

Village of Windham, Ohio

Minutes of the Regular Council Meeting

Held June 24, 2008

At 7:00 PM, the Honorable Mayor Robert W. Donham II called the meeting to order and led in the Pledge of Allegiance.

Roll Call: Rachel Barrett – present, Scott Garrett – present,
 Matt McManus – present, Linda Rininger – present,
 Randy Slusher – present, Phil Snyder – present

Also present, Village Solicitor Mark Manlove, Village Administrator Maurice Hankins, Fire Chief Clarence Simpson, Kelly Meszaros, and Tom Brett

The minutes of the May 27, 2008 Regular Council Meeting were reviewed. Scott Garrett made a motion to approve the minutes. The motion was seconded by Rachel Barrett. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried.

Village Fiscal Officer reports, Lloyd Billman. The Fiscal Officer presented the expenditures for the month of May including checks, charges, etc of \$174,226.41 and the May Bank Reconciliation with an all funds reconciled balance of \$801,374.51 for the month. Check numbers 20448 through 20648 were paid from the primary checking account during the month. Check numbers 20497, 20509 and 20606 were voided from the primary checking account during the month. Council will be voting upon the 2009 proposed budget at this meeting.

Village Council President, Phil Snyder Phil wanted to give an update upon the pursuit of the East Elementary School. He said he has been in contact with many people to determine how the community can best utilize the facility there and he has some people who are very interested in going into the facility there. Portage County Library is interested; Phil is going to meet with the Library Director as soon as he can set a meeting with her. He also has met with John Varnes who is the Youth Development Director of Portage County Youth Development and through him he has worked with Rebecca Jano who is an employment specialist and he is scheduled to meet Thursday with Laura Barren to begin work on the Arts Alive Program for the Community Youth. Town Hall II has also expressed an interest in moving into the building if we move into East Elementary; they want to start a regular AA meeting in the community which is in being planned to begin even before our move to the school. We have a committee established to work on East Elementary and we need to work very hard to get it done. We have set a goal of August to determine how we go about going in there recognizing that eventually we will have to go to the voters and ask for money, no question about it. But we really believe we will be able to provide a great deal of services to the community which will make it very likely to succeed with a levy, but we have to get organized to show them what we can give them and that's what we are doing now.

The Mayor said that over the next 60 days we will have several financial workshops with the finance department of the village and all of the Council members who would like to attend and certainly anybody in the community who would like to attend to do some brainstorming about the amount of finances needed or not needed and the types of programs we would like to offer.

We will have to keep in close contact with the School Board on our developments and our plans with that. Scott asked when in August we would have to have our decision, and the Mayor said the fourth Thursday in August which would be the Thursday following our Council meeting so we would be able to pass any legislation needed at our Council meeting.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for May 2008 by Phil Snyder. Phil gave the monthly reports relating to both Police and Fire Departments. The Mayor said that compared to last year we are down about 40% on the Police Department Complaints and the arrests have increased or stayed the same. This is a positive development.

Mayor's Communication and Correspondence

Mayor Donham gave an update on the East Center Street Road Remediation. He said that he knows that everyone is sick of driving around the cones, so tonight we will be voting upon a Resolution for a contract with the contractor to remediate that project. Cioffi will be able to correct the situation and then the second week of July the Department of Transportation will come in and pave through the Village. We will look forward to that.

The other update is the APL tax. The Mayor sent a letter to the Commissioners opposing the compulsory tax that they were suggesting to put on the Village which would require us to pay monies out of our general fund without going to the voters to support a non-profit, non-governmental agency. He did get a letter back from them and they are going to have a third meeting on August 26th. The County decided to give the APL money out of the County general fund this year.

Prior requests of guests to speak: Christina Gilmore and Jeff Bogatay who are owners of Twisted Spoke III asked for the Council to support Sunday Beer and Wine Sales so they would not have to get signatures of registered voters on a petition and have it placed on the ballot in November. There are some businesses who have been grandfathered in due to their previous status. Mark Manlove said he would have to look at the Code and determine if Council would have to pass a resolution. He inquired what type of license they have and was told they have a C-5 which allows them to serve Monday through Saturday. He said it used to be it had to be put on the ballot. He said that it could be even if Council votes, then it would still need to be placed upon the ballot.

Finance Committee Report by Linda Rininger. Phil made a motion to approve the Fiscal Officers Expenditures for May 2008 of \$174,226.41 in checks and charges, etc. Check numbers 20448 through 20648 were paid from the primary checking account during the month. Check numbers 20497, 20509 and 20606 were voided from the primary checking account during the month. The motion was seconded by Scott. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder Nays: None. Motion carried.

Phil then made a motion to approve the May 2008 Bank Reconciliation with an all funds reconciled balance of \$801,374.51. This was seconded by Scott. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried.

Linda gave the third reading of Ordinance O-2008-9 AN ORDINANCE AMENDING SECTION 181.10 (a) (5) AND REPEALING SECTION 181.10 (d) (2) OF THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM IN ORDER TO INCREASE THE ESTIMATED TAX LEVEL FROM \$60.00 TO \$300.00 FOR REQUIRING TAXPAYERS TO PAY QUARTERLY PAYMENTS ON THEIR DECLARATION DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES.

Rachel made a motion to adopt which was seconded by Scott. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher. Nays: P. Snyder. Motion carried.

Linda then read Resolution R-2008-37 A RESOLUTION BY THE COUNCIL OF THE VILLAGE OF WINDHAM IN SUPPORT OF THE PORTAGE COUNTY ANIMAL PROTECTIVE LEAGUE AND DECLINING THE REQUEST FOR FINANCIAL SUPPORT AND DECLARING AN EMERGENCY. Phil made a motion to adopt the Resolution which was seconded by Linda. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried

Linda then read Resolution R-2008-35 A RESOLUTION BY THE COUNCIL OF THE VILLAGE OF WINDHAM EXPRESSING ITS OBJECTION TO THE PROPOSED "HEAD TAX" FOR THE PORTAGE COUNTY HEALTH DISTRICT BUT WOULD LEND ITS SUPPORT TO THE PASSAGE OF A LEVY FOR THE PORTAGE COUNTY HEALTH DISTRICT AND DECLARING AN EMERGENCY. Phil made a motion to adopt the Resolution which was seconded by Randy. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried

Linda then read Resolution R-2008-34 A RESOLUTION BY THE COUNCIL OF THE VILLAGE OF WINDHAM ESTABLISHING A POLICY FOR ROUTINE AND NON-ROUTINE TRANSACTIONS TO PURCHASE GOODS AND ENTER INTO CONSULTING CONTRACTS WHICH DO NOT EXCEED \$3,000 AND DECLARING AN EMERGENCY. Rachel made a motion to adopt the Resolution which was seconded by Phil. Ayes: R. Barrett, S. Garrett, M. McManus, R. Slusher, P. Snyder. Nays: L. Rininger. Motion carried

Linda then read Resolution R-2008-32 A RESOLUTION APPROVING THE 2009 PROPOSED BUDGET AND AUTHORIZING THE FISCAL OFFICER TO SUBMIT THE BUDGET TO THE PORTAGE COUNTY AUDITOR AND DECLARING AN EMERGENCY. Phil made a motion to adopt the Resolution which was seconded by Linda. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried

Linda then read Resolution R-2008-29 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE THE FOLLOWING TRANSFER BETWEEN THE WATER OPERATING FUND AND ITS RESPECTIVE ENTERPRISE DEBT SERVICE FUND TO MEET CALENDAR 2008 DEBT SERVICE REQUIREMENTS DURING 2008 AND DECLARING AN EMERGENCY. Rachel moved and Phil seconded the motion to adopt the Resolution. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried

Linda then read Resolution R-2008-30 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER NUMBER 592-2008 TO WESTERN RESERVE FARM COOPERATIVE IN THE AMOUNT OF \$4,249.63 FOR GASOLINE AND DIESEL FUEL DELIVERED ON APRIL 16, 2008 AND DECLARING AN EMERGENCY. Mayor Donham said he has been stopping in on Friday evenings to see that the meter log maintained by the Police Department matches the actual readings on the gasoline and diesel pumps. Maurice said that he will be contacted when a delivery is to be made so that he can monitor the delivery. Mayor Donham said that ultimately the Dispatchers will be responsible for the accuracy of the logs. Rachel made a motion to adopt the Resolution which was seconded by

Phil Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried

Linda then read Resolution R-2008-31 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER NUMBER 593-2008 TO WESTERN RESERVE FARM COOPERATIVE IN THE AMOUNT OF \$3,144.02 FOR GASOLINE AND DIESEL FUEL DELIVERED ON MAY 14, 2008 AND DECLARING AN EMERGENCY. Phil made a motion to adopt the Resolution which was seconded by Rachel Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried

Linda then read Ordinance O-2008-15 BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY. Phil made a motion to suspend the rules on Ordinance O-2008-15 which was seconded by Randy. Phil made a motion to adopt the Ordinance which was seconded by Randy. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried

Safety / Personnel / Rules Committee by Phil Snyder. Phil made a motion that Council enter into executive session to discuss personnel issues and legal updates. Randy seconded the motion. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried Council entered executive session at 7:49 PM.

Phil made a motion to return from executive session and Randy seconded the motion. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried. Council resumed regular session at 8:52 PM.

Phil read Resolution R-2008-36 A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO ENTER INTO A CONTRACT WITH CIOFFI CONSTRUCTION COMPANY FOR REMEDIATION WORK FOR THE EAST CENTER STREET WASTE WATER IMPROVEMENT PROJECT AT A COST NOT TO EXCEED \$12,000.00 AND DECLARING AN EMERGENCY. Phil made a motion to adopt the Resolution which was seconded by Linda. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried.

Phil wished to acknowledge the donation of \$100.00 from Windham Friday Club to the Windham Police Department and also a donation of \$75.00 from Barb Edder to the Windham Police Department both designated for use of the Safety Town Program.

The Safety Committee recommends adoption of SOP # 1, 2, 4, 6, 8, 10, 13, and 19 of the Windham Police Department. All others are still in committee. They would also like to recommend adoption of the Employee Performance Appraisal for all Village Employees which was put together by Linda Rininger. Phil then made a motion that we adopt the Employee Performance Appraisal. The motion was seconded by Scott. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried

Phil then made a motion to adopt SOPs # 1, 2, 4, 6, 8, 10, 13, and 19 of the Police Department which was seconded by Scott. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, R. Slusher, P. Snyder. Nays: None. Motion carried

Phil also wanted to commend Bruce Rininger for passing his State License for Water Operator and promotion to Water Operator. Mayor Donham echoed the sentiment saying this goes a long way to providing stability to our Utility Department.

Service Committees: (Utilities, Street & Sidewalks, Housing Code, Buildings & Properties) Utilities

Utilities report by Scott Garrett. Scott had passed out minutes and said that the utility committee was fairly lively and suggested that all read their minutes. No decision has been made at this time, however a Federal Agency sends money for Utility payments and those payments have not been finding their way to us. Rachel suggested we ask Kelly Meszaros about the moneys which are sent regarding to Utilities. Kelly said that the tenant receives the check for all Utility payments if they are eligible which is based upon their income level. Depending upon the lease, if the utilities are included in the rent, it may be a little larger. Mark Manlove suggested we give PMHA a list of those bills which haven't been paid. Maurice said we get an instant response from the tenant when we turn off the water. Rachel said if we needed a motion, she would move that if they haven't paid by June 1st to shut them off. Mayor Donham said we have an Ordinance and don't need to have a motion. The decision was that we wouldn't wait any longer, but would shut off any who haven't paid by June 1st and have a past due larger than \$10.00.

Maurice gave an update upon the wire theft in the well fields and the claim submitted to our Insurance carrier. The wire has been replaced with a four-plex twisted which has a hardened steel wire inside it which is very hard to cut. The police department is processing the police report.

Streets and Sidewalks by Randy Slusher. No report at this time.

Housing Rental License Code by Phil Snyder. Nothing to report from Phil. Tom Brett said that at some point we will need to make a decision about the buildings which are in foreclosure.

Village Buildings and Properties by Matt McManus. Nothing to report at this time.

Planning and Zoning Commission by Matt McManus. Nothing to report at this time.

Parks and Receptions by Matt McManus. Matt received some bad news in that there were only two grants given in Portage County and we didn't get anything at this time. He said that the horseshoe pits and grills will be put in on Friday pending weather cooperation. Maurice said that the parks being open at daylight and closed at dark is working.

Bicentennial Committee by Kelly Meszaros Kelly said there was a big birthday party which was enjoyed by all in attendance. We didn't have an entry in the parade. It was a very nice parade and they got the fireworks in five minutes before the storm hit.

Economic Development and Long Range Planning by Randy Slusher – Nothing to report.

Tax Incentive Review Committee by Scott Garrett – No report at this time.

Records Commission by Scott Garrett. – No report.

Village Solicitor report by Mark Manlove. – No report.

Guest Recognition. None.

Phil moved and Randy seconded the motion to adjourn Council. All being in agreement the Council meeting was closed at 9:19 P.M.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor