

**Village of Mantua  
Regular Council Meeting  
May 20, 2008**

Mayor Hawkins called the meeting to order at 7:17 p.m. and asked Marty Hura to lead the pledge of Allegiance. The Mayor asked everyone to remain standing for a moment of silence for several individuals who recently passed away, Lucille (Reddi) Stamm, Jerry Cutlip and Don MacLearie.

**Roll Call:** Donna Hawkins, Jim Rogers, Linda Schilling, Marty Hura, Ben Prescott, Roger Hawkins, Giles Seith.

**Others Present:** Clerk-Treasurer Jenny August, Asst. Clerk Susan Skrovan, Police Chief Harry Buchert, Village Solicitor Tom Reitz, Village Administrator Ed Trego, Rich lafelice & Brian Rogers with C.T. Consultants, Zoning Inspector Bill Zoller.

**Public:** Pearl Campbell, Sue Tubre, Norm Erickson, Don Jovich with Record Courier, Wes Hawkins, Ken Justus, Linda Clark, Cookie Vanek, Bill & Patsy Gast, Tom Aldrich.

**Minutes:** Motion to approve the meeting minutes of April 15, 2008 made by B. Prescott with a second from J. Rogers. Linda Schilling asked to amend the minutes to reflect a statement she made about electric and water bills for the Potato Festival. The Festival only pays electric; there is no way to meter the water usage. Motion to approve the minutes as amended by B. Prescott with a second from L. Schilling. All ayes on vote.

**Mayors Report:** Mayor Hawkins gave her report, which included the recent Spring Clean-Up/Recycling Day on Saturday, May 10, 2008. The Village saved \$5,000 just this year alone. She helped with the beautification & clean up of Main Street & Prospect on Saturday, May 17, 2008 along with approximately 40 volunteers. Donna had an opportunity to speak at the women's Republican meeting recently held at the Rusty Nail and at the Eagle Scouts Court of Honor. She attended the open house at University Hospital here in Mantua. She was also provided an opportunity to tour Mantaline Corporation. Darin Kelly of Mantua Gardens hosted a small group of volunteers in putting together the hanging baskets that will adorn Main Street. The Mayor thanked all those who helped and the Chamber of Commerce for purchasing the baskets and flowers. Donna would like to ask for volunteers to help water the flowers around the Village. She commended the Mantua Garden Club women on all their hard work throughout the year. She also recently attended an EPA meeting regarding the Buckeye mitigation of the Cuyahoga River and a downtown revitalization meeting at the home of Helen Hazlet. She met the new director of economic development for Portage County, Mr. William Ulick. The new Shalersville Industrial Park planned between the turnpike and Village has involved numerous meetings and will have a very beneficial impact on our Village.

**Finance Report:** Clerk-Treasurer, Jenny August gave the financial report as of 4/30/08. She has been working on changing some reports along with having pie charts available. Nita from Local Government Services was here to review our financial status. She will be in touch with the Clerk's office by the end of this week. She was very concerned that we could be put into fiscal emergency. We need to be extremely careful in our spending, tighten our belts and work to pay off some debt. Jenny addressed the solicitor's bill; the Village appropriated \$25,000 for the year, we are at \$18,000 paid to date. In addition, the appropriations for police hospitalization are low; she had to move some money out of workers' compensation, which was much lower than expected.

Jenny also wanted to address the cost of an upcoming Mayor's training. The cost of training was \$140.00; however, Donna called them and was able to get that amount cut in half. Donna explained it is a four day course, she would only need to attend 1 ½ days of classes, which would require only one overnight stay. She has no intention of making money off the Village by charging the .50 cents per mile, she does not believe in that. Love Insurance reimbursed the Village \$300.00 for the March training that Jenny, Roger and Donna attended. They were able to submit the paperwork before the deadline of May 1st. Love Insurance offers this \$300.00 once a year, which runs from May to May.

We have another \$300.00 we can use for training, Donna said. Harry spoke on the Ohio Municipal League, which also helps cover training expenses. Ed Trego offered \$100.00 out of his water/sewer training budget to the Mayor and Bill Zoller offered the same from the zoning training budget. Jim felt that even though we have appropriations for training, it does not mean we have the money to spend. He would be in favor of the Mayor's training if we can do it at no cost to the Village. Linda agreed with Jim, the Village simply does not have the extra funds. Donna said she would contact Love Insurance and OML; we can do it for nothing. Roger commented that with what is coming before this Village, he felt it critical that we have the necessary training. Motion to approve the financial reports: fund status, appropriation status, revenue status and cash summary by fund made by B. Prescott with a second from L. Schilling. All eyes on vote.

**Bills of Resolution:** Motion to approve the Bills of Resolution for May with addendum as submitted less the C.T. bills and police payroll. Tom stated he now sees no reason to omit payments to the police department because of Linda Schilling's daughter being employed by them. He was under the impression that Linda's daughter lived with her but has since been informed that she is an adult with her own family living outside Mantua. In his opinion, there is no conflict of interest like that involving Ben and C.T. The addendum will need to be adjusted for the Mayor's training and capped at \$300.00 as discussed. Harry pointed out that the money from Love Insurance or OML comes into the Village, it does not go directly to the class. Jenny stated the money would actually not come until next May because we just got it for this year. Sue said it would be a reimbursement. There was some confusion on just how Love's payment cycle for their reimbursement works; the clerk's office will check into it. Jim asked, so we have the understanding that if this is approved and funding does not become available, then the Mayor will not go. Donna thinks it is important that she go, she would not charge the Village if funding can not be secured. Motion to approve the Bills of Resolution with addendum as submitted less the C.T. bills and with the amount for the Mayor's training reduced to \$300.00 made by B. Prescott with a second from L. Schilling. Ed Trego has a question on the motion. There is a bill submitted for park improvement, watering spikes for hanging baskets at \$60.00, what is this. Jenny explained the Chamber of Commerce agreed to pay the cost of these but when the bill came in; they would not cover the cost of the watering spikes. We felt there was more money available in park improvement than in streets. Ed asked what the purpose of these spikes is. Donna replied they are for irrigation and that it was the first she heard of it. Jenny was told Donna had authorized getting the spikes. Donna replied she knew nothing about this; she did know about the spikes but was told the Chamber was paying for them. Marie told Donna that specifically. Ed asked if this is our only cost incurred for the baskets. Sue explained the Chamber paid for the flowers, the baskets and the liner material equally for all three entities. The spikes were something the Village purchased that the other entities did not. No one else got the watering spikes. Ed and Linda asked who authorized the purchase of these spikes. Sue stated the authorization would be the Mayor. Donna stated she did not. Sue said she had asked Donna if these were something the Village was going to order and she said yes. Donna stated absolutely, because she was told that would be covered by the Chamber. Sue agreed, we were under the impression the Chamber would cover these. Donna said the president of the Chamber verbally told her this would be

covered because we were at the same costs as last year. Linda offered to have the Potato Festival committee pay for the spikes. The Mayor thanked Linda. All ayes on vote.

Motion to approve the C.T. bills made by J. Rogers with a second from M. Hura. B. Prescott abstained, all other ayes on vote.

**Legislation:**

**ORDINANCE 2007-27 AN ORDINANCE ACCEPTING AN EASEMENT FOR STORM SEWER PURPOSES FROM DELORES J. AND BRIAN E. GREGOR AND DECLARING AN EMERGENCY. TABLED AT 3rd READING.**

**ORDINANCE 2007-28 AN ORDINANCE ACCEPTING AN EASEMENT FOR STORM SEWER PURPOSES FROM SEAN OZIMEC AND KAREN OZIMEC AND DECLARING AN EMERGENCY. TABLED AT 3rd READING.**

**ORDINANCE 2007-30 AN ORDINANCE ENACTING RULES AND REGULATIONS FOR HILLSIDE CEMETERY. TABLED AT 3rd READING.** Motion to take Ordinance 2007-30 off the table made by J. Rogers with a second from L. Schilling. All ayes on vote. Ed explained these cemetery rules have been worked on for the last two years by the cemetery board, Marty Hura and himself. Ed had submitted a 17 page document of rules for codification along with the cemetery boards' 4 page document. Ed felt these two documents could go hand in hand and has submitted them to our Solicitor for review. Tom responded the Village Council does not want two separate sets of rules, an ordinance and a resolution. Tom felt the comprehensive rules drafted by Mr. Trego appear to be appropriate. The cemetery board can certainly put together a summary for handout, which would be useful provided it is understood the regulations would rule. Changes to the regulations were presented to Council for their review. Motion to table made by M. Hura with a second from B. Prescott. All ayes on vote.

**RESOLUTION 2007-40 A RESOLUTION MAKING A FUND TRANSFER BY THE CLERK-TREASURER IN ORDER TO MAKE PAYMENTS, AND DECLARING AN EMERGENCY. TABLED AT 3rd READING.** Motion to take Resolution 2007-40 off the table made by B. Prescott with a second from R. Hawkins. All ayes on vote. Ben asked what exactly this resolution pertains to. Jenny explained this is what Tom was going to the courts to attempt to move funds from Franklin Street Water to Water Capital Improvement. Tom stated this has not been sorted out yet. Motion to table made by B. Prescott with a second from L. Schilling. All ayes on vote.

**ORDINANCE 2008-06 AN ORDINANCE AMENDING THE INCOME TAX REGULATIONS OF THE VILLAGE OF MANTUA, OHIO. TABLED AT 3rd READING.** Motion to take Ordinance 2008-06 off the table made by J. Rogers with a second from B. Prescott. All ayes on vote. Jim felt we are going to absolutely have to do this, given the financial situation of the Village. Roger pointed out this would effect only the people who work outside of the Village; we would not reap the effects of this until next year. Ben said this would help bring the General Fund out of the red. Roger asked whether we need this right now. Jim and Ben felt yes we do, this should have been passed last year. Tom explained this would be retroactive to January 1, 2008. The following vote was taken: Jim-yes, Linda-no, Marty-yes, Ben-yes, Roger-no, Giles-yes. Ordinance 2008-06 passed by a 4 to 2 vote.

**ORDINANCE 2008-12 AN ORDINANCE AMENDING ARTICLE 07 SECTIONS 7.02 AND 7.03 AND ARTICLE 08 SECTIONS 8.02 AND 8.03 OF THE PERSONNEL HANDBOOK OF THE VILLAGE OF MANTUA. 2nd READING.**

**ORDINANCE 2008-14 AN ORDINANCE AMENDING THE PERSONNEL HANDBOOK OF THE VILLAGE OF MANTUA. 1st READING.** Motion to suspend the rules made by L.

Schilling with a second from M. Hura. R. Hawkins voted no, all other ayes on vote. Jim explained this ordinance is to modify the personnel handbook that provides for a "log" of activities for those that are permanent part-time employees, those working 25 hours or more per week. This log is submitted to the clerk-treasurer or the assistant clerk-treasurer to acknowledge receipt of it. Jim said this is to qualify and continue to qualify the Mayor for insurance. Linda asked has this been done since the Mayor started her insurance. Donna responded by saying Tom did advise her to start keeping a log of her time for insurance fraud purposes which she has begun doing. Donna's suggestion for Exhibit A was for a time sheet as required by ORC. Linda asked how detailed the Mayor's log needs to be; can she just put government business or everything she does. Tom felt this is a discretionary call in that some issues should be kept more confidential such as the substance of negotiations with employees or disciplinary actions. You want enough narrative to give someone reading it a sense of what that person was doing. Ben asked where this time sheet would be going. Jim said to the clerk-treasurer's office. Ben asked what her time would include; would it be for any time spent here in the Village no matter what she is doing. Tom would not go so far as to say no matter what she is doing. When she volunteers her time to something that is not part of her mayoral responsibilities, she is simply a volunteer citizen.

Donna said she had volunteered time to the cleanup on Main Street and weeding the front flowerbeds at the hall. Linda Schilling had asked her whether all that time was covered under her Mayor's time. Donna explained that no, it was not. Motion to pass as amended made by B. Prescott with a second from J. Rogers. All ayes on vote. When Harry adds this to the handbook, he will send it to Tom for review before passing it out.

**RESOLUTION 2008-15 A RESOLUTION AUTHORIZING THE CLERK TREASURER TO ADVANCE FUNDS AND DECLARING AN EMERGENCY. 1st READING.** Motion to suspend the rules made by B. Prescott with a second from J. Rogers. All ayes on vote. Ben explained money needed to be transferred into the Glacial Esker Trail fund to pay some bills. This bill will then be submitted and reimbursed to the Village from grant money. Jenny clarified this is being done as an advance rather than a transfer to avoid having to go through the courts. Motion to pass resolution as an emergency made by M. Hura with a second from B. Prescott. All ayes on vote.

Police Chief, Harry Buchert, reported the next Safety meeting is set for May 29th at 6:30 a.m. He thanked the American Legion Post #193 for putting up the flags around town. He informed Council he would be going on vacation starting tomorrow afternoon.

Village Administrator, Ed Trego, reported the recycle day went off very well. Ben asked if we could do a recycling day more than once a year. Ed felt it might be able to be put on in the fall, he would be happy to check on it. Regarding FEMA, the flood regulations are in Rich's hands. Donna stated the Zoning Inspector is listed as floodplain administrator; Ed is listed for the state. Rich had suggested to Council that this legislation be analyzed to look at its impact. This is what C.T. is now doing. OPWC Round 23 (Issue II) the Village will not be submitting this year because of the lack of matching funds. There is still a problem on Fernway with the water pressure. The Village cannot meet the Ohio EPA required minimum of 20 psi. Council may want to reconsider submitting that for this year, however, the deadline for the pre-application is Friday, June 13th. Ed addressed issues with the C.T. bills; he asked them to provide work authorizations prior to the Village issuing a purchase order. In addition, we are moving forward on some projects that had been standing on hold.

Harry wanted to remind everyone the Memorial Day Parade is May 26th at 9:30 a.m. starting at University Hospital (old Village school).

Rich Iafelice with C.T. Consultants commented on the OPW pre-application. The Village has a critical situation on the north end of town. Round 23, the State has plans to double up on the funds and allow for two awards. One in December of 2008 and the second in July 2009. The Village could really benefit from this and should look into using their water funds as matching funds. The more you can match, the higher the points for the project. The Mayor asked if any of this was in kind. Rich said sure, the Franklin project had 3/8 in kind. This would be a pre-application, it is not a commitment from the Village but would allow us to gauge whether 20% would even merit an award. He would strongly encourage the Village to move forward with the pre-application process. The cost of re-submitting the pre-application is under C.T.'s retainer. Rich also gave a budget estimate of C.T. Consultant's general services throughout the year as \$7500.00.

Motion in support of filing the pre-application to OPWC Round 23 made by J. Rogers with a second from L. Schilling. B. Prescott abstained, all other ayes on vote.

**Planning:** Jim announced the planning meeting would be tomorrow night at 7:00 p.m.

**Service:** Linda Schilling wondered if Giles would be able to attend the next meeting of June 3rd. She would like to make all of their meetings 7:00 a.m. rather than 7:00 p.m. because Ed is already here in the morning and Giles seems like he can come then. Roger felt evening works best for him; he would have to check his schedule. Giles already had the June 3rd meeting scheduled for 7:00 a.m. They will keep it as it is for now. Linda asked Council to allow the Potato Festival to use the Park Lodge. Motion to allow the Potato Festival use of the Park Lodge from September 3rd thru 7th made by M. Hura with a second from B. Prescott. L. Schilling abstained, all other ayes on vote.

**Parks:** Marty said parks had been well covered; he would ask Cookie Vanek to contact the rest of the cemetery committee to get everyone together on the regulations to finalize them. The deadline for Mantua Matters is Friday May 23rd.

**Finance:** Ben reported finance meetings would be set each month the Saturday before Council at 8:00 a.m. He went on to discuss the current financial situation of the Village and whether we would be placed in financial "watch" or "emergency".

**Safety:** Giles reported at the last safety meeting they discussed the snow removal ordinance.

Clerk-Treasurer, Jenny August, addressed Council regarding the current office situation. She explained much of her work is of a sensitive financial or personal nature involving Village residents. She cannot offer these residents the privacy they should expect from a financial office. As it stands now, when she leaves for lunch or for the day, she cannot leave work in progress out on her desk in the open, she has to put everything away. If she had what was previously the clerk's office, she could simply lock her door and feel confident these documents are safe. The Mayor does bring people into her office through the general area as we do into that same area during the day and after hours. She feels she cannot move to the upstairs office because she is tied to Sue and the daily work in that office. Jenny asked Council to consider changing the office back to the Clerk-Treasurer's office. Linda agreed with Jenny. Giles felt the income tax requires confidentiality. Roger felt the conference room is suitable for anyone. Giles suggested the Mayor go up to the conference room. Donna stated she had asked Jenny long before she took the position if she wanted the office and Jenny said she really wanted to work upstairs. A buzzer has been put in, with donation money, as requested by the state auditor's office that should prevent anyone from standing at the counter. Jenny stated she had concerns at the time and asked Donna and Betsy whether or not there would be times when privacy was an issue and was told not to worry about it, it would be fine. Linda felt Jenny should have the

office that was originally on the blueprints. Roger asked to see those blueprints and stated he knows this agreement was agreed to before it happened. He felt since it was agreed to, it should be honored. Marty asked who agreed to it. Roger said both Jenny and Donna agreed. Marty stated this was all done before Jenny came on board. Roger said it was agreed to after Jenny was elected. Linda asked Tom if Council has a say as to whether the office is put back to the blueprints or not. Ben felt Council is responsible for the property, he agrees with Jenny. Tom did not know how to answer this question; he was not informed this was going to be brought up tonight. He would have to research it further. The question is now whether or not the Village can afford Tom to do this research. Ben suggested going to the Portage County prosecutor's office for assistance. Jenny replied she spoke with the Auditor, Janet Esposito who informed her that they could not use the prosecutor's office for advice; they must consult with their own solicitor. Donna defended the move by saying there was due diligence by her before this occurred. Locks were installed on all the income tax files with Jenny having the only key. She has been told other entities such as Garrettsville and Hiram have their offices set up in the same way; she has not however seen those offices thus far. Donna felt the present set up benefits the working relationship between Jenny and Sue. Jenny responded by saying that is why it would be impossible for Jenny to have an office upstairs. Donna stated that until we know exactly what the legal situation is here, she will not be moving.

Motion to authorize the solicitor to look into the legality of determining who has the office made by M. Hura with a second from B. Prescott. All eyes on vote.

**Public:** Norm Erickson addressed Mr. Iafelice regarding his comment that there would be no out of pocket expense incurred to the Village for the Shalersville Industrial Park. There is a cost to have C.T. Consultants do work on it with the County. Norm asked the Mayor on last month's report that she settled two lawsuits that she had inherited and as a result saved the Village money. He wondered how she was involved, did she negotiate them with the attorney. Donna replied yes with the help of our solicitor, Tom. Tom explained the process and how the Mayor was involved.

Norm asked regarding his request for documents, whether she understood his request. Donna understood his request and provided him with emails, correspondence and her time sheets. Norm had questions about those time sheets and when she began doing them. Tom also responded that there is not a duty to generate documents that do not exist. ORC 149.43 provides that if a document does exist and is redacted or not produced, an explanation needs to be given as to why. Norm also questioned the amount of hours the Mayor is claiming she worked to cover the minimum 25 hours per week. After much discussion on the topic, the Mayor wanted to clarify that every sheet Norm has for time has one full week on them.

Pearl Campbell said she gathered her tools to work in the cemetery and when she got there, it was beautiful! Nothing needed done.

Linda Clark questioned ordinance 2008-14, the rules were suspended and it passed as amended. She felt Roger Hawkins should have abstained from the vote rather than voting no because he benefits from getting this insurance. Roger commented that this ordinance involved the office of the Mayor as well as Council members; which would mean no one could vote on this. Tom stated this ordinance passed unanimously, he agreed with Mrs. Clark and felt Roger should have abstained; however, it would not have changed the outcome.

Motion to adjourn the meeting at 9:12 p.m. made by B. Prescott with a second by L. Schilling. All eyes on vote.

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Mayor Donna Hawkins

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Clerk-Treasurer Jenny August