

**Village of Mantua
Regular Council Meeting
June 17, 2008**

Mayor Hawkins called the meeting to order at 7:04 p.m. and led the pledge of Allegiance. The Mayor asked everyone to remain standing for a moment of silence for several individuals who recently passed away, Don Engelhart's mother-in-law, Sherry Bargary and Tommy Barnard.

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.

Public: Dave Woolf, Tom Aldrich, Wes Hawkins, Pearl Campbell, Lisa Zamecnik, Cookie Vanek, , Diane Hura, Candy Young, Don Engelhart, Dave Pifer, Sue Tubre, Ken Justus, Bill & Patsy Gast, Ellen & Lou Werchesky, Stephanie Martin, Greg Baran, Gary Zorn, Dawn Pechman, Barky & Angie Zoller, Bill Zoller and others.

Minutes: Linda Schilling asked to correct the minutes of May 20th. The way they read, it would appear that she is employed with the Police department, which is incorrect. Linda's daughter is employed with the Police department. Motion to approve the meeting minutes of May 20, 2008 as amended made by B. Prescott with a second from L. Schilling. All ayes on vote.

Mayors Report: Mayor Hawkins gave her report, which included her attending the mayor's conference in Columbus. Jenny and she met with Mayor Bertram of Hiram Village along with the Mayor and Clerk-Treasurer of Garrettsville and the Clerk-Treasurer from Windham. They formed the North Portage County Government Counsel. Mantua Village will be hosting a meeting on August 5th at 8:00 am at the Mantua-Shalersville Fire Department's conference room. The Mayor has attended the Neighborhood Watch annual picnic, Memorial Day services at Hillside Cemetery and the Soap Box Derby. She also prepared and submitted a bicentennial poster for Portage County. She received a donation of \$100.00 from the Brown family for the Mayor's fund. Motion to accept the donation made by R. Hawkins with a second from L. Schilling. All ayes on vote.

At this time, Mayor Donna Hawkins presented police officers Dan Forman and Robert Reitz with certificates. Officer Dan Forman received the Blue Code Award from the Knights of Columbus; Officer Robert Reitz was commended for diverting a potential disaster by discovering a leak at Buckeye Pipelines that was close to entering the river.

Finance Report: Clerk-Treasurer, Jenny August gave the financial report as of 5/30/08. Jenny informed Council she is still waiting to hear from Nita with Local Government Services regarding the financial state of the Village. Jenny attended a meeting at the Portage County Commissioners' office regarding a possible charge back from the County for a humane officer's salary for APL/Dog Warden services. We have similar issues with the Health Department. She added the meeting the Mayor and she attended in Hiram Village was to work together to fight these costs.

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 J. Rogers. All ayes on vote.

Bills of Resolution: Motion to approve the Bills of Resolution for June with addendum as submitted less the C.T. bills made by L. Schilling with a second from J. Rogers. All ayes on vote.

Motion to approve the C.T. bills made by L. Schilling with a second from J. Rogers. 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. Motion to take off the table made by J. Rogers with a second from L. Schilling. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. Ed Trego stated both easements have been executed. This one had to be amended from a 10' easement to a 20' easement. Call to vote. All ayes on vote.

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. Motion to take off the table made by L. Schilling with a second from J. Rogers. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. All ayes on vote.

ORDINANCE 2007-30 AN ORDINANCE ENACTING RULES AND REGULATIONS FOR HILLSIDE CEMETERY. TABLED AT 3rd READING. Motion to take off the table made by L. Schilling with a second from J. Rogers. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. Jim felt that until an agreement can be reached between the Cemetery committee and the Village Administrator, he could not vote for this. Roger asked what the differences were between the two. Jim stated they are substantial. Marty said that after their meeting, the changes were to be made and brought back to review. This did not happen; Marty feels we should start all over. Ed Trego felt these discussions should be before the public so there is no misunderstandings. Lisa Zamecnik spoke on what Mr. Trego had changed without coming back to the Cemetery board for review. Cookie Vanek felt this could be handled at a service meeting. This was agreeable to all. Call to vote. All nays 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 off the table made by B. Prescott with a second from L. Schilling. All ayes on vote. Motion to approve made by R. Hawkins with a second from B. Prescott. Ben explained these funds from the Enertech settlement cannot be moved to Water Capital as per the state auditor's office, they must be moved to debt services. This will take care of itself in Ordinance 2008-16. Call to vote. All nays on 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. 3rd READING. Motion to approve made by J. Rogers with a second from B. Prescott. Harry explained the items to be amended and why. Call to vote. All ayes on vote.

ORDINANCE 2008-16 AN ORDINANCE MAKING CERTAIN FUND TRANSFERS BY THE CLERK-TREASURER IN ORDER TO MAKE PAYMENTS, AND DECLARING AN EMERGENCY. 1st READING. Motion to suspend the rules made by J. Rogers with a second from L. Schilling. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. All ayes on vote.

RESOLUTION 2008-17 A RESOLUTION IN OPPOSITION TO THE VILLAGE PROVIDING FUNDING A HUMANE OFFICER FOR PORTAGE COUNTY AND DECLARING AN EMERGENCY. 1st READING. Motion to suspend the rules made by B. Prescott with a second from L. Schilling. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. All ayes on vote.

RESOLUTION 2008-18 A RESOLUTION IN OPPOSITION TO A PROPOSAL FROM THE PORTAGE COUNTY BUDGET COMMISSION TO APPORTION COSTS TO THE VILLAGE OF MANTUA FOR THE OPERATION OF THE PORTAGE COUNTY HEALTH DEPARTMENT AND DECLARING AN EMERGENCY. 1st READING. Motion to suspend the rules made by B. Prescott with a second from M. Hura. All ayes on vote. Motion to approve made by B. Prescott with a second from M. Hura. Jim asked whether they recently passed a levy. Council members were not certain. They felt this was a backdoor levy. Call to vote. All ayes on vote.

ORDINANCE 2008-19 AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN THE INCOME TAX REFUND FUND TO COVER THE COST OF PAYING INCOME TAX REFUNDS AND DECLARING AN EMERGENCY. 1st READING. Motion to suspend the rules made by L. Schilling with a second from J. Rogers. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. Jenny explained this would cover some income tax refunds that have already been approved for payment by Council. Call to vote. All ayes on vote.

ORDINANCE 2008-20 AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2008 APPROPRIATIONS AND DECLARING AN EMERGENCY. 1st READING. Motion to suspend the rules made by B. Prescott with a second from L. Schilling. All ayes on vote. Motion to approve made by B. Prescott with a second from L. Schilling. Ben explained what this was with regard to the Downtown Revitalization Grant. Call to vote. All ayes on vote.

RESOLUTION 2008-21 A RESOLUTION REFINANCING THE PURCHASE OF TWO POLICE CRUISERS AND PURCHASING WARRANTIES FOR THOSE CRUISERS AND DECLARING AN EMERGENCY. 1st READING. Motion to suspend the rules made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. All ayes on vote.

Police Chief, Harry Buchert, reported the Soap Box Derby race was held last weekend and went off well. The next Safety meeting is set for June 26th at 6:30 am. His department assisted the Portage County Commissioners' office with their Bicentennial celebration. Harry wanted to thank Council for approving the extended warranties.

Village Administrator, Ed Trego, met with Love Insurance to go over the coverage for Village property. It is currently in the process of being reviewed. The grant pre-application for water pressure & flow, which was voted on by Council at the last meeting, was handled and submitted by C.T. Consultants at no charge. There has been an increase in vandalism on trails & park areas. He would ask anyone noticing any of this to please contact either the police department or his own department.

Planning: Jim announced there would be no planning meeting for tomorrow night.

Service: Linda Schilling announced the service meetings would be the first Tuesday of each month at 7:00 a.m. Linda asked if the Mayor received coverage for her class. Donna replied yes, she did cover the \$70.00 class fee with a donation. Everything else she paid for herself. Linda brought up a paper received from Kathy Jaczo regarding the old Village Hall. The basement needs to be cleaned and emptied out because it is damp and musty.

Marty and Ben offered to help Linda get things cleaned up. Ed offered to dispose of the old carpet and asked Linda to coordinate this with his office. They also have a high-pressure washer available to clean the floor. The electricity for that building this last month has doubled to \$120.00. Roger Hawkins asked if there was a de-humidifier available to dry out the basement. Linda will coordinate the cleaning and let everyone know. The Mayor offered to help as well. Linda asked Donna about her 8 hours spent for the revitalization, which was shown on her time log. Donna replied she did not consider that time as part of her 25 hours, only about 1 ½ hours because of the clean up that was going on at the same time. Linda also questioned in the last issue of Mantua Matters, Donna had stated there were no layoffs in the police department. Linda asked the Mayor to clarify this statement.

Donna asked Linda about her statement that there were offers for the old building. Linda said those might have been the wrong words used; there were actually only people of interest.

Parks: Marty met with Charlie English today; their plans are to install the silt fence along the trail by the end of the week.

Finance: Ben said we are broke. The budget is running flat again this year. Linda asked whether Council should freeze spending totally. Linda was concerned with the cost of time for our Solicitor, Tom, to redact email documents that he had sent to the Mayor. She felt the Mayor could be doing this herself. Donna replied she has no idea what to redact. Tom explained. Harry recommended to Council to utilize our officer trained in the field of public records. The Mayor may want to pass those documents along to him.

BZA: Roger said there is one appeal coming up; it is in the works now.

Safety: Giles commended the police department on their excellent work with the Buckeye Pipelines situation.

Public: Ralph Zoller asked the Mayor what her intentions are for the back driveway. Donna replied she has no plans to make any changes with the back driveway. He asked her if she intends to leave it the way it is. Donna stated yes, 100 percent. She cannot see any reason to make alterations to it.

Ellen Werchesky was upset with talk around town about the Mayor. She sees no teamwork here, the Mayor is new and everyone needs to give this a chance.

Dawn Pechman mentioned there will be a meeting on June 30th for the Crestwood area community at the Mantua-Shalersville Fire Department's conference room from 7:00 to 8:30 p.m. In addition, she has set up a public records meeting for August 27th from noon-3:15 p.m. Robin from the State Auditor's office will be conducting the meeting. It is at no charge and in order to receive a certificate for attending, pre-registration is required. She will get the information to everyone. Dawn also has a website up and coming for news and information. Harry asked Dawn if she would provide links to her website. Dawn said yes and asked that Harry get in touch with her later.

Don Engelhart wanted to notify the Village that the storm grate by his home at 4699 Walnut Street is in bad shape.

Linda Schilling asked whether the Village would be extending the contract with Kathy Jaczo. Jim thought there had not been any contract presented to Council. After more discussion, a motion to extend the Caldwell Banker contract for 90 days was made by J. Rogers with a second from B. Prescott. All ayes on vote.

At this time, Village Solicitor, Tom Reitz passed out to Council a handout containing copies of sections of the Ohio Revised Code with regard to the Mayor and the office in question. Tom had found nothing in the codified ordinances of the Village to help provide direction. As per ORC 731.09, which is the authority of Council and ORC 515, powers of Council, he determined that Council does not have the authority to remove the Mayor from that office. This authority rests with the executive branch, which consists of the Mayor, Clerk-Treasurer, Police Chief and Village Administrator. Tom went on to reference several more section of the ORC. In short, he found no section of ORC that discusses offices specific to certain persons. The executive team needs to work together.

Stephanie Martin asked why the suggestion was made to move the Mayor's office. Ben replied it is a matter of confidentiality. Marty said it was not the Mayor's office to begin with. The clerk right now does not have a closed door office.

Candy Young commented that she is uncomfortable with having to speak to the clerk out in the open and that the records are out in the open. She feels the clerk-treasurer position requires a level of privacy. Donna responded she was not aware of anyone conducting matters in the hallway and that all the records are locked in file cabinets. There is also a buzzer on the door.

Greg Baran asked whether this would be the last time Council was going to expend any more money researching this office situation. Marty stated he certainly hoped so. Roger felt it was more economical not to use the upstairs office and consolidate onto one floor. There is no security upstairs and furthermore, no employee should be working by himself or herself, it is a serious safety issue.

Patsy Gast asked why the Mayor could not just move into the general office area. The Mayor stated it would be worked out.

Assistant Clerk, Sue Skrovan, wanted to inform the public of some real problems with the Time Warner Cable channel 25. She has been working with their technician to solve the problem. Sue was told that if the equipment should need to be replaced, the Village would be responsible for the cost, approximately \$3000.00. Sue does not believe that is correct. Council asked if Sue would obtain a copy of their contract with Time Warner and see what it says.

Motion to adjourn the meeting at 8:25 p.m. made by L. Schilling with a second by R. Hawkins. All ayes on vote.

Mayor Donna Hawkins

Clerk-Treasurer Jenny August