

Village of Windham, Ohio
Minutes of Special Council Meeting
Regular Council Meeting held at other than normal
date

Held October 31 2014

At 7:05 PM Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of allegiance to the flag of our country.

Roll Call: Rachel Barrett – present, Deborah Blewitt – present,
 Scott Garrett – present, Sheryl Prem – present,
 Linda Rininger – absent, Randal Slusher – present

Mr. Garrett made a motion to amend the agenda by adding 10.4 the hiring of Lori Lee as part-time Utility Clerk Specialist. The motion was seconded by Mr. Slusher and carried by a 5 – 0 vote of Council.

Mr. Slusher made a motion to approve the minutes of the September 23, 2014 Regular Council Meeting which was seconded by Mr. Garrett and carried by unanimous vote of those present.

Mr. Garrett made a motion to approve the minutes of the October 7, 2014 Special Council Meeting which was seconded by Mr. Slusher and carried by unanimous vote of those present.

Mrs. Prem made a motion to approve the minutes of the October 22, 2014 Special Council Meeting which was seconded by Mr. Garrett and carried by unanimous vote of those present.

Fiscal Officer Billman gave the Financial Reports as follows: The Income Tax collected year to date September 30, 2014 was \$391,815.97 with \$46,797.72 of this total for declarations of estimated tax. The expenditures for the month of September were \$120,667.37 in checks and charges. Check numbers 30524 through 30627 were paid from the primary checking account during September 2014 with no checks voided during the month. Direct Deposit Vouchers 310-2014 through 312-2014, 314-2014 through 326-2014, 328-2014, 330-2014 and 335-2014 through 347-2014 were also paid during the month of September 2014. The all funds reconciled balance for September 2014 was \$1,342,218.11.

Village Council President's report by Deborah Blewitt. Ms. Blewitt said she had nothing.

Dispatchers Police, Fire Rescue Squad Report for September 2014 by Deborah Blewitt. Ms. Blewitt made a motion to accept the report and attach it into the minutes which was seconded by Mr. Slusher and passed by a 5 – 0 vote.

Mayor's Communication by Rob Donham. Mr. Donham said he will save his comments.

Prior requests of guests to speak – Bob and Sonya Edwards were present and addressed Council. The following is taken from their presentation: We would like to start by saying thank you for your time and allowing us to speak before the council. We hope each person on

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council and you, Mr. Mayor, know that we have always and will always work to better this community that we love so much.

We have begun a new chapter in our lives as well as our business. Gearhart-Edwards Realty. MaryAnn Gearhart our Broker and we as agents have begun a relationship with ESOP Inc. which stands for "Empowering and Strengthening Ohio's People". Within ESOP we have formed the first ever non-profit Real Estate Company in the state of Ohio and one of only five in the entire country.

ESOP began 21 years ago as a grass roots community organizers. They became the largest HUD foreclosure prevention in all of Ohio and have worked to save over 30,000 homes across Ohio. We are excited to be part of just some of their innovative & integrated services.

ESOP's Mission: *Empowering and Strengthening Ohio's People (ESPO) fosters the economic empowerment of disenfranchised communities through outreach, education and advocacy.*

With that being said we would like you to know that our main goal for Windham is to help revitalize the community. We would like to ask that you let us work with any existing committee or form a new committee to discuss resources we have available to help our community to once again thrive.

There are 31 empty houses/buildings at the current time. 7 Multi Family, 1 Old Head Start, Our Old Office Building (next door) as well as buildings at the intersection of Center & Main Streets, and that means there are at least 22 empty Single Family Homes within the Village limits. There may be some homes in the township as well as Wolfe Road. There are also properties the Village owns. We want to put people in the homes we already have as homeowners rather than as renters. We are asking Council to write letters to the banks and start rehab on these properties.

Mayor Donham thanked the Edwards for coming and asked them to come to the Economic Development Meeting on November 11, 2014 to discuss their ideas in more detail.

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of September 2014 in the amount of \$120,667.37 in checks, direct deposits and charges with check numbers 30524 through 30627 paid from primary checking during September 2014 with no checks voided during the month. Direct Deposit Vouchers 310-2014 through 312-2014, 314-2014 through 326-2014, 328-2014, 330-2014 and 335-2014 through 347-2014 were also paid during the month of September 2014. Mr. Slusher seconded the motion which carried by a 5 – 0 vote.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for September 2014 in the amount of \$1,342,218.11 and the following monthly reports distributed to Council for the month ending September 30, 2014: Fund Summary, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through September 2014: Cash Summary by Fund, Comparison of Budget and Appropriated. Mrs. Prem seconded the motion which carried by a 5 – 0 vote.

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Mr. Garrett read Resolution R-2014-27 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY OHIO EDISON COMPANY, CENTURYLINK AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Slusher and carried by a 5 – 0 vote. Mr. Garrett made a motion to adopt Resolution R-2014-27 which was seconded by Mr. Slusher and carried by a 5 – 0 vote.

Mr. Garrett read Ordinance O-2014-21 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Sheryl Prem and carried by unanimous vote of those present. Mr. Garrett made a motion to adopt Ordinance O-2014-21 which was seconded by Mr. Slusher and carried by unanimous vote of those present.

Mr. Garrett read Resolution R-2014-24 **A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AGREEMENT FOR UTILITY BILLING AND INCOME TAX MANAGEMENT SERVICES WITH CREATIVE MICROSYSTEMS, INC.** as a third reading and made a motion to adopt the legislation which was seconded by Mr. Slusher and carried by unanimous vote of those present.

Mr. Garrett read Ordinance O-2014-23 **AN ORDINANCE AUTHORIZING A CONTRACT WITH THE PORTAGE COUNTY PUBLIC DEFENDER FOR DEFENSE OF INDIGENT PERSONS CHARGED WITH CRIMINAL OFFENSES UNDER THE VILLAGE ORDINANCES** and made a motion to suspend the rules which was seconded by Ms. Blewitt and carried by a 5 – 0 vote. Mr. Garrett made a motion to adopt Ordinance O-2014-23 which was seconded by Mr. Slusher and carried by unanimous vote.

Mr. Garrett read Ordinance O-2014-25 **BEING AN ORDINANCE AUTHORIZING THE AMENDING AND/OR SUPPLEMENTING OF THE PERMANENT APPROPRIATIONS SET FORTH IN ORDINANCE O-2014-24 ON OCTOBER 22, 2014 FOR THE VILLAGE OF WINDHAM, AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Ms. Blewitt and carried by unanimous vote. Mr. Garrett then made a motion to adopt Ordinance O-2014-25 which was seconded by Ms. Blewitt and carried by unanimous vote.

Mr. Garrett read Ordinance O-2014-26 **AN ORDINANCE AMENDING THE CURRENT PAY ORDINANCE TO ESTABLISH AND REVISE THE SALARIES AND WAGES OF FULL-TIME AND PART-TIME EMPLOYEES WITHIN THE VILLAGE OF WINDHAM, COUNTY OF PORTAGE AND STATE OF OHIO, REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY** and made a motion to suspend the rules. The motion was seconded by Ms. Blewitt and the roll call vote was taken as follows: Mr. Garrett yes, Ms. Blewitt yes, Mrs. Prem yes, Mrs. Barrett no, Mr. Slusher yes so the motion was defeated.

Mayor Donham asked Mrs. Barrett if she would reconsider as we can't hire our employees without revising our (pay) ordinance to create the positions. Mrs. Barrett said no, my vote stands. Mayor Donham said let me take a five minute recess and look at this legislation. The recess was called at 7:25 with Mayor Donham, Solicitor Reitz, Fiscal Officer Billman and Council President Blewitt adjoining to the adjacent room to consider this. The above named individuals returned to the Council Room at 7:35 and Mayor Donham announced the resumption of the Council Meeting from recess. He then stated before we move forward on the Minutes of October 31, 2014 Special Council Meeting (Regular Council Meeting held at other than normal date)

agenda, he asked Rachel (Barrett) if she understood that the ordinance doesn't give any pay increases because we were talking about a couple of different things with the pay ordinance lately and he didn't put any pay increases on this ordinance; this is only creating the two positions so that we can hire our employees in the temporary positions until they are vacated and then we can appoint them in the permanent positions. If you are ok with that, because I know you had objections to some of the different pay scale different increases and things like that, if you are ok with the two position creations which would be our new Fiscal Officer in Training position as well as the Part Time Utility Clerk position and moving Lori to Income Tax full-time, that's all this has in it. If you would like to reconsider that you are the only person who can, we need five votes to move forward. Mrs. Barrett said I don't have a problem making the changes to include the new positions but I do with the wages. Mayor Donham said if you would like to take a moment to review that we don't have any new. Mrs. Barrett said she has reviewed it and she is not in favor of the wages which have been set. Mayor Donham asked for the new positions? Mrs. Barrett said for several of them that were discussed previously that we never took a vote on. Mayor Donham said I guess I'm confused, I'm not changing any. Mrs. Barrett said yes, Rob, you changed some of the wages... Mr. Donham asked which ones? Mrs. Barrett said there are several of them that changed but they were never voted on. The ordinance was made up but it was never brought before to vote. Mayor Donham said he would be unaware of that. Mr. Reitz said he had reviewed this legislation and the wages that are in here are the same as the wages in the immediately prior payroll legislation. Mrs. Barrett said if I am wrong then I will have to stand by my vote because I don't believe a previous wage ordinance was passed. Mr. Reitz said it was 2014-17 and I compared them this afternoon. Mrs. Barrett said I have that one here. Mr. Reitz said well maybe it would be helpful if you compared them now. Mrs. Barrett said no, not for me. Mayor Donham said ok that's alright it makes our... Mrs. Barrett said I don't recall that this one was passed. Mr. Reitz said well, I got it off the web site. Mrs. Barrett said well I don't have my agenda with me. I'm not saying you're wrong, I'm not saying I'm right, but I don't have my agenda where I would have marked it off in July. But I am not in agreement with some of the wages that are on here; I don't think they are fair, if you want to whip up something to create the positions, I don't have a problem with that. Mayor Donham said well that is all I put on here; the only two things, I took the 2014-17 and literally hand scratched it out and gave it to Lloyd and added the Fiscal Officer (in training) position, the Part-Time Utility Clerk position as well as the Utility Clerk Specialist because Lori will be flip-flopping back to her original position; so those are the only three changes. Mrs. Barrett said well I'm not going to change my vote. Mayor Donham said obviously it makes our path a little bit more difficult, but it doesn't prevent it so we will go ahead and move forward. What we are going to do is we are going to have to ratify some of these things at our Special Council Meeting that we will now be scheduling for the next Safety Personnel Rules Committee Meeting and the final reading will be at our November Council Meeting but we will go ahead and go forward with what we have on the agenda as it is, we will just have to ratify that Ordinance after the fact so this will be a first read. Mr. Slusher said just to clarify are we still starting at 5:45 PM on November 11th. Mayor Donham said yes, we will not move the public hearing and it will begin at 5:45 PM. We will put the Council Meeting at 6:00 PM and each Committee Meeting thereafter.

Safety, Personnel, Rules (SPR) by Deborah Blewitt

Ms. Blewitt made a motion to approve November 29, 2014 as the final day of employment for Fiscal Officer Lloyd Billman and consent to pay him for 14 days of unused vacation pay and six weeks of sick time as he has accumulated in excess of 960 hours of unused sick time. This is to be paid at retirement at the first pay following December 1, 2014. According to the Ohio Minutes of October 31, 2014 Special Council Meeting (Regular Council Meeting held at other than normal date)

Revised Code 124.39 an employee is entitled to be paid for 25% of a maximum of 960 hours of unused sick time upon retirement with a minimum of ten years of public service. (960 hours times 25% = 240 hours or six weeks pay) Mr. Garrett seconded the motion. The vote was taken which passed by 5 – 0.

Ms. Blewitt made a motion to approve the hiring of Cheree M. Taylor as Fiscal Officer in training effective November 5, 2014 at an annual salary of \$30,600. Mr. Garrett seconded the motion which passed 4 – 1 with Mrs. Barrett being the sole dissenting vote.

Ms. Blewitt made a motion to confirm the hiring of Amy Wirick-Gembar as part-time Utility Clerk effective November 3, 2014 at an hourly rate of \$12.00. The motion was seconded by Mr. Garrett and passed by a 4 – 1 vote with Mrs. Barrett again casting a no vote.

The motion to approve hiring Lori Lee as part-time Utility Clerk Specialist effective November 3, 2014 at \$6,000.00 annually was not considered at this time.

Utilities by Rachel Barrett

Mrs. Barrett had nothing at this time.

Service Committee by Randall Slusher

Mr. Slusher read Resolution R-2014-29 **A RESOLUTION AUTHORIZING THE APPLICATION FOR AND SUBSEQUENT ACCEPTANCE OF GRANT FUNDS BY THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Ms. Blewitt and passed by unanimous vote. Mr. Slusher made a motion to adopt Resolution R-2014-29 which was seconded by Mrs. Prem and carried by unanimous vote.

Economic Development by Sheryl Prem

Mrs. Prem had nothing at this time.

Parks and Recreation by Randall Slusher

Mr. Slusher reminded everyone we have a levy on the ballot and asked everyone to please vote yes.

Planning and Zoning by Deborah Blewitt

Ms. Blewitt had nothing to report.

Solicitor's Report by Tom Reitz

Mr. Reitz had no report

Guest Recognition

There was nothing for this item.

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Last chance by members of Council to speak upon any subject at this meeting.

No discussion for this item.

Mr. Slusher made a motion to adjourn the meeting which was seconded by Mr. Garrett and by unanimous vote the meeting was adjourned at 7:50 PM.

Respectfully submitted,

Attest,

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor

**** NOTE: THESE MINUTES ARE SUMMARY BY DIRECTION OF COUNCIL ****

All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.