

Village of Windham, Ohio

Minutes of Council Meeting

Held November 27, 2012

At 6:30 PM Mayor Donham called the public hearing to order and asked for the roll call.

Roll Call: Rachel Barrett – present, Deb Blewitt – present,
Scott Garrett – absent, Jena Miranda – present (late),
Sheryl Prem – present, Phil Snyder – present

Mr. Snyder made a motion to adjourn the public hearing which was seconded by Mrs. Prem and with unanimous vote the public hearing was adjourned at 6:55 PM.

At 7:00 PM the Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of allegiance to our nations flag.

Roll Call: Rachel Barrett – present, Deb Blewitt – present,
Scott Garrett – present, Jena Miranda – present,
Sheryl Prem – present, Phil Snyder – present

Also present Atty. Tom Reitz, solicitor, Police Officer Steve Clark, Bob Cline, Mike Iwanyckyj, Don Bello and Denise Bly.

Mayor Donham said the Windham community experienced a heinous crime on Thanksgiving Day and called for a moment of silence for Blake Wolfe.

Mrs. Barrett made a motion to amend the agenda by replacing the wording of 10.11 with Ordinance O-2012-50 AN ORDINANCE TO REPEAL SECTION 181.18, RECIPROCITY, OF THE VILLAGE OF WINDHAM CODIFIED ORDINANCES as well as replacing the wording of 10.19 with Ordinance O-2012-51 AN ORDINANCE ESTABLISHING THE RATE OF PAY FOR THE COUNCIL OF THE VILLAGE OF WINDHAM which was seconded by Mr. Snyder and the vote was unanimous in favor so the motion carried.

The minutes of October 22, 2012 Council Meeting were reviewed and Mr. Snyder made a motion to approve them which was seconded by Mr. Garrett. The roll call vote was taken and was unanimous in favor of the motion so the minutes were approved.

The Fiscal Officer's Financial Reports by Lloyd Billman

The Income Tax collected year to date October 31, 2012 were \$454,850.12 with \$53,278.19 of the total for declarations of estimated tax.

The expenditures for the month of October 2012 were \$133,058.02 in checks, direct deposits and charges. Check numbers 28318 through 28406 were paid from the primary checking account during the month with check numbers 28399 and 28400 voided during the month. Direct Deposit vouchers E310 through E342 were also issued during the month.

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The all funds reconciled bank balance for October 2012 was \$1,472,698.08.

The fiscal officer requested all members of council to remain after the conclusion of the meeting to sign Resolution R-2012-38 accepting the amounts and rates.

Council President's report by Phil Snyder, Mr. Snyder said he had nothing.

Dispatchers Police, Fire and Rescue Squad (EMS) reports for October by Phil Snyder Mr. Snyder moved to accept the report as given by Chief Fixler which was seconded by Mr. Snyder and the vote of Council was unanimously to support the motion. Once again it was observed that the mileage on the cruiser was down from the previous year.

Mayor's Communication and Correspondence Mayor Donham said there are Mayor's Court training sessions for General Offenses to be held January 17, 2013 or February 21, 2013 and asked for a motion to approve training for Mayor Donham, Lori Lee and Sherry Armstrong totaling \$525.00 for the training and \$173.94 for the mileage (all would travel together). Mr. Snyder made the motion which was seconded by Mr. Garrett and unanimous vote was taken to approve.

Prior requests of guests to speak. None.

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of October 2012 in the amount of \$133,058.02 in checks, direct deposits and charges with check numbers 28318 through 28406 paid from primary checking account during October 2012 and check numbers 28399 and 28400 voided during the month. Direct Deposit vouchers E310 through E342 were also issued during the month. Mr. Snyder seconded the motion which passed by unanimous vote of Council.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for October 2012 in the amount of \$1,472,698.08 and the following monthly reports distributed to Council for month ending October 31, 2012: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through October 31, 2012: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances which was seconded by Mr. Snyder and carried by 6 – 0 vote.

Mr. Garrett read Resolution R-2012-38 **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and followed by unanimous vote approving the motion. Mr. Garrett then made a motion to adopt Resolution R-2012-38 which was seconded by Mr. Snyder and passed by unanimous vote of Council.

Mr. Garrett read Resolution R-2012-39 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY JACK GIBSON CONSTRUCTION COMPANY, BURGESS & NIPLE AND DECLARING AN EMERGENCY** and made a motion to suspend
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the rules, seconded by Mr. Snyder and carried by unanimous vote. Mr. Garrett then made a motion to adopt Resolution R-2012-39 which was seconded by Mr. Snyder and again carried by unanimous vote.

Mr. Garrett read Ordinance O-2012-46 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made motion to suspend the rules which was seconded by Mr. Snyder and passed by a 6 –0 vote. Mr. Garrett then made a motion to adopt Ordinance O-2012-46 which was seconded by Mr. Snyder and passed by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2012-32 **AN ORDINANCE TO REVISE AND AMEND CHAPTER 707, AMUSEMENT DEVICES OF THE VILLAGE OF WINDHAM CODIFIED ORDINANCES** as a third reading and made a motion to adopt O-2012-32 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Ordinance O-2012-38 **AN ORDINANCE AMENDING SECTION 181.091 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM TO ESTABLISH AN ADMINISTRATIVE FEE FOR CERTAIN VIOLATIONS OF THE INCOME TAX CODE EFFECTIVE JANUARY 1, 2013 AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES** as a second reading

Mr. Garrett read Ordinance O-2012-45 **AN ORDINANCE AUTHORIZING A CONTRACT WITH THE PORTAGE COUNTY PUBLIC DEFENDER FOR DEFENSE OF INDIGENT PERSONS CHARGED WITH CRIMINAL OFFENSES UNDER THE VILLAGE ORDINANCES AND DECLARING AN EMERGENCY** as a second reading.

Mr. Garrett read Ordinance O-2012-48 **BEING AN ORDINANCE AUTHORIZING THE AMENDING AND/OR SUPPLEMENTING OF THE PERMANENT APPROPRIATIONS SET FORTH IN ORDINANCE O-2012-15 ON FEBRUARY 28, 2012 FOR THE VILLAGE OF WINDHAM, AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote. Mr. Garrett then made a motion for the adoption of Ordinance O-2012-48 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Ordinance O-2012-49 **AN ORDINANCE AUTHORIZING THE AMENDING AND/OR SUPPLEMENTING OF THE RENTS SET FORTH IN ORDINANCE O-2012-3 OF MARCH 27, 2012 AND ESTABLISHING THE AMOUNT OF RENT TO BE PAID BY THE WATER REVENUE FUND AND THE SEWER REVENUE FUND TO THE GENERAL FUND FOR USE OF MUNICIPAL PROPERTY ON WHICH THE WATER AND SEWER PLANTS ARE LOCATED** as a first reading.

Mr. Garrett read Ordinance O-2012-50 **AN ORDINANCE TO REPEAL SECTION 181.18, RECIPROCITY, OF THE VILLAGE OF WINDHAM CODIFIED ORDINANCES** as a first reading.

Mr. Garrett made a motion to explore Income Tax collections using a debt collection agency as recommended by the Income Tax Administrator which was second by Mr. Snyder and carried by unanimous vote.

Mr. Garrett made a motion to negotiate a new contract with the Solicitor which was seconded by Ms. Blewitt and carried by unanimous vote.

Mr. Garrett made a motion to outsource the Dispatch to another agency retaining only a part-time clerk for the police department effectively reducing the Police Personnel by 4 or 5 which was seconded by Mr. Snyder. The roll call vote was taken as follows: Mr. Garrett yes, Mr. Snyder yes, Ms. Blewitt yes, Mrs. Barrett no, Mrs. Miranda no, Mrs. Prem yes so the motion carried.

Mr. Garrett made a motion to change our Medical Coverage to a P.P.O. plan at renewal to get more consistent costs and reduce premiums which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett made a motion to change the medical match to an 80%/20% premium pickup effective at renewal which was seconded by Ms. Blewitt and carried by unanimous vote.

Mr. Garrett made a motion to reduce the number of Street Lights supplied by the Village effective immediately and to start with the Township Green. The motion was seconded by Mrs. Miranda and the vote was 5 – 1 with Mrs. Barrett being the only dissenting vote. There was considerable discussion before the vote was taken.

Mr. Garrett made a motion to not fill the additional Full-Time Police Officer position until further notice, effectively reducing the Police Officer Personnel by two. Mr. Snyder seconded the motion and after a fair amount of discussion the vote was taken which was taken which was unanimously in favor of the motion.

Mr. Garrett read Ordinance O-2012-51 **AN ORDINANCE ESTABLISHING THE RATE OF PAY FOR THE COUNCIL OF THE VILLAGE OF WINDHAM** as a first reading.

Mr. Garrett made a motion acknowledging that Mayor Donham will donate back 10% of the Mayors salary to the Village each month effective January 1, 2013. The motion was seconded by Mr. Snyder and carried by unanimous vote of Council.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder read Ordinance O-2012-37 **AN ORDINANCE ESTABLISHING THE VILLAGE OF WINDHAM EMPLOYEE HANDBOOK** as a second reading. Mr. Snyder handed out Draft copies of the Employee Handbook and asked all to review those copies.

Mr. Snyder read Ordinance O-2012-40 **AN ORDINANCE AMENDING SECTION 549.08 OF THE WINDHAM CODIFIED ORDINANCES TO ESTABLISH THE AUTHORITY OF THE CHIEF OF POLICE TO REVIEW AND APPROVE SHOOTING ACTIVITIES SPONSORED BY CHARITABLE ORGANIZATIONS** as a second reading.

Mr. Snyder made a motion to approve the promotion of Neal Hilbruner to Paid Prt Time Officer from Sworn Auxiliary effective November 28, 2012 which was seconded by Mr. Garrett and carried by a 5 – 1 vote with Mrs. Miranda being the only dissenting vote.

Utilities by Rachel Barrett

Mrs. Barrett read Ordinance O-2012-44 **AN ORDINANCE TO AMEND SECTION 927.01(b) OF THE VILLAGE OF WINDHAM CODIFIED ORDINANCES** as a second reading.

Service by Deborah Blewitt

Ms. Blewitt read Ordinance O-2012-39 **AN ORDINANCE AMENDING SECTION 1341.08(c) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM TO ESTABLISH AN ANNUAL AND ONGOING INCREASE IN THE HOUSING LICENSES AND INSPECTION FEES, EFFECTIVE JANUARY 1 OF EACH YEAR** as a second reading.

Ms. Blewitt read Ordinance O-2012-47 **AN ORDINANCE AMENDING SECTION 521.08 OF THE WINDHAM CODIFIED ORDINANCES TO ESTABLISH A PENALTY FOR VIOLATIONS OF SECTION 521.08 LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK** as a first reading.

Ms. Blewitt said the Portage Private Industry Council operates the Head Start and they have a bus which is powered by Diesel which needs to be plugged in during the winter months in order that the glow plug remain warm. Mr. Snyder made a motion to approve the parking of the bus at then end of the building behind the maintenance garages and allow the bus to be plugged into an extension cord so that the bus might have more security and the engine kept warm. Mr. Garrett seconded the motion which passed by unanimous vote.

Parks and Recreation by Phil Snyder Mr. Snyder said there will be a water bill stuffer for the holiday home decoration contest and December 8 will be the lighting of the greens at the gazebo.

Planning and Zoning by Phil Snyder Mr. Snyder read Ordinance O-2012-41 **AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING MAP BY REPEALING THE EXISTING MAP AND AUTHORIZING AND APPROVING A NEW MAP** as a second reading.

Mr. Snyder read Ordinance O-2012-42 **AN ORDINANCE AMENDING THE VILLAGE ZONING ORDINANCE AND ZONING DISTRICT MAP BY ADDING A RECREATION USE DISTRICT** as a second reading.

Mr. Snyder read Ordinance O-2012-43 **AN ORDINANCE AMENDING THE VILLAGE ZONING ORDINANCE BY ADDING A RELIGIOUS USE TO THE COMMERCIAL-2 DISTRICT** as a second reading.

Solicitor's Report by Tom Reitz Mr. Reitz said he had no report.

Guest Recognition Mrs. Bly had some questions about the cutbacks.

Last Chance by members of Council to speak

Mrs. Barrett asked Solicitor Reitz if it is permissible to put fliers in the water/sewer billing. Mr. Reitz said yes if it pertains to Village business. Mayor Donham said all community events are village business and if a non-profit in our Village is holding a community event it is village business.

There being nothing more to come before Council, Mrs. Barrett made a motion to adjourn which was seconded by Mr. Snyder and carried by unanimous vote at 9:03 PM.

Respectfully submitted,

Attest,

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor

**** NOTE: THESE MINUTES ARE SUMMARY BY DIRECTION OF COUNCIL ****
All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.