

Village of Windham, Ohio

Minutes of the Special Council Meeting Regular Council Meeting held at different than usual date

Held June 24, 2010

At 6:30 PM a Public Hearing for the 2011 Budget was held. All Council Members were present with the exception of Scott Garrett. Mr. Snyder made a motion which was seconded by Mrs. Rininger to adjourn the Public Hearing at 6:58 PM. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mrs. Rininger, Mr. Snyder. Nays: None. Motion carried.

At 7:00 PM, the 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, Scott Garrett – present,
 Kelly Meszaros – present, Jena Miranda – present,
 Linda Rininger – present, Phil Snyder – present

Also present, Village Solicitor Tom Reitz, Bruce Rininger, C. James Moore, Denise Bly, Mike Iwanyckyj Village Administrator, Tom Brett Rental Housing Inspector, Pat Schaefer, Debbie Blewitt, Patrolman Jason Lamtman, Russell Hahn, Cecilia Swanson, Lt. Dale Korman, Jess Weirick Township Trustee, Dann Timmons Township Trustee, Joyce Crozier, Lynnea St. John, John Zizka and Chief Sanchez of Community EMS, Thomas and Sheryl Prem

The minutes of May 26, 2010 were discussed Because several members of Council had not had sufficient time to review the minutes, Mrs. Miranda made a motion to table the minutes which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Miranda, Mrs. Rininger, Mr. Snyder. Nays: None. Motion carried.

Village Fiscal Officer's Financial Report by Lloyd Billman

Before the regular report Mr. Billman said he had been made aware of an error in the expenditures for the month as listed on the agenda by Mr. Snyder. The correct amount should be \$223,076.79 and the finance chair has been informed.

The Income Tax total for May year end was \$247,076.63 of which \$12,667.89 is declarations for estimated tax.

The expenditures for the month of May 2010 in checks, charges, etc were \$223,076.79 with check numbers 24377 through 24469 and 24481 through 24530 being paid from the Primary Checking Account during the month. Checks numbers 24470 through 24480 were voided during May 2010.

The May 2010 Bank Reconciliation all funds reconciled balance was \$661,615.81.

The Fiscal Officer stated that the Village of Windham has paid \$207,522.82 in related expenses on behalf of the WVFD Joint Fire District so far this year and has nothing remaining in fund 2911 which is the Fire and EMS Operation and Equipment Fund.

Village Council President's Report by Rachel Barrett

Mrs. Barrett said she had nothing to report.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for May 2010 by Mrs. Meszaros.

Mrs. Meszaros read the reports for May 2010. Mrs. Meszaros. There were no reports from the Fire Department

Mayor's Communication and Correspondence

Mayor Donham said he wanted to update everyone on the Neighborhood Stabilization Program which is the 20 apartment buildings which the Village has purchased. We have purchased twenty basically vacant dilapidated buildings in the Maple Grove area. We have received about \$400,000 in federal funding to demo those. The project should be beginning the end of August or the beginning of September sometime. We have a status meeting tomorrow with Stacy Brown who is administering the Neighborhood Development for us. Her and I will meet on the status of the relocations because we have five relocations. That will be a pleasant sight to see some of the most unsafe living conditions we have in the Village finally come down. In addition to that the Village has also received an additional \$105,000 from the Portage County Commissioners. I applied for Community Development Block Grant Money and was granted \$105,000 to purchase and demolish another six buildings so within the next twelve months we should be getting down twenty-six buildings with approximately one hundred forty-eight apartment units in them. So that will be easily the largest demo project we have ever done in the history of the Village. I'm very excited about that; we have all worked hard. The Village has also applied for Neighborhood Revitalization Funds in the amount of approximately \$300,000 to go along Maple Grove Road for sidewalks, curbs, new tree lawns, fixing some hydrants and road repairs. This is the reason the dates are a little up in the air. And we are using the Neighborhood Stabilization Program as matching funds so they kind of go hand in hand, but the latter is a federal grant and the Commissioners just signed off on that last Wednesday. That's another project hopefully we are looking at for the end of this year or the beginning of next year. Another project we will be doing is the Ohio Public Works Commission; we applied this years funding pre-applications were due two weeks ago. We applied for two hundred seventy-five thousand dollars from the Ohio Public Works Commission for Water Plant upgrades, basically taking care of all of our immediate needs in our Water Plant. The local match for that is \$55,000.00. That project is going to score very well. It should be one of the leading candidates to be funded. I would be very surprised if we did not get funding on that project. In other news the Village has a meeting scheduled for next Wednesday, June 30th. That meeting is to discuss the Arsenal Water and Sewer Project. The Portage County Commissioners, Neighborhood Development and the National Guard are also involved in this. This project has been delayed a little bit due to a concern on who is going to fund certain portions of the upgrades, but I think we have come up with a solution so we can move that project forward. It is certainly something I am comfortable with so I can sign off from my end, but I want everybody to be on the same page. We move forward, so if all goes well next week, when Council and everyone meets, it should be providing the Arsenal with Water and Sewer services by the end of the year. That will generate additional revenue for the Village and it is going to revitalize the National Guard complex as well, so that is another big project. As most everybody here knows, Council and the audience, Council has decided to advertise for the position of Police Chief for the Village instead of rehiring Chief Perdian. Obviously, I do not believe that we will find a more qualified candidate, however I am not going to be closed minded about it either. If a prospective candidate applies who is more qualified than Ed, then he is going to most certainly be considered. I am going to be reviewing the applications and conducting interviews after the advertisement period has ended and at that

time I'll make an appointment to Council. We are going to have comments here as soon as I'm done. After the advertisement period has ended I'm going to make that appointment in short order because I think it is a big issue for us. This appointment is easily going to be the biggest decision I'm going to make here in my time as Mayor. I can't think of anything more important than the position of Police Chief. I'm not going to take that lightly and due to the significance of the decision, I'm going to enlist an ad-hoc committee to help me, to advise me. On a decision this important I feel it is important to have a talented, intelligent, diverse group of people that has different view, experiences and opinions aid me in each step of the process. I have selected four people, two Council people and two residents; the Council people I've selected Rachel Barrett and Scott Garrett to help me review applications and conduct interviews and participate in every step of the process from A to Z. I have also asked two residents to aid me in this. One of them has accepted already and the other one is still considering it. So one of them I can announce is Maurice Hankins who will be a Village resident aiding me and giving me guidance on this because quite honestly I need people who have different backgrounds than I do and have been through this process and I think these three individuals, Scott with the most experience of anyone here on Council, Rachel being Council President and has served on Council as well as Clerk of the Village. All three of these individuals have been through the appointment of a Police Chief and I think they will be quite valuable to me. The fourth person I am going to select is a little bit more unconventional but is going to be a Township representative. I have asked someone and am awaiting confirmation to have their input. I think it is important on a Township resident because we are the single largest provider of Police services to the Township and crime doesn't stop at the Village limits. Burglars don't care that Wolfe Road I what separates the Village from the Township, and I think that Township residents have a very large vested interest in this Police Department. I think it is going to be important that Township residents participate in their vested interest in this community. It is one Windham so I intend to take advice from a Township resident and have an all inclusive committee. I will announce the Township resident as soon as I get confirmation. The last update before we move on is the situation we find ourselves in with the Police Department. Currently our Department is completely and totally understaffed and it is ill prepared to continue to provide the level of service that the Village is use to. We are at the lowest staffing level that the department has seen in twenty years; we don't have a Police Chief, we don't have a Sergeant, and that leaves us with only one supervisor for the entire department. Right now we only have four full-time officers and we need six or seven. We don't have enough part-time officers to fill the shift when people are calling off or when they are on vacation. I have dedicated more funding to our Department than any Mayor in the history of the Village. It is inexcusable that this situation exists and it is intolerable to allow it to exist. This Council can't afford to lose the progress that we have had in the past three years. It is prudent to plan and debate. Don't get me wrong. We have to consider everybody's ideas and philosophies, but at some point this Council has to make a decision. The public expects the officials on this board to implement ideas, not to stop them. Just to say no for the sack of saying no without any public explanation or offering an alternative is not only unproductive, but it is dangerous. By allowing the staff of the Police Department to dwindle to the level that it is at, this Council has endangered the welfare of the public and the residents of the surrounding community which is why the Township should be involved. This Council's confirmation of a Mayor's appointment exists because of the nature of our founder's doctrine of separation of powers. That doctrine exists so that an executive can't make a dangerous or unqualified appointment to an important decision. That is the only reason you have that separation; you don't want somebody dangerous or unqualified in an important position. The doctrine doesn't exist to allow a legislature to pick who they think is the right or best candidate. That determination is left up to the executive alone. None of my appointments that I have made be it part-time officers, the Sergeant, or the Police Chief have either been dangerous or unqualified. It is in that sense that I find it ironic that the doctrine that is supposed to protect the separation of powers of government is being

used by this Council in order for the legislative body to infringe on the executive's role. So at this time I'm just asking Council to approve immediately the part-time appointments that I've made for officers and expedite the approval of the appointments to the Police Chief and Sergeant as soon as possible. That's the conclusion of my report however at this time I would like to entertain a motion to approve the hiring of part-time officer Steve Clark.

Mrs. Barrett asked, 'Has anything been presented to the personnel committee?'

Mayor Donham said this person has been to the personnel committee once all the documentation has been given this officer has been voted down.

Mrs. Rininger asked, 'How long ago was that?'

Mayor Donham responded, ninety days ago.

Mrs. Rininger inquired if the officer had been to the personnel committee ninety days ago.

Mayor Donham said he was voted down ninety days ago. This is the last appointment that was made to Council for part-time. There is nothing dangerous or unqualified about this officer. He holds all the credentials and quite honestly we don't have officers.

Mrs. Rininger said unfortunately, Mr. Mayor, we can not comment on what was said in executive session and I do remember discussing this individual had some limits that we could not accommodate.

Mayor Donham said the first part is not true, you can comment on things that are said in executive session. The privileges of executive session are the privilege of Council. Anyone who is in there is free to express something but they do it at the risk of letting out information that you want to be private. This individual to my recollection had zero reason to be turned down. None was given to me and he was voted down.

Mrs. Rininger said, Mr. Mayor there were given reasons why this individual was turned down.

Mayor Donham said, I'd like to hear them.

Mrs. Rininger said, your speech was very pretty and well rehearsed, but unfortunately you are misinforming people.

Mayor Donham said, I'd like a motion to hire a part-time police officer.

Mr. Snyder said I make a motion to hire Steve Clark as part-time police officer. Mrs. Rininger said I'll second the motion. Mayor Donham called for discussion on the motion.

Mrs. Miranda asked, 'If the need is for full time officers, why won't you hire this guy as full time?'

Mayor Donham said we need more guys, we need additional full-time officers, but I'm certainly not about to make a decision like hiring a full-time officer without a Police Chief to make that decision. I'm not going to hire a full-time officer. I'm not a commissioned officer; quite honestly, I'm not the one who is going to be martialing these guys day in and day out. I'm going to leave those decisions to a Police Chief. We need a Chief and two more full-time guys, but even when we get that, we still need two to three more part-time guys.

Mr. Garrett asked what is our part-time staffing level currently.

Mayor Donham asked Lt. Dale Korman how many part-time.

Mr. Snyder asked Lt. Korman how many we had last year at this time.

Lt. Korman said we had Sgt. Breiding full-time, Chief Perdian full-time. I'm not sure how many part-time we had. I would have to look at the record to see if we had one more part-time.

Mayor Donham said Garrettsville, Mantua and Hiram all have twice the number of officers that we have.

Mrs. Miranda said they have twice the population Windham has.

Mayor Donham said they have half the population. We are the largest Village in Portage County. We have a higher population than Hiram and Mantua combined.

Mrs. Meszaros said we talked about hiring full-time officers. I firmly believe it should be up to the next Police Chief to do the hiring.

Mayor Donham said but in the meantime we need part-time officers.

Mrs. Miranda asked how seriously understaffed are we?

Lt. Korman asked how serious(ly understaffed) do you want to be? Anything can at any time; currently I have a full-time officer who is out on his wife's maternity leave, so that takes us down 40 hours, we have had two individuals call off sick this week so we are down another 16 hours which forces officers to work by themselves without backup in the immediate area. We need other officers who are on the roster they can be called in to fill in.

Mrs. Rininger said I do remember with this gentleman that he was not be available to be called in due to other employment.

Mayor Donham says this guy says he will be available to work here part-time, he will be available to work here part-time. We have room for twenty-four hours on the roster.

Mrs. Rininger said with people calling off, he needs people he can call in to cover shifts. I do remember that this gentleman had another place of employment.

Mayor Donham said and so do the other people who work here. They all have other places of employment.

Mr. Snyder said we have a need for part-time officers for the last three or four months and every time that anybody comes to this Council with names or recommendations they are shot down.

We have a very real need for part-time officers and when we get qualified candidates and they are reviewed by the staff and it is determined that they are qualified we are totally irresponsible if we don't hire them. And it's true we are jeopardizing the safety of the community when we don't have enough people to cover the shift sufficiently and that's our responsibility, that's our job to provide that police protection. That's one of our many jobs; but when we don't behave in a manner that's consistent with need then we are irresponsible.

Mayor Donham said let me steal Scott's thunder because this is a question that he would ask, 'What is the negative of hiring this part-time officer?'

Mrs. Meszaros said I think the negative all along has been the question of utilizing the part-timers we have to a higher degree.

Mayor Donham said they are utilized, they are at their twenty-four hours.

Mrs. Meszaros said and Council has been exploring options to get past that twenty-four hour barrier.

Mayor Donham said and we will never have a full-time department at that rate. I'm not an advocate and I never will be of going back to the days where you work guys 36 hours; it's not fair to the part-time employee who is working full-time but is not full-time. They don't have a buy-in; they are not effective.

Mrs. Meszaros said we are not requesting that option. It's not like we are forcing them to do it. They are coming to us and saying please I need more hours to support my family.

Mayor Donham said I'm sure they'd like full-time.

Mrs. Meszaros said absolutely they'd like full-time. If they could get extra hours, they would like to have them.

Mayor Donham said and we're never going to get to full-time This Village can not afford to have 35 hour part-time employees.

Mrs. Meszaros said it's not that much expense. It's not a huge expense.

Mayor Donham said but it's an unnecessary expense.

Mrs. Miranda said it doesn't make a difference, twenty-four and twenty-four is forty-eight no matter what. So if one guy is working thirty-five and another guy is working thirteen because he is only available ...

Mayor Donham said you have to pay the thirty-five hour guy benefits and he is not full-time. It is not fair to him, you are not getting a full-time officer for that. You are taking advantage of the employee and you are not getting the most qualified officers. Those officers who can get full-time are going to go and get it, and if we are not offering it we are going to lose the best officers we have.

Mrs. Rininger said the chair of the Safety, Personnel and Rules Committee just stated to you that we are looking at options.

Mayor Donham said I'm tired of looking we need guys.

Mrs. Rininger said it just came before the committee this month. You haven't even given time for a cost analysis.

Mayor Donham said, oh cost analysis we need officers, some part-time officers.

C. James Moore said from the audience that's the bottom line you sit up there negotiating.

Mayor Donham said if there is any other discussion on part-time officer let's have it, but otherwise I'm going to call for a vote. Take the vote.

Mrs. Barrett said personally I think it need to come from our Personnel Committee.

Mr. Snyder said if the Personnel Committee will not bring a recommendation to Council and we have a very real need then what choice is there but to take the qualified person and present them to Council.

Mrs. Rininger asked Mrs. Meszaros when did she find out that this was on the agenda.

Mayor Donham said Rachel, this gentleman was recommended by the Personnel Committee the first time and was voted down. Am I to have any confidence that the Personnel Committee can get a vote past this Council?

Mrs. Rininger said yes it can. Mayor Donham said but it hasn't. They have both recommended the Sergeant and Steve Clark and both of those two appointments never happened.

Mrs. Rininger said that never came before this Council for a vote, Mr. Mayor.

Mrs. Meszaros echoed that it never came up for a vote.

Mayor Donham said this is beyond politics you two, this is our Police Department.

Mrs. Meszaros said the Sergeant's position never came before Council for a vote.

Mrs. Rininger said, and at the time that part-time officer was voted down, you were given reasons for it. You should have advertised again if you were in that big of a need to give us more applicants to review.

Mayor Donham said this guy is a qualified applicant. There is no reason to turn him down.

Mrs. Barrett asked where is he from, may I ask. Mayor Donham said it is Chesterland. Same distance as officers currently working. We have officers from Cuyahoga Falls, Stow.

Mrs. Miranda said how is this going to affect the future of the Personnel Committee if you are going with an ad-hoc committee to discuss the Chief's position? The Personnel Committee was to help with staffing levels, work with the people ...

Mayor Donham said the Personnel Committee has a very defined agenda in the rules. The police department is not within side those boundaries. I would love for every member of this Council to cooperate with me and think that I am getting a whole hearted effort to work together. I don't get that. That's fine; I understand that. I still have a Village to run, so I'm going to work with those members of Council that I think are effective and can move stuff forward.

Mrs. Meszaros said, we have a Village to run – all of us.

Mayor Donham said you have laws to pass. I think that is the distinct misinterpretation that this Council is making. You are a legislative body.

Mrs. Rininger said, and you can do nothing without us.

Mr. Donham said if you want to effect something, you should pass legislation to effect it. You should not try to infringe upon the other branch of government which is the executive branch and has the job of administering the Village.

Mrs. Meszaros said this is a democracy, Mr. Mayor, and I have every right to disagree with your opinion.

Mayor Donham said, I didn't say you couldn't.

Mr. Snyder said I have a problem with individual part-time officers think that they can go to individual Council members and petition for changes within the Police Department. I have a real hard time with that.

Mrs. Meszaros said, you are assuming something that you don't know is fact.

Mr. Snyder said I'm not assuming anything.

Mrs. Meszaros said, yes you are, have you been privy to any of these conversations? Have you been to any of these Council person's ...

Mr. Snyder said I just had the Chairman of the Personnel Committee tell me with her own words that individual part-time officers come to me and tell me they need more hours to feed their families. That's what you just said.

Mrs. Meszaros said, no I didn't say they come to me, I said they come to this body requesting that they be given additional hours.

Mr. Donham said I'm going to get us back on target. Is there discussion on the appointment of Steve Clark as a part-time officer? I'd love to have this philosophical debate all night but we do have business to attend to, so if there is nothing further please take the vote.

Mrs. Meszaros – no, Mr. Garrett – yes, Mrs. Rininger – no, Mrs. Barrett – no, Mr. Snyder – yes, Mrs. Miranda – no. Motion defeated.

Mayor Donham said before we move on to the next item on the agenda which is prior requests of guests to speak, I do want to inform Council and the community that I do intend over the next several weeks as we need to appoint auxiliary and reserve officers to the department. We have a citizenry to protect and we are going to do it with Council or without Council. The auxiliary officers have two requirements different from regular officers. They receive no pay and they cannot carry a gun off duty. Other than that they will be commissioned officers enforcing the laws of the Village of Windham. He then called on Mrs. Meszaros.

Mrs. Meszaros said the only difference in the state at the end of May before Ed Perdian resigned and today is the fact that Ed Perdian is not here any longer. There are still the same number of officers patrolling the streets and making sure that we are safe at night. So, as far, I don't feel any less safe than I felt at the end of May.

Mayor Donham said thank you.

Former Mayor Jim Moore said you didn't even hear did you? You didn't even hear what I had to say about the safety of....

Mrs. Rininger questioned whether Mr. Moore was allowed to speak. Mayor Donham said, he can speak – he asked a question and it was addressed.

Mayor Donham said the next item on the agenda is prior requests of guests to speak. Mr. John Zizka who is Chairman of Community EMS District has requested to speak to Council about an ongoing issue with our EMS contract.

Mr. Zizka said I want to present to you an invoice which has charges for EMS Services rendered during the month of May. You may notice at the top of that invoice there are charges past due for the months of March and April from 2010 totaling \$2550. The current invoice for the month of May has charges in the amount of \$1300. Community EMS did receive a communiqué from your Fiscal Officer Lloyd Billman dated May 28, 2010 referencing the invoices from March and April totaling \$2550. The inference there I believe is that the Village believes that those charges are more properly the responsibility of the Joint Fire District. However we have no agreement with the Windham Volunteer Department Joint Fire District, and I do have copies here of letters that were presented to Community EMS in December 2008, one with the Mayor's signature dated December 15th and a copy of Minutes of Council Meeting held November 25, 2008 where Council had agreed for the Mayor to enter into an agreement with Community EMS to provide services and be reimbursed up to \$250 per call. And we have another letter from the Village signed by Dann Timmons at that time Chairman dated December 12, 2008 where they too agreed to reimburse Community \$250 for every call not in cases of mutual aid but where either the Village the former Fire Department was unable to respond or had inadequate personnel. And up until this communiqué from Mr. Billman dated May 28th we had every expectation that we would be paid for our services.

Mayor Donham said thanks for coming, John, and thanks also you guys do a good job over there and we do appreciate the mutual aid that we receive from you guys. Obviously I'm well aware of that contract that we negotiated, you and I and Dann Timmons. Have you contact the district about, have you sent them this invoice? What is their response?

Mr. Zizka said I have had several communications with Dann Timmons from the Township and they have been paying their respective charges for January, February, March April of this year and also for charges incurred during 2009. Mr. Timmons told me in a conversation I had with him that he thought he had a gentleman's agreement with you Mr. Mayor that each entity would be responsible for their respective charges pending the approval of the levy in May of this year and those charges are for March and April. We had sent the Joint Fire District an agreement I believe dated January 20, 2010 advising them of our charges that had been previously been agreed upon asked them to sign a copy and return a copy and keep one for their records. We have not had the benefit of getting that agreement back.

Mayor Donham said, I'm going to address you and then certainly Council can jump in when they want. As of January 1st we no longer provide EMS service. The Village just does not. That is covered by the Joint District. They are the provider of our EMS service. I think this invoice should be paid by the District. You heard Lloyd earlier; we have paid the District 100% of our money that is appropriated to us for Fire Services, \$207,000 and some change this year. I think out of that \$207,000 the District should be able to cough up \$3850. If the District is saying they are not going to pay it, I think that is an issue that I need to address with the District because the residents of the Village who just endorsed a four mill levy are use to that service. We expect that service, and if the District can't provide that service, I guess they have some questions that need answered. Because I'll certainly have them for them. The money is there and it needs to be paid. At this point, I've got your letter saying you're not going to respond in the Village. I hope nothing serious happens but my hands are tied as far as providing supplemental EMS Service when we simply have no money to do so. It has all been given to the district to provide that service. Even if we wanted to pay that we wouldn't have a certification of funds to even allow us to do so. I guess I have to meet with the board and I would invite you to go with me so we can get this hashed out as soon as possible because, like Police Service, EMS is so vital that weeks matter.

Mr. Zizka said originally the EMS Board voted to suspend service at midnight on June 18th. We have not taken that action upon action of our legal counsel. It is still under consideration and we are sort of treading water hoping to come to some type of amicable resolution. I can assure you that...

Mayor Donham said, basically you should be paid, I mean that's the bottom line; you provided a service. I think both entities, the Township and the Village recognize that you should be paid. It's not something that you guys can do for free.

Mr. Zizka said I think you should tell your residents that we are continuing to provide service to the Village and it's very difficult and it's very foreign for our personnel and Chief Sanchez to ignore a call for...

Mayor Donham said, and the District, you know we have entered into a contract the Village with our Fire District because we pay them for services. And the WVFD Fire District is contractually obligated to provide us EMS Service. So if service is being provided here, they need to pay it. Otherwise they are in breach of contract with us. I mean we need to get this taken care of immediately but I would hope that you guys would have the financing available to continue this service and get paid retroactively. I can't promise you that you will, but I'm

telling you that I'll work as hard as I can to make sure that you get full payment. That's the best I can do.

Mrs. Miranda questioned the outstanding bills from Village and Township.

Chief Sanchez said, I have a list of every call that we responded to and whether it is to Village or Township.

Mayor Donham said I'm not sure what the Township's agreement with the District is. That's a separate contract. But certainly ours, we pay an enormous amount. We pay money out of general fund to it in addition to levies. I'd expect them to pay it.

Mrs. Miranda questioned the Village paid up until 2009?

Mayor Donham said yes, up until the District was formed in 2010.

Mrs. Miranda continued by saying that the Village paid through 2009 and did not pay after the District was formed in January 2010.

Mayor Donham clarified by saying we paid until January 1, 2010. When the district was formed that's when they took over the EMS operation. And that's when we no longer paid.

Mrs. Miranda asked if it was the Village's responsibility to provide EMS service?

Mayor Donham said, 'No, it's the Fire District. They are contractually obligated and that's part of our resolution that we passed with the Fire District to provide Fire protection, ambulance and emergency medical services.'

Mr. Snyder asked if there was an explanation why it's not paid? Why it isn't being paid?

Chief Sanchez said I had sent an invoice to Jayme Neikirk who is serving as the Joint Fire District's point of reference for the Maple Works and she divided up how many were in the Village and how many were in the Township. On a note attached to her payment was a check from Windham Township saying the Joint Fire District is not accepting the contracts previously agreed upon. Each individual entity is responsible for those payments. And that check was signed at a district meeting. The chair is sitting right here of the Joint Fire District.

Mayor Donham said unfortunately she can't speak on this because she is conflicted. He said Mrs. Ringer receives a paycheck from the Joint Fire District and a paycheck from the Council. As a Councilperson she can't represent the District here.

Atty. Reitz said the advise that I have given to your colleague and I know she finds it frustrating. She has expressed it to me more than once that there is nothing she would like better than to be your full representative on the District and report back to Village Council. It is my view that because she receives compensation from the District and compensation here, she serves two masters. Typically that's not a problem, because the interests are parallel, but for one year she cannot comment in Council Meeting about the discussions which have been held in the WVFD Joint Fire District meetings. This is the dilemma that she faces for one full year. You have legislation on your agenda for later this evening where you are considering cancelling the Fire and EMS levies which you passed here in the Village. The dates are not filled in, and the reason they are not filled in is the District will begin to collect the money from the levy which they have passed beginning on January 1, 2011. At that point the Village's

financial obligation to the District is over and the conflict, whether it is Mrs. Rininger or some other member of the Council who fills that position next year, the conflict will cease. Until that time she is not at liberty to perform the function that everybody believes she should.

Mr. Snyder said, I heard what you said but it makes no sense to me. We gave all of the money that the Village had (from the levies) to the Joint Fire District, all of the Fire money, and somehow it looks like we are expected additional monies. We already pay additional monies which I resent wholeheartedly. We pay a penalty to the Fire District in order to get the Township to agree to this District. We pay \$7,000 additional a year which I think is hogwash, but nevertheless we do. And now we have to pay, it just doesn't make sense. We have paid \$207,522.82 to the Joint Fire District this year.

Mrs. Meszaros said would you suggest that other members of Council attend the WVFD Joint Fire District board meetings?

Mr. Reitz said, that is a possibility, and one of the things that I would suggest. Mr. Billman, I don't know if the contract has been received back from the Joint Fire District, but this Council passed a resolution 2010-15 in March of this year and that Resolution authorizes a contract with the Joint Fire District. That contract says in part as follows, commencing on January 1st, 2010 and throughout the term of this agreement, the District shall provide Fire protection, ambulance and Emergency Medical Service to the residents of the Village of Windham as needed. And it goes on in the next paragraph, and says in consideration of the services to be provided, the Village shall fund the operation of the Fire District in an amount equal to two mills of levied revenue to the Village of Windham. Said monies to be made semi-annually within thirty days of receipt of funds by the Village from the Portage County Auditor's Office. The first of the two payments is the payment that your Fiscal Officer just reported to you. Now I don't know if the Fire District has signed that agreement and sent it back, but if they have you are well within your rights to go to the next District meeting and say we have performed under this agreement and we are getting bills for the things which you are contractually obligated to pay. Pay them. And if they haven't signed the agreement and don't want the agreement, ask them for the \$207,522.82 back.

Mrs. Meszaros questioned whether we had paid the additional monies (\$7,000 per year).

Mayor Donham said yes we have paid \$3500 out of the general fund for the first half of the year. We have also provided dispatch at no cost which is additional and water at no cost which is additional.

Mr. Reitz said we think that Community (EMS) ought to be paid and you have already paid your share.

Mayor Donham said it is my understanding, Mr. Sanchez, that the Fire District has assumed the Arsenal agreement that we have had.

Chief Sanchez said I believe that they have.

Mayor Donham continued by saying that the statement that they haven't assumed the agreements, is wrong.

Mr. Snyder asked about the date of the WVFD Joint Fire District and was told it is the second Thursday of each month.

Mayor Donham said I would say we are going to attend that meeting and try to get this done at that meeting. I'd ask for your patience and bear with us until then. I appreciate your coming.

Mrs. Barrett asked which resolution Atty Reitz was reading. Mr. Reitz clarified by stating Resolution R-2010-15 which was passed in March.

Mayor Donham asked if there was anyone else who wanted to address Council at this time.

Former Mayor, Jim Moore pointed out that the Committee meeting minutes have not been put on the web site since 2007. Mr. Barrett said she has made a point to collect them and gotten them to Lori Lee so she can put them on the web site. Mayor Donham said he would let Lori know tomorrow.

Mr. Luis Barol asked if Chief Perdian wanted to come back. Mayor Donham said Chief Perdian has offered to come back as Chief and was voted down last month by Council. Mr. Barol said that he felt that the Council should re-analyze their position.

Mrs. Sheryl Prem said she worked as a former dispatcher and pointed out that Chief Perdian was doing his job and said if it isn't broken, don't try to fix it. Mrs. Meszaros said she didn't believe that the Chief had made sure that the officers were doing their jobs and that he didn't make sure the cars had proper tires. Mrs. Prem said I was there watching when you guys were not. Mrs. Rininger said, when it comes to the vehicles from Mooreland Hills, this Council was not reviewing buying used vehicles, we were looking at buying new vehicles for our officers to make sure we had the best and safest equipment. Mrs. Prem asked if we have the money for those. Mrs. Rininger said we were...

Mrs. Prem said we were, we were, ... just like parroting, just do your jobs; that's the problem.

Mrs. Debbie Blewitt said he resigned, they didn't throw him out, he resigned.

Mrs. Prem said and he said he would come back, and Council denied him.

Mrs. Rininger said there were many reasons why I voted no. Mrs. Prem said there were a lot of personal reasons. Mrs. Meszaros said that is your opinion. Mrs. Prem said all you have to do is watch what is going on here. I worked over there for six months and saw how he did.

Everybody improved. I've lived here my whole life, you can't tell me I don't know.

Mrs. Rininger said please address the Council.

Mrs. Prem said I would like to know your reasons. And I would like to know if I can start a petition either to get rid of some of you or either to get the Chief back on. Because I'm tired of the same old stuff. I want to know specifics.

Mrs. Barrett said the Board of Elections has petitions.

Mrs. Meszaros said you are not comparing apples to apples. Before Ed Perdian came on board we had a totally different way of documenting.

Mrs. Prem said exactly.

Mrs. Meszaros said when you are talking about the crime rates going down, there is a whole lot of variables here. When you are not using the methods of reporting, the results are not necessarily going to be the same.

Mrs. Prem said are you saying this isn't better since he has been here. Yes, it is and you know that it is.

Mrs. Meszaros said I don't know that Chief Perdian was entirely responsible.

Mrs. Prem said no he wasn't, but I watched everybody worked together.

Mayor Donham said Mrs. Prem is out of time. He then called on Teresa Knight.

Mrs. Knight said I have a couple of questions that I would like to ask. If you elect people to govern your Village or Township or whatever they are actually speaking on your behalf. So when you vote them into office, you want them to speak on your behalf without personal private whatever. If you give a vote you should stand behind that vote, and if you vote no you should

address the Village or the City that you live in and say why I voted that way. To be silent is not good. In my personal opinion if you want to be silent, you need to resign the position. If you have just reason to vote that way, we need to hear it. We need to know all the facts. I can tell just by hearing about the Village and I come to see with my own eyes. There is constant battle. There shouldn't be a battle. Chief Perdian resigned not because he wasn't happy or because he wanted to quit but because he wanted to collect benefits is my understanding. He wanted to stay here and continue to provide the service he provided to the Village until this point and I say kudos to him for the service he has provided. And you guys as Village leaders should say kudos too. If you have a personal agenda that you are trying to reach by voting no, you need to resign. But I think that as a Village we have the right to ask why and I don't think that no comment is good enough, and if you want to say no comment I will not vote for you the next time. As a public we have a right to know why. And we know that Chief Perdian did not leave because he is disgruntled, he wants to continue to be Chief. I am raising an eleven year old kid here, I have had issues with my neighbor, I have had issues with drug dealers. You can tell that my eyes are open and my ears are listening to see what is going on. That man (Chief Perdian) sat right here in this room and helped me when I had to worry about if my ten year old could play with the neighbor kids or not. So the nit picking or the personnel issues that are going on here need to be put aside. If you voted no then address us, we the people and tell us why. I don't want to here he didn't do no better. We should be honored that he wants to stay here and help us achieve, something that we haven't been able to do in my forty-five years of living here. Mayor Donham said Teresa has used her three minutes.

Mrs. Rininger said in regard to this with Ed, contrary to popular belief and the Mayor has accused me of this as well, I am being told that I have a personal vendetta against the Chief. I do not, I have twenty years of HR experience. I can step out of the role and look at the full picture, the whole picture. I am not going to sit up here and make derogatory remarks about Ed. Mr. Barol interrupted again and was gaveled down by the Mayor.

Mrs. Rininger said there are many issues and I don't believe that a public forum is the place to air them. There were many factors on why I voted no, and yes you named off that you felt we should be honored Ed wanted to work for us. It was implied that we forced Ed out. We did not, he willingly retired. He had his reasons, I'm not going to divulge what they are but he did do it and I did speak with the Solicitor because I was concerned that if he came up for reappointment it would be a no and I asked if Ed was aware of the consequences if the Council said no and he assured me he was. But the reasons why I voted no, I did have personal reasons, I based it on his job performance on the information that I was given. And that is why I voted no and that is how I made my decision. I did not base it on anything personal; it was based on the facts and his job performance.

Mr. Rininger said he has been a resident for all his life, and he doesn't like justice by selection, I likes justice for all. If this Council was investigated by an outside authority, I wonder whose family would have the preferential treatment or who on the Council was given preferential treatment by the Chief. And I wonder if people's opinion would be the same. I have been to every one of these Council meetings. Some of you people I have seen for the first time. I don't care whether they work here or not. I have been to every meeting, I know what goes on; I talk with people out in the public. I work in a place where people come through and give me their opinion, and I'll tell you what; their opinion is a lot different than the people in this room. And that's all I have to say about it, investigate and find out the facts.

Mr. Donham thanked Bruce Rininger and called upon Thomas Prem.

Mr. Prem asked if all live in the Village. Mayor Donham said, yes with the exception of the two gentlemen that flank me here (Mr. Reitz and Mr. Billman) everyone is required to live in the Village all elected officials.

Mr. Prem said, I haven't been here, but I read the papers. Why is it the paper said this is the best Chief we have had in twenty years?

Mrs. Meszaros said that was a quote from the Mayor.

Tom Prem asked, is it true? Is it true, Mayor?

Mayor Donham said statistically Ed is the best Police Chief we've ever had. I'm not comparing apples to oranges. I am not comparing Ed's statistics to Jack DeSalvo's statistics. I'm comparing Ed's 2006-2007 statistics to his 2010 statistics. This is Ed versus Ed, this is apples to apples. What I say statistics this is the same statistics Ed has used unless he has changed his methods a bunch of times which I assure you he has not, crime is down, numbers are down, he has done a good job. Our crime is down the statistics speak for themselves, Ed is a good man, Ed is an honorable Police Chief. I have sat out there in the community with Ed; we have sat on porches in the projects at 3AM. He has wakened me up at 4 in the morning to go through drug houses to show me how bad things are. This guy is we'll say Chief Perdian make \$30,000 a year here collecting nothing else. I wouldn't appoint somebody without going out and looking at qualifications if I didn't think he was supremely qualified and done a good job and his heart was in it. I, like most people here have, lived here my entire life. My parents have lived here their entire lives; my grandparents have lived here. I want to raise my kids in this town. This is very important. I don't take it lightly. Ed is quite simply the best Police Chief we've ever had. I'll stick to that, and that's my story. He then called on Mrs. Meszaros.

Mrs. Meszaros said, I'm afraid I disagree with you Mr. Mayor. I don't believe that Ed is the best Police Chief we've ever had. Crime is down in my estimation because the population is down significantly. I don't believe that we can give the entire credit for everything that has been done in the last three years to one man. It has taken the entire force; it is the guys who are actually out there in the middle of the night patrolling which I can guarantee you that Chief Perdian is not out there patrolling in the middle of the night. Those gentlemen are the ones who are taking care of this Village.

Mayor Donham said Thank you Kelly. I have been out there with Ed. I think Pat (Shaefer), you have seen Ed out at that time of night. Pat replied, yes I have. Mr. Donham continued, we can agree to disagree on this, however I don't think Ed is either dangerous or unqualified and at the end of the day you have to respect the job he has done.

Pat Shaefer said, I have something. Years ago I came up to the Police Station and talked with the Police Chief. I will not mention his name. He told me that there were druggies living here, and he asked the druggie why are you coming into this town. The druggie said because you have an inadequate police force. Then the Chief told around and told me, I would not live here if you paid me. I asked him why he was working here and taking our money? Since Ed Perdian has been here, I have passed him at least six times in the last month, up and down the streets walking and talking with people. I have had a problem with drug dealers living beside me and he has handled that. I can't say enough for the man, I like him and I want him as my Chief and whatever I have to do to do it, that's what I'm going to do.

Mrs. Rininger said, is Ed Perdian currently handling that? Pat said no, since he resigned he hasn't been in town. I have seen him walking Community. He has walked up Green Meadow. He has walked these streets. Here is another good cop sitting right here (Dale Korman). I have gone up and talked with him. He has taken time for me, some of the others have not. My opinion is the best qualified should be in there as Chief not because of their personal problems.

Mayor Donham said, thank you Pat, I agree with you about Ed, and I also agree with Kelly about the officer and that one man does not make a department. We understand that and we have a lot of great officers in our department. We really do have a lot of dedicated guys who work hard and work in tough situations. But I have to say, a lot of these officers were here before Ed and we didn't get the results. Ultimately it takes a leader. The buck stops at the top.

Lynnea St. John said I don't live in the Village, I live in the Township and I'm really concerned because my granddaughter and my grandson both go to Windham Schools and we do not feel safe out there knowing that you don't have a Police Chief, Sergeant and part-time people, enough people to cover. I am retired US Postal Service. We have what we call part-time flex and that means we have some full-time people and lots of part-time people to cover the days off of a worker and whatever. As far as Ed Perdian, you don't give credit to one man, Kelly I agree with you, however I also agree that leadership is what causes the other guys or people on a team to do a better job. Accountability, leadership and past experience, experience in different towns not just Windham is extremely important, especially a larger town. I think he brought a lot of new ideas with him; I have spoken with him many times and he has nothing but the best interest of the Village at heart. He wants wonderful things for the Village and is dedicated to helping us, but he also wants cooperation from the Council. He wants whatever the guidelines are and Kelly mentioned some of the officers bypassing the chain of command. If you bypass the chain of command, that is wrong. If you listen to that person, you are wrong. I am definitely for bringing Ed Perdian back. There is more than just doing the job, there is caring. Also when you vote people into Council, they are supposed to represent the will of the people. The residents deserve to be given a full explanation of why a Council member votes a certain way.

Mrs. Meszaros said I don't think that Chief Perdian is a bad man in any way, shape or form. He could be the nicest man in the world and that doesn't necessarily mean that he is the best leader in a certain situation. I don't have a personal agenda for my vote. I vote based on the opinions of some of the constituents that I have talked to about the situation. So I feel that I am representing at least a portion of the residents here who have issues not only with his performance but whatever they have issues with Chief Perdian and don't want to see him come back. They want to see us move forward and find someone else to fill the position. It's not just a personal opinion; I'm not voting out a person. I too have some experience in HR and I feel myself a big enough person that I can get past any personal issues that I have.

Mrs. St. John, said I don't sense that from any of you, clearly I don't and I think that's pretty evident that a lot of other people don't as well. There's people who do I'm sure right here beside me. Definitely your friends but we both have a difference of opinion.

Mrs. Meszaros said and that's fine, everybody is entitled to have their opinion. I have to base that on the things that I have been told.

Mrs. Prim, said then give the reasons; that's what we are asking for and maybe they would change their minds.

Mrs. Meszaros said I have job performance issues.

Others said that many of the teachers are retiring and being rehired.

Mayor Donham said I hear the term double-dipping and we are not going to throw out every retiree that applies for this position. If that is an issue for Mrs. Miranda's vote, that is her personal issue, but I don't think that's certainly not going to be something that I weed out. There are going to be a lot of retired people who apply for this job. We can't afford to pay \$80,000 to get a good Police Chief which is what it is going to cost, so we are going to get a lot of people who are retired. Ed was making \$80,000 at Moreland Hills and he wasn't a Police Chief. So to come to this community, to get what I want, you are going to be a pretty expensive level. We are going to get a lot of retirees who have supplemental income. I don't think there is any shame in putting away out of my check, I'm a public employee, 25% of everything I make comes out of my check. That's my money, that's money in a private sector that I would

be paid additional. I took a pay cut to go from private sector to public sector of approximately 30%. They take 25% right off the top and put it into a retirement. That's your money; collect that money when you are eligible. There is no shame in that because you have put money away for the future and others haven't. 75% as you say haven't prepared for the future.

Mrs. Miranda said not necessarily haven't prepared.

Mayor Donham said, they could have put 25% away. Mrs. Miranda said some people do. Mr. Donham said and if Ed Perdian had put 25% away into a 401K and collected it would we be blaming him now, if it was a private account instead of public? No, I don't think it is.

Mrs. Rininger said it sounds like everybody thinks we have a personal vendetta against him. We don't. He did have performance issues. Unfortunately it is not advisable for us to sit here and make negative comments in a public meeting about an ex employee. And I will not do that. The reasons are there, I had very good reasons to vote no. I would vote no again if it was brought before me for the same reasons. As Kelly said there were performance issues and that is what my decision was based upon.

Mrs. Blewitt said I work in the public also and hear a lot things all day long. The people who voted no are representing me well. As far as Ed Perdian, I think he a nice man, a great man, I think he is the best PR man you ever hired. But I don't want PR, I want an arbitrator when I've got a problem. And that happened to me by the way.

Mayor Donham said, I didn't get to hire him, the old Mayor did that. Mrs. Blewitt said he is great at PR. Number one I want an arbitrator, when someone breaks the law, you arrest him for breaking the law, don't try to fix it and mend it. That's not what we pay him for. I've talked with numerous officers who when I would have a crackhouse on Community watch them open for business day and night and you know what they would tell me. Our hands are tied. Ask your officers and if they are honest with you, they will tell you the same thing they told the people in the public. He wanted the arrest rate down to make it look like crime is down. That's what I've been told by your officers, not just one.

Mayor Donham said I have talked to our officers. I have never been told our hands are tied. But actually our arrest rate is up, it is actually our complaint rate that is down. We have less crimes, but we are actually arresting more. Look at tonight's report; we are actually arresting more than we did a year ago.

Mrs. Blewitt said they pulled over a lot of people on E. Center for speeding. Mr. Donham said, yes but we don't arrest people for speeding. Mrs. Blewitt said alright you don't arrest them, you write tickets, whatever. Mr. Donham said but our arrest rate is up and our officers are doing a great job and they have done it under Ed's leadership. Mrs. Blewitt said there is a smaller population also, does that factor into it? Mr. Donham said you can look it per capita, but the projected census numbers they don't have a fifty percent decrease. We didn't go down to 1400 people. We are going to have 2400 or 2500 people so we are going to have about a five percent drop so it is negligible. Mrs. Blewitt said if my three minutes isn't up, I'd like to make this recommendation. If, when you do hire a police chief, he needs to be on the road working, not in the office all day. We don't have that kind of Village that you need to be an administrator in the office all day long. Patrol the roads, know what's going on. I don't know a Chief who isn't a working Chief. Mayor Donham said nor do I, including Ed. He said, I'm not going to ask a Chief to patrol 40 hours, it's cheaper to hire a patrolman. I do need a Chief to run our department, to deal with personnel issues, employees, they need to deal with policies and procedures, directives, meet with Council and the Mayor. They have a lot more to do than

drive around. Mrs. Blewitt said I understand that, but it's mostly an administrative job with a heavy dose of public access. I'd agree. Mrs. Blewitt said if bringing in an officer, if that's the truth what they are saying, first I have heard it is tonight. If you part-timers and he is telling you when he can work, he's not your guy. It's like me at the store, I don't hire people when they tell me they can work. I need you when I need you.

Lt. Korman said all of our officers tell us when they can work. Because all of our part-time officers have other part-time jobs because they don't make enough here because they can't get enough hours to support their families. Therefore they do have other part-time jobs and when we call them, they are working at their other job, that's the whole crux of this issue.

Mrs. Rininger, said unfortunately this gentleman would have the same problem. Mayor Donham said so we need more of them so they have less conflicts. That's the solution; if you have five guys and there is one day unavailable if you have ten guys chances are there is going to be one of them who is available. Problem solved.

The Mayor was asked about more full time officers and he said we'd like to get them to full-time but the requirements are much more stringent to get to full time. We want to make sure we get that decision right and I don't want to do that without leadership. We don't have supervisors.

Lynnea St. John said I was told, and I don't know if it's true that after he (Ed Perdian) left or about that time that you lowered your requirements for Police Chief so that some of your other people could fit into the category. Mrs. Meszaros said we lowered our requirements. Mrs. St. John said that's what I understood. Mrs. Rininger said may I go ahead. Mrs. Meszaros said go ahead. Mrs. Rininger continued when we advertised for Police Chief I did the research on writing the job description and I did write it. I went onto the web site that has the job descriptions in it. I took the requirements and qualifications from five different Villages within this state and actually beefed them up more than they had them in order to meet our requirements. Mrs. St. John then asked if this was more than the requirements which we previously had or less? Mrs. Rininger said I believe it's about the same as we had. Mrs. St. John said that's what I was hoping that you didn't lessen the requirements. Mrs. Rininger said I would never do that, because that's not how it works. Mrs. St. John said, because you don't give the answers that's how the rumors get started so that's why I asked it. Mrs. Rininger said I have to be honest with you, I see people and nobody has asked about any of this. Mayor Donham said there is a job description on the agenda for tonight. I haven't reviewed the current requirements, so I'm sure they are somewhere in our Codified Ordinances or minutes or something. Two people have raised their hands. Teresa did you have a question.

Mrs. Knight asked if there is, I mean this a small show from what I know verbally out there. Out there is where we live. I think that as a Village we should come together. Safety is my top priority. I have children; I have grandchildren now.

Finance by Scott Garrett

Mr. Garrett said the finance committee minutes have been passed out.

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of May 2010 of \$223,076.79 in checks, charges, etc with check numbers 24377 through 24469 and 24481 through 24530 being paid from the Primary Checking Account during May 2010. Check numbers 24470 through 24480 were voided during May 2010. The motion was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mr. Garrett made a motion to approve the May 2010 Bank Reconciliation with an all funds reconciled balance of \$661,615.81 and the following monthly reports for the month ending May 31, 2010: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund and approval of the following Year to Date Reports through May 31, 2010: Cash Summary by Fund, Comparison of Budget versus Actual receipts, Comparison of Disbursements and Encumbrances which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mr. Garrett read Resolution R-2010-25 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE THE FOLLOWING THEN AND NOW PURCHASE ORDERS AS LISTED BELOW**

after which he made a motion to suspend the rules which was seconded by Mrs. Barrett. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mr. Garrett then made a motion to adopt Resolution R-2010-25 which was seconded by Mrs. Barrett. Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mr. Garrett read Ordinance O-2010-17 **BEING AN ORDINANCE AUTHORIZING THE AMENDING AND/OR SUPPLEMENTING OF THE PERMANENT APPROPRIATIONS SET FORTH IN ORDINANCE O-2010-13 ON MAY 26, 2010 FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY.** Mrs. Rininger made a motion to suspend the rules which was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mr. Garrett made a motion to adopt Ordinance O-2010-17 which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mr. Garrett read Resolution R-2010-26 **A RESOLUTION APPROVING THE 2011 PROPOSED BUDGET AND AUTHORIZING THE FISCAL OFFICER TO SUBMIT THE BUDGET TO THE PORTAGE COUNTY AUDITOR AND DECLARING AN EMERGENCY.** Mr. Garrett made a motion to suspend the rules which was seconded by Mrs. Barrett. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mr. Garrett then made a motion to adopt Resolution R-2010-26 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mrs. Miranda then made a motion to require a bill list be submitted to the finance committee. The motion was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mr. Garrett read Resolution R-2010-27 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE THE FOLLOWING TRANSFER FROM THE SEWER OPERATING FUND TO THE SEWER DEBT SERVICE FUND TO MEET THE JUNE 2010 DEBT SERVICE REQUIREMENTS AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mr. Snyder then made a motion to adopt Resolution R-2010-27 which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mr. Garrett read Ordinance O-2010-18 **AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE PERMANENT APPROPRIATIONS FOR 2010 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET, AND DECLARING AN EMERGENCY** and then made a motion to suspend the rules which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mr. Garrett then made a motion to adopt Ordinance O-2010-18 which was seconded by Mrs. Barrett. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Safety / Personnel / Rules by Kelly Meszaros

Mrs. Meszaros made a motion to table the approval and rehiring of Chief Edward Perdian effective August 8, 2010 which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mrs. Meszaros read Resolution R-2010-19 **A RESOLUTION DETERMINING THAT A 2.0 MILL TAX LEVY FOR FIRE DEPARTMENT EQUIPMENT AND OPERATING EXPENSES UNDER SECTION 5705.19(I) OF THE OHIO REVISED CODE IS NO LONGER NECESSARY AND TERMINATING THE LEVY** and made a motion to suspend the rules which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mrs. Meszaros made a motion to adopt Resolution R-2010-19 which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mrs. Meszaros read Resolution R-2010-20 **A RESOLUTION DETERMINING THAT A 2.0 MILL TAX LEVY FOR FIRE DEPARTMENT EQUIPMENT AND EMERGENCY MEDICAL SERVICES UNDER SECTION 5705.19(I) OF THE OHIO REVISED CODE IS NO LONGER NECESSARY, AND TERMINATING THE LEVY** and made a motion to suspend the rules which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mrs. Meszaros made a motion to adopt Resolution R-2010-20 which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mrs. Meszaros read Ordinance O-2010-19 **AN ORDINANCE AUTHORIZING THE EMPLOYMENT AND PAYMENT TO THOMAS SICURO AS AN INDEPENDENT CONTRACTED SPECIAL ASSISTANT SOLICITOR, SETTING THE TERMS OF HIS COMPENSATION AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mr. Snyder, Mrs. Miranda. Nays: Mrs. Barrett. Motion carried.

Mrs. Meszaros then made a motion to adopt Ordinance O-2010-19 which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mr. Snyder, Mrs. Miranda. Nays: Mrs. Barrett. Motion carried.

Mrs. Meszaros read Resolution R-2010-28 **A RESOLUTION ESTABLISHING A JOB DESCRIPTION FOR THE CHIEF OF POLICE FOR THE WINDHAM POLICE DEPARTMENT AND DECLARING AN EMERGENCY**

Mayor Donham said he received the job description and was able to review it. There are two things. It is very thorough; it doesn't have all of the requirements that I am going to throwing upon some of the candidates but I think it covers it in one way or another. The only thing, one of the bullet points I know this alludes to the work of the Chief in the discussions which we have had, but our Chief it says in here responsible for scheduling shift coverage, monitors staff to insure coverage on all shifts, serves in the capacity of patrolman approximately 20 percent of the time and patrolman duties should be allocated among each of the departments shifts. I'm not looking to hold this up tonight, I'd recommend that we go through with the job description, however I think that both of those statements are one undesirable and two unenforceable. Twenty percent is a lot of time for your Police Chief to be out there in my opinion, however I'm not going to set that time, the Police Chief ultimately is going to decide how much a Police Chief needs to be in the field. It may be 50% or it may be 10%, and I as a salaried employee I don't believe I can require a Police Chief to work all three shifts or to punch a time clock or to require that 20% of his time. Police Chief is given leeway as well as the administration to schedule duties and assignments and time within a department; I just think that is going to become a problem potentially depending on the candidate. Mrs. Meszaros said that was included because they felt it was necessary for the Chief to be more proactive in the community. Mr. Donham said he just wanted Council to be aware that if that becomes a problem, if you don't think the Chief is out there 20%, it is his department and he needs to schedule his guys how he feels is most appropriate. Be it Ed or any other Chief who is going to be there, you have to give your Chief the authority to run the department. Ultimately if he is bad at running the department, you replace him, but I don't think you micromanage him to the point where you tell him here is what you are going to do and here is how much you are going to dedicate to it because if that is not the same philosophy that your Chief has, then you might as well part ways. Mrs. Rininger said, well if you would have attended that committee meeting, you would have known that the three committee members debated this back and forth. I think the whole idea behind this bullet in this job description is the fact that the community and the committee felt that he should be aware of what the people on midnights, what the people on afternoons, what the people on the power shift have to deal with. We cannot set that 20% of his time every week is spent on that, but he does need to be aware of what his officers are facing everyday in order to be a better chief. Mayor Donham said I think it would be more effective to say that in here rather than to say you need to allocate your time on all three shifts. I think you have stated it pretty eloquently that you are going to be required to be responsible for knowing what is going on in all three shifts and to be an active, engaged Police Chief. Mrs. Rininger said believe me we discussed how to put that in there; that was a very key issue for all of us. Mayor Donham said I'm not recommending we don't pass this; we need to move on and get a Chief on, this isn't something that is so big. I don't want anybody on this Council to be under the impression when you bring this to me that well we passed the job description and you didn't say anything. That's all. If that becomes an issue, don't expect me to try to enforce it because I think it is unenforceable. Mrs. Miranda said there were a lot of other things that were up for discussion when we were working on that. There's things we had to work on as a Council. Mrs. Miranda asked how can we get the part-timers with this ad? If we are going to run an advertisement for Chief, we should at the same time run an advertisement for part-time. I know they just had a graduating officers class. I know people who are interested in coming to work part-time. Mayor Donham said they are trained by Ed Perdian. Mrs. Miranda said not just Ed, there are three commanders. Mayor Donham said I am going to keep bringing part-timers to you guys and I would hope that you don't do what you did tonight and vote them down. Mrs. Miranda said I almost changed my vote. Mayor Donham said, make the motion to hire the guy. It would

be three-three and I'd break the tie, and then we'd hire him. Mrs. Meszaros made a motion to suspend the rules which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Miranda. Nays: Mr. Snyder. Motion carried. Mrs. Meszaros then moved for the adoption of Resolution R-2010-28 which was seconded by Mrs. Miranda. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Miranda. Nays: Mr. Snyder. Motion carried.

Mrs. Meszaros then made a motion to determine that a spouses difficult pregnancy qualifies under Ord 155.03(a) as illness of a family member which was seconded by Mrs. Barrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mrs. Meszaros made a motion to observe Independence Day on July 5, 2010 with the Village Offices closed on that day which was seconded by Mr. Snyder. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mrs. Barrett then made a motion to advertise for Police Chief and one part-time officer which was seconded by Mrs. Miranda. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Service Committees

Utilities by Phil Snyder - Mr. Snyder reported that he had nothing.

Streets and Sidewalks by Linda Rininger - Mrs. Rininger read Ordinance O-2010-20 **AN ORDINANCE ACKNOWLEDGIN THE ACCEPTANCE OF SNOW ROAD AS A VILLAGE ROAD, IN CONFORMITY WITH ANNEXATION PROCEEDINGS WHICH TOOK PLACE IN 1958 AND 1959** and made a motion to suspend the rules which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mrs. Rininger then made a motion to adopt Ordinance O-2010-20 which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Housing Rental License Code by Rachel Barrett – Mrs. Barrett read Ordinance O-2010-15 **AN ORDINANCE AMENDING § 1341.08 OF THE HOUSING MAINTENANCE AND OCCUPANCY CODE BY ADDING A PROVISION FOR THE COLLECTION OF UNPAID HOUSING RENTAL LICENSE FEES** as a second reading.

Village Buildings and Properties by Phil Snyder – Mr. Snyder read Ordinance O-2010-14 **AN ORDINANCE APPROVING AN ADVISORY ELECTION QUESTION TO BE PLACED ON A VILLAGE WIDE BALLOT AT THE NEXT SCHEDULED GENERAL ELECTION WITHIN THE VILLAGE AND REQUESTING THAT THE PORTAGE COUNTY BOARD OF ELECTIONS PLACE THIS ISSUE ON THE BALLOT** as a second reading.

Mr. Snyder then stated that Ivan Ward approached him about the property on South Main Street which the Hot Stove uses to store equipment. Mr. Ward would like the Village to give him that property. He will fix the building and put a new door and replace the windows. It is really in bad shape. He will maintain the property and still allow the Hot Stove to use it as they do now. Atty. Reitz said you will have to make a finding that the building is no longer used for any municipal purpose. You would also, I would have to think about how to put those restrictions on that. I will bring it forward to the committee in the form of legislation.

Mrs. Miranda asked if this was the proper time to bring up the properties on Wilverne Drive and State Route 303 to be declared a nuisance? Mr. Snyder said we aren't there yet. Mayor Donham said let's bring those up under other business properly before the Council and that way other people can comment on them.

Parks and Recreation by Phil Snyder – Mr. Snyder said he had a meeting at the Park and that they did a great deal of work on planning. It had been very difficult getting the school board members there, but they were there because there was a game. David Fall who is the Streets Superintendent attended also and we went through the park and looked at everything and we are currently in the process of taking down two dead trees which are in the park at no cost to the Village and cleaning up everything. I talked with Jason Purdy and he is going to give us a price on doing the grading on the drive which is sorely needed. The Village doesn't have the equipment to do this. We are going to have a field day and try to get people to come out and work in the park. We have hardware and equipment for the benches. The drainage is a problem and we need to work on it as well. Mayor Donham said he thinks that people are willing to donate time materials and effort to get that done. It is a nice park but it needs a little work. Mrs. Meszaros said she thought that the Pepsi Refresh project is still going on and could get us a grant for some funds to assist with this and maybe could get us a skate park for the kids. Denise Bly added there is a \$50,000 grant which you have to apply for. Mr. Bier gave us permission to go another twenty feet next to the park because there are a lot of balls which go there.

Planning and Zoning Commission by Phil Snyder – Mr. Snyder read Ordinance O-2010-16 **AN ORDINANCE AMENDING VILLAGE ZONING ORDINANCE § 1169.03, BY REDUCING THE MINIMUM LOT AREA IN THE R-1 DISTRICT** as a second reading.

Mrs. Miranda asked if we could declare the property on Wilverne Drive and State Route 303 those two terribly run down trailers as a nuisance and get the Village to tear them down. Mayor Donham said the easy answer is yes, but we have to go through the process. Mr. Snyder said can we declare the property on Center behind... Mayor Donham said we can do all of that, it's a matter of prioritizing the funding to do that, getting it thru planning and zoning and finding out if there is grant money available. It's not a quick process.

Solicitor's Report by Tom Reitz – Atty. Reitz had no report.

Guest Recognition

Mr. Moore asked about the Renaissance Center; is Ordinance O-2010-14 about the Renaissance Center. Mayor Donham said this would be on the general election asking the residents yea or nay on the lease agreement on the Renaissance Center. Mrs. Miranda said it is really moot to have that still on the agenda. Mayor Donham asked why. Mrs. Miranda said because we already said we aren't interested in that. Mayor Donham said are you not interested in the public's opinion on it either? Mrs. Miranda said well I'm interested in from my constituents, yes. Mayor Donham said that's what it's for. Mrs. Rininger asked well what lease agreement are you going to put out there? The one you put in front of Council that had no definite numbers, no square footage? Mayor Donham said the next committee meeting will finalize. It's the same thing we have talked about for a year now. Mrs. Rininger said without that information on the lease, that's why it was voted down last month. Mayor Donham asked what don't you know, I'll tell you. Mrs. Rininger said the square footage, what is it? Mayor Donham said the square footage is 2700 plus or minus. It is administration plus one more building. Mrs. Rininger said there it is again. Mrs. Miranda said this is going to be so hard.

Mayor Donham said I'll put the exact number in there. Mrs. Rininger said you want the people to make a decision with inadequate information as well. Mr. Donham said no it will be on the ballot. Mr. Moore said you will finalize before... Mr. Donham said before the third read, see this will be on third read and a vote next month and everything will be complete. Nobody chastised Rachel for adding two words before it was voted on. Mrs. Rininger said she wasn't omitting information. Mayor Donham said something was omitted and we added it in. We do this all the time. Mr. Moore said in your committee meetings coming up in July you will talk about it then. Mayor Donham said in all three committee meetings we will have this because it deals with all of them buildings and properties, finance, bargaining. Mr. Moore said and you will make sure the lease agreement is finalized. Mayor Donham said yes. One of the members of the audience asked what meetings can we go to to show our disapproval? Mayor Donham said you can go to any of the meetings you are available for; we will have it at the Utilities Committee which is all utilities which includes buildings and properties it will be discussed there. It is the first Wednesday. The Finance will be on the second Wednesday.

A member of the audience asked how can I find out a little more about what is going on with the Renaissance Center? Mayor Donham asked if she meant in regard to the lease agreement? She said yes. Mr. Donham said the proposal that we have before us is to move what you see here and locate it over into the Renaissance Center so directly when you would walk in where the old administrative offices would have been for the elementary school that would be our administrative offices. It's a hundred dollars more per month. Some disgruntled members of Council complained at this point. Mr. Donham said what is your estimate, Jena? Mrs. Miranda said I don't have one. Mayor Donham said it's the only estimate that's been done. If somebody has an estimate they can give it. Mrs. Rininger said we would make an estimate if we had the square footage. Mayor Donham said you have it. Mrs. Rininger said you change it every time we get documentation. She asked does anybody know for sure how many square feet are involved in this lease, anybody sitting at this table? Mr. Donham said do we want to take fifteen minutes while I go get a lease and calculate it? Mrs. Rininger said it should have been supplied to this Council. Mayor Donham said it has been supplied to you a dozen times. You voted on it last meeting without information. Mrs. Rininger said because we didn't have the information, that's was the reason given to you. Mayor Donham said we have been in dozens of negotiations with these square footages; we've calculated it every single time. We've calculated it with the Police Department; we've calculated it without the Police Department.

Mrs. Prem said I would like to know what the pluses and minuses are. Why is one person for it why is another person against it? That's a simple thing. There was a pause while the curfew siren sounded. She continued, I would like to see, is it going to be more cost efficient here or there. If that becomes desolate again, we are going to have to pay to keep it up. Mayor Donham said I had one public meeting on this before Council voted on it. If and when we go to the ballot for this, there will be several public meetings on it and lots of literature. Anyone who doesn't understand what's going on when it gets to the ballot would have to be under a rock because there will be lots and lots of literature on it.

Tom Brett asked about the nuisance properties, have we done anything in the zoning meeting toward clearing the properties, the five which you mentioned? Mr. Snyder said not yet. Mr. Brett said we had talked about it in a buildings and properties and referred it to zoning. Would that help us putting the burden of proof on the property owners? Atty Reitz said no, the burden of proof is on the Village. Mayor Donham said here is the thing, if the property owners were going to fund it, they would have already done it. We have sent these people letters, we have assessed mowing and things like that to them. Some of the property owners it took us months to even find. Really what we are talking about from a logistics standpoint, we are going to have to fund cleaning it up one way or another. Our easy recourse is we assess and put a lean on the

property and recoup it when it sells. That's what we do with most of it. Mr. Brett said does it make sense to declare it a nuisance. Mayor Donham said to do that we have to go through the right procedures. He thinks it comes from the Zoning Inspector. Atty Reitz said I am not convinced it is your Zoning Inspector at all and I'm not willing to guess, but we do need to follow the proper procedures. When I figure out what that is I will tell you, but I'm not going to guess tonight.

Mr. Moore said, I have one more thing, the job description that was passed (for the Police Chief), one of the areas relative to what you mentioned earlier, Rob, about the hours the Police Chief works on the off shifts, the very first one under the position summary under the direction of Mayor and Council relative to the operation and function of the Police Department the direction of the Police Department can't be under the Council. The Mayor is over the Police Chief. Mayor Donham said it should say under the direction of the Mayor and Village Council as appropriate. That is according to the Ohio Revised Code, I think as the law states that is how the Police Chief is directed. Atty. Reitz said you don't have an unanimity of agreement here in the Village on that. The advice that I gave to the committee members was that the Mayor is the person who is the Chief Executive Officer of the Village and the Police Chief works under him except for two areas where the Council has the authority. Those two areas are establishing the policies of the Village, the Council holds the purse strings, and so any time there is a major expenditure in the Department, that has to come to the Council. So the phrase as appropriate as it appears not just in that one place, Mr. Moore, it appears like that in a couple of places in the job description, where it says as appropriate at least my take on it is understanding that if is a policy matter or if it is a major expenditure matter, then it needs to come to the Council. In respect to other matters, then it needs to come to the Mayor.

Mrs. Meszaros said we talked about it, and Mrs. Rininger looked at lots of different ones. Some of them have the Police Chief report to the legislative authority alone. It was felt that there are some things appropriate for Council and some things appropriate for the Mayor. Atty. Reitz said I was quite surprised at some of those descriptions that had the Chief reporting to the legislative authority and concluded that it was the result of one of two things; there is a procedure under the ORC where a Village can establish a charter in which case they can alter the procedures and the organizational charter that is setup under the Ohio Revised Code although I don't have experience with Charter Villages. The second possibility is the other places simply got it wrong. Mrs. Meszaros said believe it or not that was a laurel branch to you. Mayor Donham said I didn't bring it up. Mr. Moore asked the question. I didn't have any issue with it. After three years, I have learned that Council can't pass legislation that conflicts with the ORC. Mrs. Rininger asked if she could make one remark. Mayor Donham said certainly. Mrs. Rininger said I understand you are not pleased with several members of the Personnel Committee because we may or may not have the same opinion that you do on certain personnel issues but to completely supersede the Personnel Committee and assign your own committee to hire the Police Chief is not appropriate behavior. If you want cooperation from that committee, you have not show cooperation in the past and superseding that committee to make this decision is not showing cooperation now. Mayor Donham said the committee has a representative, Scott. Mrs. Rininger said the committee should be involved. That's why it is there, that's why it is established. Mayor Donham said well I appreciate your opinion on it, however I've used the committee to try to get officers hired. I'm not being mean spirited, I'm not trying to close anyone out. I'm not trying to punish anyone for anything, however the selection of a Police Chief is the sole responsibility of the Chief Executive and I don't have confidence in the other two members of that committee's decision making ability when it comes to the Police Department. I have not gotten these gentlemen for part-time; I have not gotten a Sergeant. Quite simply, you're ineffective. I'm not trying to be rude about it. Mrs. Rininger said since you just were rude and inappropriate... Mr. Donham said I apologize. Mrs. Rininger said I do

not trust your judgment because you do not give us adequate information that we need to make decisions every month at this table. Mayor Donham said I'm not going to have a tit for tat with you, I'm not trying to insult you, I apologize if you are insulted. Mrs. Rininger said to supersede the committee is not appropriate behavior. Mr. Donham said I'm not superseding the committee. I'm not going to ask for advice from someone who I think gives poor advice, that's all. And I'm sorry... Mrs. Rininger said, well unfortunately I have to follow your appointee and vote on your appointee when I do not trust your judgment. Mrs. Miranda said and the community is important so we do have to come to an agreement; the hierarchy is important, we will have to discuss it more, we will have to get this straightened out. This is not acceptable. Mayor Donham said these two members will not be on a committee for selecting a Police Chief if that's what you are asking. I have selected two individuals who have experience selecting a Police Chief who have more government experience than anyone else here. I have selected Council President and a member of Safety. I believe they are the two most equipped to advise me in this. Look if you think that Rachel and I haven't butted heads, or that somehow Rachel lacks an opinion or is quiet, I think you've got the wrong person. Rachel is going to tell me what she thinks. Mrs. Rininger said, nobody said that, but to supersede the personnel committee is not the correct procedure. Mr. Donham said I'm not superseding the personnel committee and nowhere does it state that the personnel committee selects the Police Chief. Am I mistaken? Mrs. Rininger said all you do is appoint him. We approve him. Mayor Donham said and I hire him. You tell me if that hire is dangerous or unqualified or somehow damages the Village. That's what you do as a legislature. Mrs. Rininger said it's obvious Mr. Mayor that you've already made up your mind on who you want. You don't want to progressively move this Village forward, you want what you want and that is why you are doing this. Mayor Donham said I read to you earlier that I am not closed minded on this, if there is somebody who comes in who is more qualified than Ed Perdian and you guys say, hey this guy is more qualified. Why did you select him? And this committee that's helping me tells me, hey Rob this guy's way better. Hey. Mrs. Rininger said I don't know how to tell you this, Rob, but how closed minded can you be when you were told no at the last meeting on rehiring Ed and you put it back on the agenda. That is closed minded and not working with the committee in front of you. Mayor Donham said there are seven people here as officials making decisions. Four feel one way, three feel the other. Is that some overt...

Mrs. Rininger said does that make us wrong, does that make our judgment bad? No. Mayor Donham said don't shout me down. Mrs. Rininger said no, I'm not going to...

Mayor Donham raps gavel several times. Mayor Donham said let me finish. Mrs. Rininger said no, I will not. Mayor Donham said Linda, you do not have the floor. If one person on this Council changed their mind, Ed Perdian would be the Chief. I don't think it is an overwhelming majority that says this is so ridiculous that Rob we should move on. I have worked intimately with Ed for three years. The man is a fantastic Police Chief. Jim and I ran against each other harder than any two Mayors have. Both of us like Ed. I ran against Jim and said Jim your judgment is terrible, but you know what I still like Ed. I'm not throwing the baby out with the bath water. Ed is a good Police Chief. And you know what if I have to fight this Council to get Ed, then so be it. Mrs. Rininger said you know the four to two battle or whatever the issue is here, last year how many votes. How many votes like that, four to two; we never questioned the judgment, we never superseded the committee. We did everything the proper way. If the vote didn't go the way we wanted it, we did not take our ball and go home. And that's exactly what you are doing. Your lack of leadership on this is horrible and to completely break down communications with this Council is wrong. Mayor Donham said, I haven't done anything wrong. Mrs. Rininger said when did we all find out that the meeting was tonight folks? Mayor Donham said Saturday? Mrs. Rininger said, no I found out when I got the agenda on Tuesday. Mayor Donham said yes, you got the official notice, because that's when Lloyd sent it out. Mrs. Miranda said it was scheduled for Wednesday. Mayor Donham said regardless if you do not like my support of Ed Perdian, I apologize. I certainly haven't hid it, I

think he is a good Police Chief. I think Rachel and Scott are two intelligent experienced Council people who will give me good advice. I don't think they have a dog in the fight. I don't think that picked aside, I they will look at every candidate that comes in the door be it Ed Perdian or anyone else and say this is the person that should lead our Village and it's the person that is responsible for the safety of our Village. And you can throw up all the four two votes, nothing is as important as this. So to just let it go because one person didn't change their mind, no he is still going to be a candidate. I'm sorry. Mrs. Meszaros said how many votes does it take, Rob? Does it take five? Mayor Donham said we are going to advertise. We might get a better Chief. You guys are fighting a battle that isn't here yet. Mrs. Meszaros said how many votes does it take until you accept Council's decision. Mayor Donham said I don't know, we are going to advertise. We are going to look at Police Chiefs. I'll tell you after Rachel, Scott, myself, Maurice Hankins, and whatever township representative winds up on this committee. After the five of us have sat down and looked at everybody, talked to everybody, had second interviews, talked about their vision or experience and gone through a real vigorous process, then we'll know whose there, and if it's Ed, so be it. And I will explain to the committee and we will go through the process. Mrs. Rininger said may I make a suggestion? Mayor Donham said absolutely. Mrs. Rininger said you don't have anybody on that committee who has a police background. I suggest you get somebody from outside of the community, outside of this realm of the Village and the Township, and you put someone on that committee that has a background that can give us a good recommendation and can tell us why we should pick one over the other. Mayor Donham said I'll be using our own police force for that. But they won't be a voting member. I think it's inappropriate to give people a partner vote on who their superior is. Mrs. Rininger said would it not be more advisable to not put those individuals in that position and to have an outside person do it? Mayor Donham said no. Mrs. Rininger said now whose judgment is off? Mayor Donham said do you want me to hire Kent State? What do you want? I know what you are asking for, but I think that committee. We have a mayor who has hired a Police Chief on that committee. Rachel, how many years of public service. Enough? You been around a couple of police chiefs? I think that Rachel brings a breadth there. Scott how many Police Chiefs have you worked under? Scott said three. So I think we are good. Mrs. Rininger said, so once again the decision we have made doesn't agree with you, so this is how you are going to do it. Mayor Donham said who is we? Mrs. Rininger said the majority of this Council. Mayor Donham said we are advertising. I am following your decision. She said advertise and we are going to advertise. I like one candidate. I apologize you don't like him. He may or may not be the final candidate, but he's going to be pretty damn tough to beat.

Mrs. Miranda said has the decision already been made about the RFC building but yet it still...; no matter what Council decides. Mayor Donham said Council put this on the agenda to be put on the ballot. If Council doesn't want it on the ballot, vote it down.

Bruce Rininger asked if this committee doesn't agree with you, are we going to have another committee and another committee, until you get what you want? Mayor Donham said this committee will come to a consensus. That's why I have chosen the individuals on it that I have chosen. Bruce said it sounds like you are going to just make committees to supersede committees you already have. Mayor Donham asked what other committee has been there? Bruce said don't you have a Personnel Committee; personnel and safety? Mayor Donham said have I created another, you said each time I'm going to keep doing this. What committee have I created, Bruce? I have asked you a question; which committee have I created? Bruce said the Personnel and Safety Committee. Mayor Donham asked, have I done that before? Bruce said no, but ... Mayor Donham said OK then, what are you talking about.

Another member of the audience asked Mr. Mayor, how long will this process take before there is a final decision on selecting a Chief? Mayor Donham said I believe thirty days.

Mrs. Rininger said unless he doesn't get approval from Council. The questioner said then it goes back out to be re-advertised? Mayor Donham said we will cross that bridge when we get to it.

Mayor Donham called on Thomas Prem. Mr. Prem said I haven't lived here that long, but I noticed a lot of women walking around in the streets with little babies in strollers. Now isn't that child endangerment? All a car would have to do is go whew and they are done. Mayor Donham said I don't know about child endangerment, I can't answer that, but I know it is something we are addressing. It is something the department is aware of. It is something we cracked down on two years ago, and it was very effective when we did it two years ago. What is the name of the citation we gave out two years ago? Obstructing traffic. Mr. Prem asked if that was done away with? Mayor Donham said we would like to be citing that but unfortunately we only have four guys. We have lots of great ideas, we'd love to enforce them.

Mrs. Miranda asked about the RFC building. If it was run by Muslims, would you be considering it? Mayor Donham said yes. Mrs. Miranda said I'll bet, I don't think so. Mr. Donham said I resent the comment that somehow I am racist or have some type of bigoted view toward some type of ethnicity or race. I have no issue with any race, creed, color first of all. Creed is what I was going to there; creed being the religion portion. The RFC is a non-profit organization not a church. They happen to have Christian foundations, but that doesn't mean anything to me. Mrs. Miranda said it does mean something, because they are making decisions based upon their religious beliefs operating their business. My tax dollars should not be going toward that. Mayor Donham said, it's not. Mrs. Miranda said and Council voted against it. Mayor Donham said they are not a church. Mrs. Miranda said yes they are. Mayor Donham said they are physically not a church. I don't know how I can make it more clear. They are non-profit. I'll give everybody a chance to speak. They are incorporated as a non-profit organization completely separate from the Windham Bible Church. Mrs. Rininger said they pray before activities. Mayor Donham said so what. Mr. Scott asked if members of the library would be forced to pray for every book. Mrs. Rininger said they either have to pray or they have to pay more to play a game there. Mayor Donham said no. Mrs. Rininger said I've had people tell me that. Mayor Donham rapped the gavel and said one person at a time. First of all everyone is entitled to have their opinion on the RFC but let's keep it to the facts. They are simply not a church. They are legally not a church. There is nothing there, their incorporation papers have religious undertones, but they are not a church. And certainly if a Muslim based organization created something with the same type of opportunity here, I would promise you Laurie that I wouldn't have an issue either.

Mrs. Whan said you are awfully in with them; you are posting on their web site to your constituents. Mayor Donham said they get a lot of traffic.

Wil from the audience asked to speak. He indicated the architects rendering of the Village Administrative building and said here is Mayor Moore's vision and it didn't happen yet. He hired Police Chief Perdian and if we look over here, we see what reality and economics and what he had to do. See what he started with he actually helped hang the siding. See these pictures over here the old antique tar paper and what it looks like now. So it just shows and he said at three o'clock and four o'clock in the morning that he actually went out with (Ed Perdian). At \$30,000 a year, and I don't know how we could find a better candidate.

Mrs. Miranda made a motion to adjourn which was seconded by Mr. Snyder. Vote of Council: Ayes: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried and Council was adjourned at 10:00 PM.

Respectfully submitted,

Attest

