer money from the general fund for the Gerald F. Buchert Park trail leg extension. When the money comes in for this project it will be put back into the general fund. Motion to approve was made by M. Hura with a second from L Schilling. All ayes on vote.

A motion to accept all committee reports was made by M. Hura with a second from L. Schilling. All ayes on vote.

Lyle Tayerle representing AFLAC Insurance passed out information and explained the voluntary programs offered.

Police Chief Harry Buchert reported the new cars are here, however, they are still waiting for some equipment. He expects to have them on the road by 9/1. The police/dispatch will be moving into the new building on August 28. The Mantua Potato Festival referencing an ordinance for discharging firearms contacted Harry; they asked to have the ordinance waived during the festival to accommodate their paint gun booth. Harry contacted the liability insurance; they have no concerns. The owner of the booth has provided their insurance coverage. Marty asked about the paint booth regarding the mess involved and how would it be cleaned up. Linda explained. A motion to allow the waiver made by M. Hura with a second from J. Rogers. All ayes on vote.

Chief Buchert asked whether the health insurance would be a group enrollment. Betsy explained it would be just as before, a meeting will be set up to fill out forms and educate everyone on the plan. Harry asked if the deductible would carry over to the new plan. Wes will have Larry Kaczmarek contact each department head.

Village Administrator, Ed Trego, wanted to confirm Ordinance 2006-26 to make certain any tap-ins would be transferred into the specific water & sewer funds.

Rich lafelice with CT Consultants reported that Ohio Public Works approved a \$40,000 grant to the Village for the storm sewer project. The Village would pay their share of \$10,000. If approved by the State, the grant will be provided to the Village by July 2007. He also noted that the Buchert Trail extension is active.

David Benjamin commented the income tax enforcement has been going very well. One has refused to file. He would like to recommend to the judge some jail time. The cost to the Village is \$75.00 per day. David felt this would send a good message to others. He would like feedback from council. Jim Rogers asked David if the amount was substantial. He believes it could be; this person has not filed so no one has any idea of income. The remedy is a fine and/or imprisonment. Wes does not agree with jail time without knowing whether this person has an income. The Mayor and council will go into executive session for further discussion of the matter.

W. Hawkins asked about the planning meeting; the vote was to state David Pifer's property is within Village Center correct? Yes.

John Thomas introduced himself and stated he is running for the office of county commissioner as an independent and will be attending the Potato Festival. Thank you.

Scott Hollis had a question regarding the vet clinic. How did it get moved back as far as it did? Jim Rogers stated, where it is going is what was approved at an open planning commission. Scott wanted to know who moved it back to 148 feet from originally being 88

feet and authorized it. He stated Mr. Zoller did not know. Jim said he would get with Bill Zoller about it. Scott asked if it was in R-2. Jim said it is grand fathered in Village Center. Claude asked if they went to the BZA. Jim replied, no, it was not necessary. Jim explained the Village Center District. Wes stated the Village Center is a buffer zone between Residential and Commercial and that Scott should reference the regulations under Village Center. Linda asked if the old vet building would be torn down. Yes, it is supposed to be. More discussion followed on requirements for Village Center.

Motion to go into executive session at 7:55 p.m. on possible litigation made by M. Hura with a second by B. Prescott. All ayes on vote.

Motion to reconvene the meeting at 8:15 p.m. made by M. Hura with a second by W. Hawkins. All ayes on vote.

Motion to adjourn the meeting at 8:15 p.m. made by B. Prescott with a second by M. Hura. All ayes on vote.

Mayor Claude E. Hopkins

Clerk-Treasurer Betsy M. Woolf