

**Village of Mantua  
Regular Council Meeting  
September 15, 2009**

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

**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, Village Solicitor Michele Stuck, Police Chief Harry Buchert, Village Administrator Ed Trego, Brian Rogers with C.T. Consultants.

**Public:** Cindy Toth, Norm Erickson, Pearl Campbell, Lisa Zamecnik, Cookie Vanek, Randy & Lauren Weaver, Dave Sluka, Marie Minard, Wendy Jenks.

**Minutes:** Motion to approve the meeting minutes of August 18, 2009 made by L. Schilling with a second from B. Prescott. All ayes on vote.

**Mayors Report:** Donna thanked the Mantua-Shalersville Chamber of Commerce for the banners donated to the Village and to Ed Trego and his team for getting them up along Main Street before the Potato Festival. She attended the school board meeting on September 10 and asked each board member to drop her an email or note to explain their personal reasons for their denial of our request for an easement. She explained to them that we would like to have some understanding of their decision process. She was invited and attended the grand opening ribbon cutting ceremony for Derthick's Corn Maze last Saturday. It was a beautiful evening where we were treated to a fabulous dinner and then given the tour. The views are spectacular and the state-of-the-art design mazes are something to see. The Mayor complimented Linda Schilling and her team for a great Potato Festival.

**Finance Report:** Clerk-Treasurer, Jenny August gave the financial report as of 8/31/09. Kevin Poland was in our office on Friday to deliver a check reimbursing the Village for flowers purchased for the cemetery in May. He has also authorized up to \$5,000 for tree work in the cemetery. At that time, Jenny informed him of the vandalism to our mausoleum and he wanted to look at it. She suggested Mr. Poland meet up with Ed so that he could take him around and look at the trees as well as the mausoleum damage. Jenny was told they were able to meet up and review these issues. Jenny thanked Michele for her persistence in reminding Mr. Poland every time she ran into him that we were waiting to hear from him.

Sue and I have registered for the Local Government Service workshop in Hudson coming in October. There is a cost of \$65.00 per person to attend but we feel this one-day workshop covers a lot of important information. Jenny reminded everyone she did not attend the Local Government Conference in Columbus this spring due to financial constraints so this workshop is critical in keeping current with any updates. For the 2010 appropriations, money has been appropriated in administrative training because Jenny felt she would need to go this next spring to Columbus as well as our new council member.

Our checkbook balance at the end of August was:     \$ 346,305.16

Revenues for August were:                                 \$ 143,880.83

Expenses for August including payroll were: \$ 80, 859.26

Reconciliation of the water-sewer department receipts and the UAN receipts matched completely with no exceptions. Bank reconciliation went well with no adjusting factors.

Linda Schilling noted she spoke with Kevin Poland at the Festival, and he commented he could not remember a time when a Judge took this long to decide whether we should get the money. He also said he did not see any problem getting the mausoleum fixed since it belongs to the trust. Jim Rogers asked Ed if we could do the trees in the cemetery for \$5,000. Ed said he believes that would cover what needs done. Michele added that Kevin Poland just filed the motion with probate court on September 2, which is actually quick.

Motion to approve the financial reports: bank statements, fund status, revenue & expenses reports made by J. Rogers with a second from B. Prescott. All ayes on vote.

### **Bills of Resolution:**

Motion to approve Bills of Resolution with addendum for September omitting the C.T. bills made by L. Schilling with a second from B. Prescott. 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 2009-38: AN ORDINANCE AMENDING, ADDING TO, AND OTHERWISE MODIFYING, CHAPTER 131 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA, CONCERNING THE POSITION OF MAYOR. 3rd READING.** Motion to approve made by J. Rogers with a second from B. Prescott. Michele Stuck noted there needs to be an amendment to Subsection A, it should say the position of “Mayor” not “Council Member and Council President”. Motion to amend Ordinance 2009-38 as noted made by B. Prescott with a second from M. Hura. R. Hawkins voted nay, all other ayes on vote. Motion to approve as amended made by L. Schilling with a second from B. Prescott. R. Hawkins voted nay, all other ayes on vote.

**RESOLUTION 2009-41: A RESOLUTION DETERMINING WHERE THE REVENUES EARNED FROM THE DISPATCHING CONTRACT WITH THE VILLAGE OF HIRAM WILL BE DISTRIBUTED. 2nd READING.**

**RESOLUTION 2009-46: A RESOLUTION ESTABLISHING A NEW FUND FOR THE VILLAGE OF MANTUA AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to approve made by R. Hawkins with a second from J. Rogers. Roger wanted to make sure, if we go ahead with this project, this \$5.00 surcharge would be utilized for that. Ben said this resolution is only to establish a line item. All ayes on vote.

**ORDINANCE 2009-47: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 921.08(b) IN ORDER TO EFFECT A REAPPORTIONMENT OF THE FIVE-DOLLAR QUARTERLY SERVICE FEE COLLECTED PURSUANT TO THAT SECTION, AND DECLARING AN EMERGENCY.** 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. Roger wanted to make sure that this fund was established for the northeast quadrant water project and if that project goes through, there would still be enough funding for it. Michele stated that is correct, Jenny put the figures together; the \$5.00 surcharge is bringing in approximately \$10,000 per year. The northeast

quadrant project would cost us \$1,800 per year. Given what Jenny figured Ed would need to replace a certain number of meters per year, it would still leave approximately \$4,000 in the fund; \$6,000 would be available for needed storm sewer improvements. All ayes on vote.

**ORDINANCE 2009-48: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 921.07 IN ORDER TO PERMIT THE DRILLING OF WELLS FOR IRRIGATION OR AGRICULTURAL PURPOSES BY POLITICAL SUBDIVISIONS OWNING REAL PROPERTY WITHIN THE VILLAGE. 1st READING.**

**RESOLUTION 2009-49: A RESOLUTION AUTHORIZING THE CLERK TREASURER TO REPAY AN ADVANCE MADE TO THE GERALD F. BUCHERT TRAIL FUND BY TRANSFERRING \$13,999.99 TO THE GENERAL FUND AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by L. Schilling with a second from M. Hura. All ayes on vote. Motion to approve made by L. Schilling with a second from B. Prescott. Michele said under Section 1, we need a fund number entered in the blank. Jenny said that number is #2061. All ayes on vote.

**RESOLUTION 2009-50: A RESOLUTION AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2009 CAPITAL RESERVE AND GENERAL FUNDS APPROPRIATIONS AND DECLARING AN EMERGENCY.** 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. Jenny explained this is the money received from the old Village Hall. Michele petitioned the court and tax commissioner and then they appeared before court for approval to move the money from Capital Reserve to the General Fund. All ayes on vote. Harry discovered there was an error in Section 1; it should read "2009" Village Appropriations rather than 2008. Motion to amend Resolution 2009-50 as noted made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to approve as amended made by L. Schilling with a second from B. Prescott. All ayes on vote.

**RESOLUTION 2009-51: A RESOLUTION AUTHORIZING THE MAYOR TO CONTACT, NEGOTIATE, AND ENTER INTO AN AGREEMENT WITH FIRST ENERGY FOR SUPPLYING GENERATED ELECTRICITY TO THE VILLAGE OF MANTUA, AND DECLARING AN EMERGENCY.** 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. Ben said this would provide a 7% reduction for our Village buildings. All ayes on vote.

**ORDINANCE 2009-52: AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF MANTUA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2010. 1st READING.**

**RESOLUTION 2009-53: A RESOLUTION AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2009 PARK CAPITAL IMPROVEMENT FUNDS APPROPRIATIONS AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by L. Schilling with a second from B. Prescott. All ayes on vote. This also has an error in Section 1; it should be "2009". Motion to amend as noted made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to approve as amended made by L. Schilling with a second from B. Prescott. All ayes on vote.

**RESOLUTION 2009-54: A RESOLUTION AUTHORIZING THE MAYOR TO CONTACT DIRECT ENERGY LLC AND THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES IN ORDER TO NEGOTIATE FOR, AND ENTER INTO AN AGREEMENT FOR THE SUPPLY OF NATURAL GAS TO THE AGENCIES OF THE VILLAGE OF MANTUA, AND DECLARING AN EMERGENCY.** 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. Jenny said our rate is now \$6.49 per MCF; they may be able to get it down to \$4.0 per MCF. Michele tried to find out if we were in a contract; however, they would not release the information because she was not authorized to make changes. Michele will write a resolution authorizing the Mayor. All ayes on vote.

### **New Business:**

Jenny had received a proposal from Cemetery board member, Lisa Zamecnik, which she passed out to Council for review. Lisa explained their proposal, which covers repairs and upkeep to the concrete planters at the entrance to Hillside Cemetery. These planters need to be sandblasted, stained and then sealed from the elements. Council reviewed the proposal. Jenny can send this on to Cemetery Trustee, Kevin Poland.

Motion to send the proposal from Stamm's to Kevin Poland made by B. Prescott with a second from L. Schilling. All ayes on vote.

### **Committee Reports:**

Police Chief, Harry Buchert congratulated Linda Schilling on the great job at the Potato Festival. The next Safety meeting will be on September 24 at 6:30 a.m. Harry reported an increase in vandalism both at the cemetery and to our park and pavilions.

Village Administrator, Ed Trego asked about Kevin Poland, whether there was any clarification from him on the certificate for the trust. Mayor Hawkins said the certificate is still lost. As it stands now, the cost to replace the document is \$22,000. Ed wanted to add to the letter going to Kevin Poland a cost for tuck-pointing of the mausoleum and the need for a new riding mower for the cemetery. Marty asked who is responsible for the cost to replace the certificate. Ed was only advised the replacement cost. Michele said that certificate proves the Village has a right to the money, which is held in trust in our name. Jim said it is an actual stock certificate from the Mantua National Bank. Ben said they want to switch banks but must have the actual certificate before they can switch. Ed clarified, should one bank purchase another bank, the purchasing bank will not accept responsibility for the certificate without the actual document. Jim asked Michele if Kevin Poland could remain the trustee if he should be elected as judge. Michele said she does not think he can. Donna Hawkins added that she had checked with Tom Reitz, prior to Michele coming on board and he said it was absolutely Kevin Poland's responsibility. Kevin knows it to be his responsibility.

Regarding the wastewater treatment plant, we need to haul sludge; however, there appears to be a funding issue. He spoke at the Finance committee meeting about it. Ben said we are going to address it. Jenny said she cannot certify the funds if they are not there. Ed suggested looking at the General Fund. Jenny said we are waiting on a check from the County any day that would cover it. Ben said to Ed to go ahead and get it done.

Regarding the storm sewers, there has been some excavating on W. Prospect. There is a storm sewer on the north side of the road. They did jet it open for now but much of it is old clay, the system is shot. One particular property, Slukas, the culvert under the driveway apron should be replaced. Typically, culverts have been the responsibility of the homeowners, they get the material and we help by putting it in. In most scenarios, the culverts we do are in open ditch lines, this one is actually part of the storm sewers. Ed wanted direction from Council on how to proceed with it.

Ed complimented Linda that the organization was good for the Potato Festival.

Brian Rogers with C.T. Consultants reported as noted in their engineer's report, there is very little activity this month. The Scouts should be working soon on the decks.

**Planning:** Jim said the Planning Commission meeting would be tomorrow at 7:00 p.m. Reporting for the Downtown Mantua Revitalization Committee, Jim attended a meeting at the Kinder House with the Mantua Village Community Action Group.

**Service:** Linda announced the Service meetings are the first Tuesday of each month at 7:00 p.m. The committee asked Ed to provide them with a cost on each road. She thanked Ed and his men for their work moving bleachers and benches in preparation of the Potato Festival. Linda also thanked Giles and Marty for their help. She reported the cost to renovate the Euclid Beach benches stored in the service garage would cost \$45.00 to \$50.00 per bench. Linda also noted the side door at the Park Lodge needed the screws tightened on the doorframe. The hinges were coming out. It looked like someone was trying to pry the door open. Harry suggested that in the future, to notify the Police Department of any damage first so that pictures could be taken and a report filed.

**Parks:** Marty reported they are planning on marking off the trail to start clearing it. He also reported as representative for the Mantua-Shalersville Fire District they recently met with the auditors concerning a problem with payroll. They are working on it.

**Finance:** Ben reported we are still broke.

**BZA:** Roger had nothing to report for the BZA. The Shade Tree committee is looking at the application for Tree City USA and working on passing out trees to school children.

**Safety:** Giles said we went over the vandalism. There has been too much overtime for Chief, which is the problem with him living in town. Randy Weaver and he have some dimensions for the siren tower. They are setting dispatch up for Hiram. Bob Reitz is back.

**Public:**

Marie Minard spoke on the recent reports of vandalism. She has heard kids hanging out a couple nights a week at the post office parking lot between 11 and 1. Harry said his department is aware of this and asked that she contact their department if she sees them doing something.

Pearl Campbell thought the Village has an 11 o'clock deadline for kids. Harry said yes we have a curfew, it is rated on their age and we do enforce that. Harry said this is happening pretty much right after school. Pearl said Marie had stated this was happening between 11 p.m. and 1 a.m. Harry did not realize she meant late in the evening and asked Marie to contact his department. Ed explained the vandalism at the mausoleum, headstones being knocked over and a tree that was damaged. Harry said the vandalism down at the park was mostly graffiti and picnic tables and benches being picked up, moved around or thrown in the river.

Lauren Weaver representing the Mantua Village Community Action Group asked to present a few questions, which had been discussed at their recent meeting.

1. What is the status of the Village Administrator's evaluation, which was to be compiled on September 1? Linda Schilling stated it is done; Harry totaled it today. Linda still needs to get with Mayor Donna Hawkins to go over it.
2. What is the status of the State Route 44 problem in front of the high school; will we see any help from ODOT? Ed said there is no update from ODOT.

3. Their group had presented a petition in March on the storm sewers, where is the comprehensive plan? Linda Schilling said they are getting it done this week.
4. This question was directed at the Finance Chairman, Ben. Would he be interested in forming a task force committee to look at our financial situation? Michele responded on the authority of forming any other committees. Village committees are authorized by statute and in our codified ordinances. The Village is not legally authorized to create such a committee. Anyone who wants to can volunteer to look into possible public grant monies. Randy said they could do that but would need some guidance. Ben said he would be willing to help guide them by attending their meetings on the last Thursday at 7:00 p.m. at the Kinder House.
5. A second question was directed to Ben. What are the costs associated with the County taking over our water and sewer maintenance. Ben does not feel this would be a good idea. Ed said he has spoke with Harold Huff with the County on helping us staff our plant; they are not interested in doing this. The cost factor is too great. Mayor Hawkins also commented on the costs and probable rate hikes. Ben spoke on another community he knew about that did this. The first year everything was good, after that it was a different story with rate increases. Ed added our water plant is absolutely operating within its finances; the wastewater plant is another situation. Unless the County owns the plant, our Village would remain responsible for any costs associated with the plant.
6. This question was directed to all of Council and our Zoning Inspector. The property behind Dr. Heaton's building, they were informed that since there is no official complainant on this property, we cannot get it cleaned up. Our action group wishes to be the complainant, how do we proceed. Linda said they need to write a letter to our Zoning Inspector and put it in his mailbox, he will proceed. The Mayor told Lauren to email her as well.
7. Regarding the letter sent out to certain residents regarding the line at the high school and asking for support, who paid for the mailing? Donna said the Village paid for postage and added this letter only went to those that would be affected.

Dave Sluka asked regarding the storm sewers and Ed's comments, he would like to see, in writing, whose responsibility it is to cover the costs for the line. If it is a shared cost, at least he knows he is legally responsible. Marty said he did not know about water or sewer lines but trees between the sidewalk and the street are the responsibility of the resident.

Michele said she has researched this extensively and one thing she can say is with regard to storm sewers, there is very little authority. The authority she has found relates to all sewage systems, as far as she can determine, any laterals to someone's property are the responsibility of the homeowners. Michele added that if the Village has to maintain the system and the system is parallel to the street, this would not include his driveway. Ben said the storm sewer line going along the road belongs to the Village. Marty said to repair the system, we have to dig up his driveway, and the Village should repair it. Michele did find that the land is the residents even if the system is the Villages.

Wendy Jenks asked whether the holes on W. Prospect are going to be filled in. Ed said he wants to go in, repair Slukas, close up the rest of the system and re-jet it. The system is shot and will need to be replaced. There is a lot of root intrusion in the lines as well.

Lauren Weaver felt it was confusing as to who is responsible for these lines. This would be a good opportunity to establish a set of rules. Michele said a lot is set by case law and is constantly challenged in court. Ed added that in 1987, he wrote all of the water and

wastewater rules and Council will need to establish a definite third utility, a “storm water management plan”. Ed said in the absence of rules, Michele has to refer to case law.

Cindy Toth asked regarding the plans established back in 1987, why the Village does not follow them. Ed said those were for water/wastewater, this would be just for storm water.

Ed would like to coordinate the work that needs done; he would just like to have some legal clarification first. Ben stated it needs to be fixed. Do we need a motion to do this?

Motion that the Village fixes the storm sewer, cut the driveway, replace the pipe and determine later who pays for the driveway made by B. Prescott. M. Hura seconded the motion. Jim asked whether we are setting a precedent by paying for the driveway beforehand. Michele said yes, you would set a precedent. Jim wants legal clarification first. More discussion followed on the work to be performed. Linda felt we need to do the work. Once we get clarification, she would be willing to waive her fee to meet at that time. Jim asked if Council could make a motion to get in, do the work including the concrete and then determine who is responsible for the cost of the concrete. Michele felt Council was splitting hairs so fine that it is less likely she would be able to find a specific answer in that regard. Council and Ed discussed the costs of concrete. Ben agreed we need to fix the problem. Marty asked Ed a question regarding work that was done years ago when the gas line was run down High Street. The apron on Marty’s driveway was torn out and they replaced it. Marty asked who paid for it because he did not. Ed said we replaced the apron when we ran the water line. He does not know about any gas line. Dave Sluka said if his out of pocket costs were going to run less than a couple hundred dollars, he is okay with that. He would like to see this get done. Randy Weaver asked Michele whether the case law she referred to was from the County, the State or from the Village of Mantua. Michele said this case law was statewide. Randy asked why the Village does not have its own set of rules. Michele believed they just have never written regulations for this purpose. Michele added that we operate under the statutes governing all municipalities that are non-chartered in the State. We do not get to make our own rules because we are still governed by the laws of the State of Ohio. All eyes on vote.

Motion to go into executive session per ORC 121.22 (G) (5), confidential matters at 8:21 p.m. made by J. Rogers with a second from B. Prescott. All eyes on vote.

Motion to return to regular session at 8:40 p.m. made by J. Rogers with a second from L. Schilling. All eyes on vote.

Council would need to amend 2009-46 & 2009-47 to say, “storm water management”. Harry said it passed on emergency; you need a new ordinance to change it. No action.

Motion to adjourn the meeting at 8:43 p.m. made by L. Schilling with a second from B. Prescott. All eyes on vote.

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Mayor Donna Hawkins

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Clerk-Treasurer Jenny August