

Village of Windham, Ohio

Minutes of Council Meeting

Held October 23, 2012

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 Chief Gene Fixler, Charity Showalter, and Sheila Moore.

Mr. Snyder made a motion to amend the agenda by adding 10.8 Ordinance O-2012-45 as well as changing the wording of 12.1 Ordinance O-2012-44, addition of 12.2 motion acknowledging changes in passed legislation, and changing the wording of 17.1 Ordinance O-2012-41, 17.2 Ordinance O-2012-42, 17.3 Ordinance O-2012-43, and 17.4 Resolution R-2012-37 which was seconded by Mrs. Miranda and the vote was unanimous in favor so the motion carried.

The minutes of September 25, 2012 Council Meeting were reviewed and Mrs. Barrett made a motion to approve them which was seconded by Mr. Garrett. The roll call vote was taken as follows: Mrs. Barrett yes, Ms. Blewitt yes, Mr. Garrett yes, Mrs. Miranda yes, Mrs. Prem abstain, Mr. Snyder yes so the minutes were approved.

The Fiscal Officer's Financial Reports by Lloyd Billman

The Income Tax collected year to date September 30, 2012 were \$402,559.70 with \$50,564.19 of the total for declarations of estimated tax.

The expenditures for the month of September 2012 were \$134,243.67 in checks, direct deposits and charges. Check numbers 28223 through 28317 were paid from the primary checking account during the month with no checks voided during the month. Direct Deposit vouchers E277 through E309 were also issued during the month.

The all funds reconciled bank balance for September 2012 was \$1,453,753.06.

Council President's report by Phil Snyder, Mr. Snyder said he wanted to speak about changes to the calendar for November. After some discussion the calendar was finalized after moving all of the committee meetings. Mrs. Barrett question why trick or treat was being observed on October 29th. After discussion and Mayor Donham polling the Council, it was moved to October 31st from 6 to 8 PM.

Dispatchers Police, Fire and Rescue Squad (EMS) reports for September by Phil Snyder

Mr. Snyder moved to accept the report as given by Chief Fixler which was seconded by Mrs. Prem and the vote of Council was unanimously to support the motion.

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Mayor's Communication and Correspondence Mayor Donham had nothing at this time.

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 September 2012 in the amount of \$134,243.67 in checks, direct deposits and charges with check numbers 28223 through 28317 paid from primary checking account during September 2012 and no checks voided during the month. Direct Deposit vouchers E277 through E309 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 September 2012 in the amount of \$1,453,753.06 and the following monthly reports distributed to Council for month ending September 30, 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 September 30, 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-2012-35 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY OHIO EDISON, SCOTCHMAN ELECTRIC LLC, COSE / MEDICAL MUTUAL OF OHIO AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, seconded by Mr. Snyder and carried by unanimous vote. Mr. Garrett then made a motion to adopt Resolution R-2012-35 which was seconded by Mr. Snyder and again carried by unanimous vote.

Mr. Garrett read Ordinance O-2012-36 **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-2012-36 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 second reading.

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 first reading

Mr. Garrett read Resolution R-2012-36 **A RESOLUTION AUTHORIZING THE APPLICATION FOR AND SUBSEQUENT ACCEPTANCE OF GRANT FUNDS BY THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote.

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Mr. Garrett then made a motion to adopt Resolution R-2012-36 which was seconded by Mrs. Miranda. Mayor Donham explained that this is for a \$563,000 plant upgrade with \$63,000 in matching funds required. There is a \$350,000 grant and a \$150,000 10 year loan at 0% interest. The Sewer plant needs new filters and it is timely to undergo this upgrade. The roll call vote was taken and by unanimous vote the motion carried.

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 first reading.

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 first reading. Mrs. Barrett asked when they would receive a copy for review. Mayor Donham said they would receive a copy before the November Council Meeting and it was about 85% the same as the original document which they received earlier.

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 first reading. Mrs. Miranda questioned the second whereas and Solicitor Reitz agreed to rephrase into two sentences.

Mr. Snyder made a motion to approve payday as November 21, 2012 since both November 22, 2012 and November 23, 2012 are holidays which was seconded by Mr. Garrett and carried by unanimous 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 first reading.

Mrs. Barrett made a motion to acknowledge a duplicate entry on Resolution R-2012-28 which was passed by Council on August 29, 2012. 41-046-00-00-036-000 is found as the first entry on the front page and the fourth entry on the second page. Also to acknowledge the change of the total amount in the heading and section one from \$14,312.95 to a new total of \$13,995.09. Mrs. Miranda seconded the motion. Fiscal Officer Billman explained that he learned from Auditor Ed Rance that this was the proper way to resolve this and then put the excerpt from the minutes along with the marked up legislation in the Resolution book with the original Resolution. The vote was unanimous in support of the motion. Solicitor Reitz asked the Fiscal Officer to send an e-mail to Auditor Rance with the explanation as he (Billman) understood from the phone conversation and a request for Auditor Rance to reply and confirm it.

Streets and Sidewalks by Deborah Blewitt

Ms. Blewitt said she had nothing.

Housing Rental License Code 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 first reading.

Village Building and Properties by Deborah Blewitt Ms. Blewitt said she had nothing.

Parks and Recreation by Phil Snyder Mr. Snyder said the Park Board met and are going to greatly expand the lighting of the greens and Christmas celebration with a hayride through the park and additional refreshments. The home decorations contest will also continue this year and he will send a flier in the November water bill. There were 150 houses participating last year and he hopes this year will be even bigger.

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 first 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 first 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 first reading.

Mr. Snyder then read Resolution R-2012-37 **A RESOLUTION FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE WINDHAM VILLAGE CODIFIED ZONING ORDINANCES AND WINDHAM VILLAGE ZONING DISTRICT MAP, ADDING A RECREATIONAL USE DISTRICT AND ADDING A RELIGIOUS ORGANIZATION USE TO THE C2 DISTRICT, AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and carried by unanimous vote. After some discussion, the date of November 27, 2012 at 6:30 was established as the date and time of the public hearing. Mr. Snyder then made a motion for the adoption of Resolution R-2012-37 as amended (with the date and time of public meeting). Mr. Garrett seconded the motion which passed by unanimous vote.

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

Guest Recognition

Charity Showalter who is a Windham Township resident asked to speak as she had some questions. Charity asked what is the difference between (Windham) Village and (Windham) Township.

Mayor Donham said they are two separate political subdivisions and probably the biggest difference is a Village can create laws which a Township cannot.

Ms. Showalter said the Township is, I don't want to say left out.

Mayor Donham said we work with the Township on the Fire Board in that we each contribute members.

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Ms. Showalter said the reason I'm here is there are a lot of problems with drug use in the community and I'd like to do a survey of local residents about drug use. I've been given permission to set up in Sparkle Market but would like to know if I need a permit.

Mayor Donham said no permit is needed. Ms. Showalter said I'll be set up this Saturday for most of the day. She said there is a lot of the web site which has not been updated.

Mayor Donham said we do it in-house; our top notch IT person has been hired by the prosecutor's office and we had anticipated having him update the web site. We also have had our revenue cut about \$150,000 per year. Mayor Donham asked for a list of what is not working on our web site. Ms. Showalter said the library link says the page cannot be found, the township takes you to a search engine, there is nothing except check back soon on public hearings and village history, and the police department link on the left doesn't work but the one on the right does. Mayor Donham said he would get those corrected.

Mayor Donham said concerning the drugs, you are probably talking about heroin. The Township is not as well equipped to handle it as in the Village.

Ms. Sheila Moore said she is a big fan of the speed meter (in front of the Police Department). Chief Fixler said it is going to go to North Main Street next.

Last Chance by members of Council to speak

Mrs. Prem asked where the recycle bins have gone? Mayor Donham said they are back by the Community Center, if you go to where they were and look to your right you will see them by the Community Center. They were moved for easier access in construction of the soccer fields.

Ms. Blewitt asked if most of the (speeding) tickets are written on Center and Main Streets? Chief Fixler said yes, most are but some are written on other streets.

Mayor Donham asked for all to support the Income Tax Levy. Tell others it is needed.

There being nothing more to come before Council, Mrs. Barrett made a motion to adjourn which was seconded by Mr. Garrett and carried by unanimous vote at 8:30 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.