

**Village of Mantua
Regular Council Meeting
February 15, 2011**

Mayor Hawkins called the meeting to order at 7:00 p.m. & led the pledge of Allegiance and asked everyone to remain standing for a moment of silence for an officer killed in the line of duty today, Dan Stiles of Uniontown. He was an officer for the Village of Mantua between 1989 to 1991 as well as a Captain for Uniontown and a Sargent for Hartville.

Roll Call: Donna Hawkins, Linda Clark, 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, Anthony Fiorilli III, Rich lafelice with C.T. Consultants.

Public: Pearl Campbell, John Clark, Jeff Benner, Les Hopkins, Al Gilbert, Graham Harmon, Bill Zoller, Mike Zamecnik, Cookie Vanek

Minutes: Motion to approve the regular meeting minutes of January 18, 2011 made by L. Schilling with a second from B. Prescott. All ayes on vote.

Motion to approve the public hearing minutes of January 18, 2011 made by L. Schilling with a second from M. Hura. All ayes on vote.

Mayors Report: Donna introduced and welcomed our new Village Administrator, Anthony Fiorilli III. She also introduced Al Gilbert III, who is our new auxiliary Police Officer. Al is a current Police Officer for Hiram Village. Donna met this month with the American Legion Post 193 members to sign their legion lease. She met with C.T. Engineer, Rich lafelice, Sean Acke and Brian Rogers along with our Village Administrator and Dan Mounts, our operator of record for our water treatment facility to discuss the pressure problems in the northeast quadrant. We are hopeful there may be a solution a little further down the road. The Mayor signed the papers to return the OPWC grant for the Franklin/Regan project, which Council decided they wanted sent back.

Finance Report: Jenny gave her financial report as of January 31, 2011. Our 2009/2010 audit begins next week. Next Wednesday, the auditor will stop to drop off forms for everyone to fill out and may want to schedule a meeting. Ed Rance will be sent to perform our audit this time. Jenny is personally happy to hear this. In the interest of saving audit costs, Jenny would ask that members of Council, department heads, and everyone try to limit their business to our office whenever possible. We are billed hourly for our audit and every interruption can add to our costs. Only \$10,000 was budgeted for this audit. Jenny plans to have everything organized for him so it runs smoothly.

Our checkbook balance at the end of January: \$ 236,691.00
Revenues for January : \$ 114,640.00
Expenses for January including payroll: \$ 96,285.00

The Cash Summary report shows that one adjustment was made. We voided an outstanding check to Verizon and reissued another. Reconciliation of the Water-Sewer department receipts and the UAN receipts matched. Reconciliation of the Municipal Income Tax receipts and the UAN receipts also matched. The January bank reconciliation had no adjusting factors.

Motion to approve the financial reports: bank statements, fund status, reconciliation, revenue & expenses reports, cash summary report, made by L. Schilling with a second from B. Prescott. All ayes on vote.

Bills of Resolution: Motion to approve Bills of Resolution with addendum for January omitting C.T. made by L. Schilling with a second from L. Clark. All ayes on vote.

Motion to approve Bills of Resolution with addendum for January including C.T. made by L. Schilling with a second from M. Hura. B. Prescott abstained, all other ayes on vote.

Legislation:

ORDINANCE 2010-40: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE CHAPTER 145 IN ORDER TO ESTABLISH THE COMPOSITION, POWERS AND DUTIES OF THE VILLAGE OF MANTUA BOARD OF CEMETERY TRUSTEES, AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. TABLED AT 3rd READING.

ORDINANCE 2010-60: AN ORDINANCE SETTING FORTH CONDITIONS FOR THE USE OF THE OLD WATER PLANT AT BUCHERT PARK. 3rd READING. Motion to table this ordinance made by B. Prescott with a second from G. Seith. L. Schilling abstained, all other ayes on vote.

RESOLUTION 2011-02: A RESOLUTION REPEALING RESOLUTION 2010-51, AND RESCINDING THE ESTABLISHMENT OF THE SPECIAL EVENT FUND FOR THE VILLAGE OF MANTUA. 3rd READING. Motion to approve made by L. Schilling with a second from L. Clark. Jenny said this needs to pass tonight since the auditors denied the special event fund anyway. Mayor Hawkins asked that the money that was brought in for the event, approximately \$171.00, be earmarked for the scouts. The Village can do plaques or something for the eagle projects that they have done for the community, as this was a scout project. Linda Schilling thought it was a Village project with the scouts. Donna said it was money earned through the event. Linda was only asking; she does not have any problem with the scouts getting it but she thought it was brought forth through the Village. Donna said it was, it was done along with the scouts, however, we have this money sitting there in the General Fund that the pumpkin roll generated, that we would like to be able to use for a good purpose. Giles thought it was going back to the pumpkin roll people. Linda Schilling thought the people involved with the committee put money in out of their own pockets. Donna said yes, they did. Linda Schilling felt it should go back to those people. Jenny was not certain we could do that now with public money. Donna said there are a couple options, it can go back to the pumpkin roll committee to be used for another event or it could be earmarked for the scouts. Ben felt since the auditor is coming, we could ask him how to handle it. Marty felt it should go back to the pumpkin roll committee. Jenny will check. All ayes on vote.

ORDINANCE 2011-05: AN ORDINANCE RETAINING MICHELE A. STUCK, ATTORNEY AT LAW, AS SOLICITOR FOR THE VILLAGE OF MANTUA, OHIO AND SETTING HER COMPENSATION FOR THE PERIOD FROM MAY 1, 2011 THROUGH APRIL 30, 2013. 1st READING. The Mayor said there were questions from Finance as to whether there were any changes made to this ordinance. Michele said the original version from two years ago it mentioned the Village making their health insurance available to her at her own cost; she took that paragraph out. She did not give herself a raise or anything like that.

ORDINANCE 2011-06: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 941.18 IN ORDER TO REQUIRE ALL WATER AND SEWER ACCOUNTS TO BE HELD IN THE NAME OF THE PROPERTY OWNER ONLY. 1st READING. Ben does not think we need this and that we should just follow our procedures

in the ORC. Linda Schilling said the Service Department spoke with Michele and plan to bring it back to Service and make some changes to the ordinance, which is already in effect. Ben said it would not be this one. Michele said it actually would be this one because there needs to be some clarification about delinquencies and procedures for payment plans. Instead of getting rid of this and making another ordinance, it can all be included by amendment in 2011-06. Roger would like this ordinance abolished and amend the original one to include delinquencies, we could amend the original ordinance right. Michele said that is what this one is doing. Roger said no, this is a new ordinance, which includes putting the water bills into the property owner's name. Roger felt it was not fair to the property owners. We do have an ordinance for water payments and delinquencies on the books right now correct.

Michele said we do; it is in the same section, 941. Roger asked if we could just update that ordinance instead of a new one. Linda Schilling said this one would do that. Roger does not like it being in the name of the property owners. He felt the tenants should be allowed to pay their own water bills. A multiple unit with one-meter yes, but whenever you have individual meters with individual properties, they should go to the tenant.

Linda Schilling said it was discussed at Service; each tenant who has their own meter would get their own bill. Roger said it was brought up from Service, they voted to put it through. Linda Schilling said Service did not vote; they discussed. Roger agreed that Service did not vote but sent it up and he believed the ordinance does say that all properties would be in the property owner's name. Michele clarified that the current existing version does not say that they all have to be in the property owners name, property owner or tenant. Michele added that procedurally it would be best to wait until the Service Committee has made all the changes and then when Council gets it for discussion and for a vote, Council can make amendments to what Service has recommended. Linda Schilling said it will have to be sent back to Service and then Finance. Linda Clark said they realized they made a mistake but had to write it the way the motion was given, come this way and then go back to committee. The Mayor added that Roger was the one who noticed it had been written incorrectly and sent it back to be corrected. Secondly, Donna said that Linda Schilling just made the comment that out of the Service committee meeting that it was discussed and it was motioned to Council for the ordinance that it would be the tenants getting the bill; that is incorrect. It was actually stated in the Service committee meeting that each landlord would get the bill solely. If you listen to the tape of the meeting as Donna has, you will see that is what both of you voted on to send up to Council. It was not that the tenants would be receiving the bill, Donna was against that and believes the tenant should get the bill and not the landlord. Linda Schilling commented that it all does fall back to the landlord no matter how you look at it. Donna agreed with Linda and said that was discussed in the Service meeting.

ORDINANCE 2011-07: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE CHAPTER 139 IN ORDER TO DEFINE GUIDELINES FOR THE AUXILIARY BRANCH OF THE POLICE DEPARTMENT, AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. 1st READING.

Ben wants this ordinance to come back to the Finance committee; there are some issues with it. Marty and Linda Schilling asked Ben why he wants it to go back. Ben said we did away with merit raises and it has that in there. Linda Schilling said it does not, that was supposed to be taken out. Harry said no, we are not talking about wages. Marty said what we are talking about are procedures. Ben was looking at something else. Linda Schilling said these are two separate issues. Giles felt there were some financial things in there. The Mayor asked the Chief, since he was at the Finance meeting; there was a question that Ben raised on this. Harry said yes, Ben had a question on the auxiliary one and it was related to the probationary period. We are in compliance with our handbook and ORC.

RESOLUTION 2011-08: A RESOLUTION AUTHORIZING THE MAYOR AND CLERK-TREASURER OF THE VILLAGE OF MANTUA TO EXECUTE THE "SECOND AMENDMENT TO THE MANTUA VILLAGE AND MANTUA-SHALERVILLE JOINT FIRE DISTRICT DISPATCH SERVICES AGREEMENT". 1st READING. Linda Clark said she does not know what subsection B-3 in the original agreement reads. Michele clarified it changes what the MSFD agrees to pay for equipment from one-half to one-third the cost. 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 M. Hura. All ayes on vote.

RESOLUTION 2011-09: A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF MANTUA TO PREPARE AND SUBMIT AN EMERGENCY GRANT APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY. 1st READING. Motion to suspend the rules made by B. Prescott with a second from R. Hawkins. All ayes on vote. Motion to approve made by L. Schilling with a second from R. Hawkins.

Linda Clark had a question on Section 2 regarding the wording. The way she reads this is the Mayor could go into a different agreement or contract if she wishes to with regard to this. Michele clarified that if we get the grant, then the Mayor is authorized to enter into the contracts necessary to execute the work. Rich Iafelice agreed with Michele and said that is how it was intended. Michele said Council could choose to add, "Provided funding is obtained". Motion to include this language made by L. Schilling with a second from M. Hura. All ayes on vote. Motion to approve as amended made by L. Schilling with a second from M. Hura. All ayes on vote.

Committee Reports:

Police Chief, Harry Buchert reported the next Safety meeting is Thursday, February 24 at 6:30 a.m. Council has the Police Department's yearly report for 2010 in their packets.

Village Administrator, Anthony Fiorilli III, reported significant progress in their shop with the cleaning. They received \$1,264.00 for scrap metal from the garage, which will go toward dumpster costs and painting. Afterwards, racks and lighting will be assembled.

Rich Iafelice, Engineer with C.T. Consultants, met at the water treatment plant to begin examination of the system pressures issue primarily with the high service pumps. They are going at this sequentially; Anthony is coordinating some maintenance issues on the valve itself before any testing begins. Anthony and the Mayor, that morning, made C.T. aware of the well pump and that afternoon, they prepared the emergency application and submitted it to OPWC. They have received an "informal" approval from the director for emergency funds for 80% of the cost of that well pump. It looks good for final approval.

Anthony Fiorilli III added a thanks to our Police Department for help coordinating tow service for our truck that was stuck on our well road and to Kenny Justus for bringing his own truck out there to help plow that road out to get the tow truck back there.

Shade Tree: Linda Clark announced their first meeting was tonight. They are coming up on Arbor Day and are working with the third graders to plant donated trees. Jenny informed Linda Clark that along with our annual membership for Arbor Day, we could pick 10 free starter trees, flowering, sugar maples and ones that attract birds.

Service: Linda Schilling made a motion to change the Service meeting to the first Tuesday of each month at 7:30 a.m. rather than at night. Linda Clark seconded. Roger Hawkins felt the meetings are more accessible to the general population in the evenings. Linda Clark would agree with Roger if the public were attending the Service meetings, we have had

maybe one or two residents attend. Linda Schilling added that Donna Maynard and Anthony have to attend and for evening meetings, they have to come back and then we have to pay overtime or they have to leave early another day. Roger said the public is why we are here and we should pay attention to the public more than what we have in the past. Linda Schilling said then the meetings will be at 7:30 a.m. on the first Tuesday of each month. Michele asked if they need a vote. Linda Schilling said when she talked with Michele; this was not a Council issue but a committee issue and two out of the three want it. Michele was not aware they had addressed it at their own meeting by a vote. Linda Schilling said they did not discuss it at their committee meeting; she just spoke with Michele about bringing it up at Council. Michele thought Linda meant to bring it up for a vote since Council has already established the calendar for the year. Linda Schilling felt the calendar was for Council meetings. Michele said she thought we have a calendar for all meetings. Jenny said yes and they are posted. Michele said that since we do have a calendar, you probably need to vote on this change. Linda Schilling said when Finance changed their meeting; they did not come to Council to say they were changing it. Ben said we did not vote when we changed the Finance committee meeting. Michele said okay, if that is how it was handled in the past. Linda Schilling said Anthony is working on getting quotes for new cell phones for the Service Department. Roger would like to ask the chairperson to put off changing the meeting time for one month. Linda Schilling and Linda Clark agreed to do that.

Parks: Marty had nothing to report for this month.

Planning: Mayor Hawkins had nothing to report but wanted to express her gratitude to Rich Iafelice and C.T. Consultants for all their help this last week and thanked Anthony for all his progress he has made in the short 24 days he has been here.

Finance: Ben announced the new Finance Chairperson is Linda Clark for 2011. The next Finance meeting is the Thursday before Council, February 10 at 6:00 p.m.

BZA: Roger had nothing to report except to welcome Anthony to the Village and thanked him for his work at the service garage.

Safety: Giles welcomed Anthony. The recent new contract for the Fire Department indicates their desire to get out of the business of equipment and leave that all to the Police Department since they are slowing splitting off their dispatch service to other services. Harry thanked the Fire Association for their help to pay the last part of the siren.

The siren is now in good working order and has been programmed to sound for one minute every Sunday at noon. In case anyone has not heard it, it has gone off for 3 weeks.

Linda Clark asked Giles, as our Fire Board representative, what the status was of the car fire that recently occurred in the one bay of the station. Giles said the insurance company has it well under control and felt they have actually gone well beyond expectations. Linda Clark asked if this would be the fire person's insurance. Giles said yes, their insurance.

New or Other Business: Linda Schilling said she had been contacted by Ellie Stamm of Stamm Contracting who would like to donate 800 square feet of concrete for a possible handicap parking area either by the legion hall or by the side of the little red building. They would do it all; the prep work, excavating it out, an underground line for drainage and pour the concrete.

Motion to accept the donation from Stamm Contracting for handicap parking in front of the Park Lodge made by L. Schilling with a second from B. Prescott. All ayes on vote.

Motion to authorize Police Chief, Harry Buchert, to approach the owners of Barky Mart for a possible easement for the rear driveway made by B. Prescott with a second from R. Hawkins. All ayes on vote.

Motion that existing Zoning Ordinance 410.05 be brought to Planning for consideration and discussion made by B. Prescott with a second from L. Schilling. Linda Clark asked what this is. Ben said it is the vending machine ordinance that we have now. Mayor Donna Hawkins, as Planning Commission Chair, wanted to state that it was actually brought, as per Ben Prescott's request, to the agenda at the last meeting. All ayes on vote.

Giles Seith wanted to present a donation to the Village, a picture of our new Village Hall from around 1910, which was a school at the time, to hang in Council chambers.

Ben Prescott also noted Council would be making changes to the rules of Council.

Public: Mike Zamecnik came to the meeting tonight because of ordinance 2011-06. He has been a landlord for 20 years; he believed the existing Village rules have never been enforced regarding shut-offs. Linda Schilling said they have talked to Anthony because that has been a problem in the past. Linda added that the reason this was brought up was that there is about \$26,000 owed to us. Village Administrator, Anthony Fiorilli said we have many units on one meter. It makes it very hard for him to shut water off on unit C, when A & B are paying. Our goal is to target those people that have one meter, multiple units. Mike felt if the bill is put in the landlord's name, the tenants will have no incentive to pay it. Anthony said whoever owns that property is ultimately responsible for paying that bill.

Graham Harmon felt it still reverts back to the landlord. How many people in the Village have tenants and one tenant out of four is actually paying the bill. In that situation, it would always be the landlord and if the landlord does not pay the water bill for his tenants and you shut his water off, his tenants are going to move because they do not have water.

He has some rentals in the Village and sometimes you cannot reach them at the Service Department to find out what their tenants owe. If their tenant moves out while they are trying to get a hold of someone to find out what they owe, that is really a problem that needs addressed. Anthony said since he has been here, his staff and he are trying to curtail some of the issues with intermediate absences in the office. Graham said for the last year and one-half, half the time when you call down there, no one answers the phone. Linda Schilling said that has been discussed at Service; signs have been laminated and will be posted on the door. Linda would also like to find out if the phone could be forwarded up to the Village offices when Donna or Anthony is at lunch or out for any length of time. Jenny said Donna goes to lunch the same time that Sue and I do, however, they should be able to change the message on the machine. That is something our office does whether it is for training purposes or closed for a holiday. Linda Schilling said now Anthony takes lunch after Donna comes back so that should no longer be a problem. Graham also has some units in Ravenna; if those people are late, he gets a computer-generated notice on what they owe. The landlords can then stay on top of it and make sure their tenants are getting those bills paid. Roger invited the public to attend the next Service meeting for their input.

Jeff Benner said the Council President, Ben explained it the same way he feels about it, we have the proper language it just needs reinforcing. Linda Clark said it was written the way the motion was presented; we had to do it that way. Marty added the motion was made in error and agreed upon; now it is going back to be corrected. Graham asked if this is all being kept by hand or is it being entered into a computer. Linda Schilling said both right now. Anthony said he has updated some of it and one of the plans is once we can recoup

some of this money, to invest it into a more updated program. That way 90 percent of it will be done by computer and less by hand.

Jeff Benner asked with multi-family units, are there landowners that actually have some of the meters in the tenant's names. Yes, separate meters. Therefore, if you have a triplex with one meter, that meter is in the tenant's name instead of the owners. Anthony said no, it is in both their names when they sign the agreement, when we have lessees like that. The property owner can branch that off and add more meters to get individual meter reads. However, it is costly to do that and with the economy right now, we were hoping to avoid that route at this time.

Bill Zoller said we paid for those meters and hooked them up the way we were told to by the Village. Anthony said if there is one meter and two units, there is a problem. He has two meters with separate readers, one unit with one feed line. Anthony said that would not be a problem. If they owe the Village money, they probably owe the landlord too!

Graham asked whether the Village could bill out once a month. Anthony said on the current system, it would be very hard. Tenants could be allowed to make estimated monthly payments ahead. Anthony said we have the Village divided now into three districts; each district is billed once a month. Ben said landlords need to know as fast as possible that someone is delinquent. Michele will be working on a delinquent letter.

Graham asked if a tenant moves from one rental property to another and they were delinquent at the first place; would they be able to be hooked up at their new location? Anthony said no, they would not be able to until they paid up. Graham said the other thing is that as a landlord, we have never gotten a letter from the Village letting us know our tenants are delinquent unless we call. Anthony asked everyone to give them some time to work on this; we appreciate the comments and input.

Motion to adjourn the meeting at 8:10 p.m. made by R. Hawkins with a second from G. Seith. All ayes on vote.

Mayor Donna Hawkins

Clerk-Treasurer Jenny August