

Village of Windham, Ohio
Minutes of the Council Meeting

Held March 23, 2010

At 7:04 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, Police Chief Ed Perdian, Bruce Rininger, C. James Moore, Denise Bly, Tom Brett, Cecilia Swanson, Rev. Fred Youngen, Tom Byich, Brenda Hill, Maurice Hankins Village Administrator, Kathleen Kozup, David Brown, Jason Brown, Dan Burns, Crystal Hickman, Theo Bell, Terrie Altieri, Capt Juanita Stanford, Barbara Burns, Barbara Edder, Kendra Wilmington, Zach Slusher, Catherine Pinti, Mike Iwanyckyj, Joseph Penti, Debbie Blewitt.

The minutes of February 23, 2010 were reviewed Mr. Snyder made a motion to approve which was seconded by Mrs. Barrett. 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

The Income Tax total for February year end was \$95,118.56 of which \$4,870.16 is declarations for estimated tax.

The expenditures for the month of February 2010 in checks, charges, etc were \$211,437.80 with check numbers 23815 through 24041 being paid from the Primary Checking Account during the month. Check numbers 23865, 23890 and 23984 were voided during February 2010.

The February 2010 Bank Reconciliation all funds reconciled balance was \$621,957.77.

Village Council President's Report by Rachel Barrett

Mrs. Barrett made a motion to approve the donation of the old cell phones to the collection box at Cortland Bank which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Miranda, Mrs. Rininger, Mr. Snyder. Nays: None. Motion carried.

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

Mrs. Meszaros read the reports for February 2010.

Mayor Donham said he would like to once again say thanks to Chief Perdian and the Police Department. It looks like our numbers are down about twelve percent from this time last year and at 60 calls a month compared to 2005 and 2006 there were about 200 calls a month. It seems to be working Chief, thanks again to your guys.

Mayor's Communication and Correspondence

Mayor Donham inquired of Chief Perdian if Lynnea St. John is present. Chief Perdian said she was and she came forward. Mayor Donham said he wasn't sure if Council was aware of the trophies which Chief Perdian has. Chief Perdian then explained that he had a box of trophies

which were for a car show and they could be used in a fund raiser by the Bicentennial Committee. All that would be required is to change the plaque on the trophies. Lynnea said that the Bicentennial Committee is planning to have a car show and would put the trophies to good use. Mayor Donham said there were about \$300 worth of trophies and Council would need to make a motion and a voice vote to approve the donation. Mrs. Meszaros made the motion to approve donating \$300 worth of trophies to the Bicentennial Committee to be used as a fund raiser to promote public goodwill. The motion was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Miranda, Mrs. Rininger, Mr. Snyder. Nays: None. Motion carried. Mrs. St. John said she really appreciated the donation. There will be a car show and these will be given out and special recognition to the Village at that time. She said there is a budget of \$45,000 to be spent upon Windham people and families. Thank you very much. There was a round of applause by all present.

Prior requests of guests to speak

Mayor Donham said Rick Hawksley is here as a candidate for the 68th Congressional District which is our State House District and wanting to address Council. He said he is running on the May Democratic Primary for the Senate Seat which will be vacated by Kathleen Chandler due to term limits. He said he had introduced himself to several of the members of Council and passed out some information.

Finance by Scott Garrett

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

Mrs. Barrett made a motion to approve the Fiscal Officers expenditures for the month of February 2010 of \$211,437.80 in checks, charges, etc with check numbers 23815 through 24041 being paid from the Primary Checking Account during February 2010. Check numbers 23865, 23890 and 23984 were voided during February 2010. The motion was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None. Motion carried.

Mrs. Barrett made a motion to approve the February 2010 Bank Reconciliation with an all funds reconciled balance of \$621,957.77 and the following monthly reports for the month ending February 28, 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 February 28, 2010: Cash Summary by Fund, Comparison of Budget versus Actual receipts, Comparison of Disbursements and Encumbrances which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None. Motion carried.

Mr. Garrett read Ordinance O-2010-3 **AN ORDINANCE REVISING SECTION 181.07 WITH THE VILLAGE OF WINDHAM INCOME TAX CODE WITH RESPECT TO THE REQUIREMENTS OF REGISTRATION OF CONTRACTORS AND SUBCONTRACTORS WITH THE INCOME TAX OFFICE** which was the third reading and made a motion to adopt the Ordinance. The motion was seconded by Mr. Snyder. Mayor Donham asked if there was any discussion. Mrs. Barrett asked if we could put a stipulated dollar amount on that; make an amendment and put a stipulated dollar amount on the job. Take myself, if I have a plugged up drain and I have a contractor I call, it's going to cost me \$100 or \$200, if I need a new roof it's going to cost me \$7000 or \$8000. I could see them having to register and pay taxes on the \$7000 or \$8000, but if we don't put a stipulated dollar amount on this when it exceeds that amount, how often am I going to get someone to come in here and do

some little piddling job that I might not be able to handle myself if he is going to have to run down here and register and the whole nine yards?

Mr. Garrett said I see what you are saying. Mayor Donham said, I think technically we can entertain an amendment to the Ordinance say anyone doing less than \$500 annually would be exempt from registering or something like that.

Solicitor Reitz said there is some cross reference language in the code. Mayor Donham said my suggestion would be to table it.

Mr. Garrett made a motion to table Ordinance O-2010-3 and send it back to the Finance Committee. The motion was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None. Motion carried.

Mr. Garrett read Resolution R-2010-13 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE THE FOLLOWING THEN AND NOW PURCHASE ORDERS AS LISTED BELOW** and made a motion to suspend the rules. The motion was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None. Motion carried. Mr. Garrett inquired that both of these were insurance related to which the Fiscal Officer said yes.

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

Safety Personnel and Rules by Kelly Meszaros

Mrs. Meszaros said on Ordinance O-2009-49, I thought this had been withdrawn. Mayor Donham said we talked about it in committee; we are going to withdraw it now.

Mrs. Meszaros made a motion to remove from the agenda Ordinance O-2009-49 **AN ORDINANCE AUTHORIZING THE MAYOR AND THE VILLAGE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH THOMAS REITZ AUTHORIZING HIM TO SERVE AS VILLAGE SOLICITOR FOR THE VILLAGE OF WINDHAM COMMENCING MARCH 1, 2010, SETTING THE TERMS OF HIS COMPENSATION AND DECLARING AN EMERGENCY** Mr. Garrett seconded the motion. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Miranda, Mr. Snyder. Nays: Mrs. Rininger, Mrs. Barrett. Motion carried.

Mayor Donham suggested that Council discuss Resolution R-2010-6 in executive session with other matters before consideration. All of Council was in agreement.

Mrs. Meszaros read Resolution R-2010-14 **A RESOLUTION AUTHORIZING A FIRE AND EMERGENCY SERVICES PROTECTION AGREEMENT BETWEEN THE VILLAGE OF WINDHAM AND WVFD JOINT FIRE DISTRICT AND DECLARING AN EMERGENCY.** Mr. Garrett made a motion to suspend the rules which was seconded by Mrs. Miranda. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mrs. Miranda, Mr. Snyder. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mrs. Meszaros made a motion to adopt Resolution R-2010-14 which was seconded by Mr. Snyder. Mayor Donham explained that Kelly had made the motion and Phil had seconded it. He then asked if there was any discussion.

Mr. Garrett asked if we could have some brief background on this.

Mayor Donham said this is the first one, this is the levy amounts.

Mrs. Barrett asked didn't we already do this. Atty. Reitz said you will recall in your January meeting it came to you attention immediately before the meeting that although you had entered into a joint resolution with the Township, you had no legal contractual relationship with the

newly formed Joint Fire District, and yet you had obligations under your joint resolution with the Township to do various things with the District. So the next three pieces of legislation are all designed to meet the responsibilities that you have already committed to in your joint resolution creating a contractual relationship with the District. The first one that is before you this evening you passed a motion in January, and in that motion you authorized the transfer of funds that were already sitting in your account, funds that had been raised by Fire and Emergency Medical Services levy and transferring it to the District. You passed that motion in January, but a better way to do it as far as the State Auditors are concerned is through a contract.

Mrs. Rininger said we had a contract.

Atty. Reitz said you are right, and by motion that contract was approved. And if you look you will find that that same contract is attached to this Resolution. So in passing this first of three Resolutions you are authorizing and ratifying the action that you took in January to transfer the money under the contract that is attached to this first Resolution.

He went on, the second Resolution ...

Mrs. Barrett said excuse me, before you go onto the second one, why there was only a twenty-four notice of termination on this; this seems a little short. Mayor Donham explained that this is the contract that was given to us by the district that night that Council approved. The district needed the one hundred seventy-nine thousand dollars from the apportionment; Council went ahead and approved that contract by motion, so this is just ratifying something that was already done. The next two that we have were better crafted. Mrs. Barrett said that she thinks a twenty-four hour notice is too short. Mayor Donham said Council is confirming what they did by motion.

Mrs. Barrett said we must have done it only by motion.

Atty. Reitz said that is exactly right; you will recall that contract was provided to you very shortly before the meeting and you didn't have a lot of opportunity to review it; you didn't have any opportunity to negotiate, it was a here you go, please act on it this evening.

Mrs. Rininger said I don't mean to belabor this but the Mayor was there that night when the contract was discussed and he agreed to bring it before this Council for a vote. Now, I'm thinking there was a resolution.

Mayor Donham said there wasn't a resolution and that contract went back and forth, it never got revised and eventually it was sent back as the exact same thing in a panic move the night of the meeting so ...

Mrs. Rininger said not the one in January, no, that one was brought before this Council and voted on for the one hundred seventy nine thousand. The other contract, yes it has gone back and forth.

Mayor Donham said I was handed it on Thursday, we had a meeting on Tuesday, I talked to Dann on Friday and I also talked to him on that Monday, I never got a revised contract because Tom had concerns with the contract and discussions with you and Dann Timmons, we went ahead and agreed to it by motion.

Mrs. Rininger said that was in February, this was approved in January.

Solicitor Reitz said I received it three hours before the January meeting.

Mrs. Rininger said but he did have it, so if you did not receive it ...

Atty Reitz said I can't speak to who had it and when, but I didn't get it until just before the January meeting and that's why there was no Resolution. I was unaware it was coming.

Mayor Donham said it really matters zero on the Resolution and who had it, the fact of the matter is we have it here and it is what is; we can approve them or not.

Atty Reitz said you have performed under this agreement already.

Mrs. Rininger said that's what I don't understand, are you going to reissue this or re-present it to the Joint Fire District Committee because we handed you the signed copy that evening.

Mayor Donham said this Contract, this Resolution ratifies by way of Resolution to satisfy our auditing requirements. They are going to ask us by what method we paid that.

Mrs. Rininger said I understand that.

Mayor Donham said that's the only reason we are doing this.

Mrs. Rininger inquires so this alters the original contract in no way? You have the original signed contract.

The original contract is attached; it's the exact same thing.

Mrs. Rininger said let me ask this again, where is the original signed contract you received that evening from the Joint Fire District.

Mayor Donham said we have not signed a contract in duplicate. We have a copy of what Dann gave to...

Mrs. Rininger said you were taking a copy and we had a copy. And you had a signed original copy.

Mayor Donham said right and that should be in the Village Office, but it makes no difference on the vote. Is there any further discussion? Take the vote.

Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mrs. Miranda, Mr. Snyder.

Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mrs. Rininger said that was just for Resolution 14, right?

Atty Reitz said, Resolution 13, and then corrected himself to R-2010-14, you were right.

Mayor Donham said lawyers are terrible at math. Atty Reitz repeated lawyers are terrible at math.

Mrs. Meszaros read Resolution R-2010-15 **A RESOLUTION AUTHORIZING A FIRE PROTECTION, AMBULANCE AND EMERGENCY MEDICAL SERVICE AGREEMENT BETWEEN THE VILLAGE OF WINDHAM AND WVFD JOINT FIRE DISTRICT AND DECLARING AN EMERGENCY.** Mr. Snyder made a motion to suspend the rules which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mrs. Miranda, Mr. Snyder. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Atty. Reitz said, Council carrying on with that same theme in this agreement in exchange for receiving Fire protection and Emergency Medical Services within the Village you are agreeing to transfer the ongoing amount of Fire and EMS levies that you are currently receiving and you are sending that to the Fire District in payment for the services that the District is now providing to the Village's citizens. This is also exactly identical to what you have already agreed to do in the Joint Resolution that you passed with the Township but it creates the contractual relationship between the Village and the Fire District.

Mrs. Barrett said ok, if that is the case, may I ask a question? Why is this paragraph four in here where it states, and if I am reading this wrong or interpreting it wrong please correct me, but the way I'm reading it if each and every one of the residents in town does not pay their taxes on time that if they are received at a later date, they will not be transferred over to the Joint District. Now if I get into a position or let's say that somebody forecloses on a property out here and we don't get the funds in for five or six years, is that saying that that part that came in for the tax levy for the Fire Department isn't going to be transferred?

Mayor Donham said I'll let Tom respond, but it is my understanding that the Joint Fire District under its incorporated documents has to put on its own levy, and once that levy passes we would no longer have to pay the District any additional levies that the Village has already put on. We could move forward with canceling our levies or keeping them if Council so wished and transferring them to the District. But we would have no obligation under this contract to continue to pay that two mil levy once they pass their own levy.

Atty Reitz said that is correct.

Mrs. Barrett said that I understand that the one is going to be cancelled when the other one passes. When the District's passes then ours is cancelled.

Atty. Reitz said that is the Council's decision, but under this agreement you are not obligated to continue collecting it.

Mrs. Barrett said I disagree with that because if I am paying taxes whether they are late, on time or whatever, if part of that tax money is a tax levy that was to support the Fire Department, I want my tax dollars to go to support the Joint District.

Atty Reitz said that is permissible under this agreement.

Mrs. Barrett said that's not the way I'm reading it. This agreement does not require the payment of funds once the two mil Fire Levy which I think has been approved by the voters for the district.

Mayor Donham said once the Fire District passes its own levy, the Village wouldn't be required to pay two additional mils because we would be taxed twice.

Mrs. Barrett said I'm not talking about additional; I'm talking about late payment of taxes.

Atty. Reitz said in the event of late payment, there are two things that come into play. When you placed that levy on the ballot and it was approved by the voters, you created an obligation to the voters that that money be used for the purpose of the levy – Fire Protection and Emergency Medical Services. You can't use it for anything else. You can't put it in your general fund; you can't use it for utilities. It must be used for those purposes.

Mrs. Barrett said, then what is the point of the Village holding onto it and not transferring it over to the District.

Atty. Reitz said you can't.

Mrs. Barrett said what do you mean you can't?

Atty. Reitz said if you receive money late in your example and this Council determines that it should be sent to the District, that's what will happen with it.

Mrs. Barrett said I disagree with you there Tom. I don't feel that the Council should have to come back in and approve it when it's already.. you know .. that's what the purpose is for.

Mayor Donham said if you did it the other way, you wouldn't be able to repeal the levy and you would be going into an agreement that's different than the original resolution. The original resolution says the Village shall repeal these levy monies that we currently have.

Mrs. Barrett said right, but the thing of it is if you are paying your taxes late that tax has already been established and you have already been assessed it, it just hasn't been paid.

Mayor Donham said I think any money that came in under that levy our auditor would definitely interpret that as money that should have been paid and would require that payment.

That's what I think. I don't know is there a recommendation for an amendment that you want to add to it, that's certainly...

Mrs. Barrett said well personally I don't see the point of that paragraph even being there.

Mayor Donham said because you can't repeal you levies; we'd be right now we are paying two mils into that District. Once the District puts their four and half mils, I believe that's what they...

...

Mrs. Rininger said, four.

Mayor Donham continued, OK, the District has four mils, once that passes the Village residents are going to pay six mils. Unless we have a paragraph that says we can repeal that, the Village residents will have to pay six mils for the remainder of the contract.

Mrs. Barrett said, how are they going to have to pay six mils if we are going to repeal once the Districts levy is passed.

Mayor Donham said if we repealed it we would have to take it out of the general fund because the agreement says we are responsible for two mils and if this says we can't repeal it or we are obligated to it forever then we have to pay.

Atty. Reitz said Madam Chairman if you remove paragraph four in its entirety, whether you repeal the levies within the Village or not, you are still contractually obligated to pay to the District two mils worth of money, so you need to have some type of paragraph in there that allows you to be free of obligation to the District once the District passes its own levy.

If you want to amend the agreement, if you want to pass it in some other form where you are obligated to forward to the District every penny that you receive under those levies regardless of whether a subsequent levy has been passed, that you can do. That's is legally permissible, but I

don't recommend that you enter into an agreement that obligates you to keep collecting the money and forwarding it or forwarding that money over regardless of whether the District passes its levy.

Mrs. Barrett said well since I'm not the legal advisor here I, and yes can I be hard headed you'd better believe I can be. I'm sorry you're not going to convince me if a property has been foreclosed on and picked up by somebody else and those taxes have been taken out four years later that tax has already been assessed and if that money comes in and was supposed to be paid toward the Fire Levy, toward the Fire District then that money should go there. No ifs ands or buts about it.

Atty. Reitz said that is fine, then go ahead and change the agreement but please don't strike paragraph four in its entirety.

Mrs. Barrett said, well I'm not the one to write these. I don't have the law degree.

Atty. Reitz said ok, would you like to revise it and bring it back to you, would you like me to try and do it for you right here on the spot? I'd be happy to do it whichever way you want.

Mrs. Barrett said, no I don't feel it is necessary to take up that much time here tonight.

I personally am not in agreement with it.

Mayor Donham said, if that is a concern we can bring it to the next, we can bring another document to the next meeting defining what these two mil levies are, do they include any late payments whatever, so we have a sister document that defines that.

Mrs. Rininger said this isn't an immediate need, so we probably could delay it a month.

Mayor Donham said that is up to the district.

Mrs. Meszaros asked are we tabling it them. Mrs. Rininger said there are a couple of things that need fixed on it.

Mayor Donham said, I didn't get any fixes back from the district on it.

Mrs. Rininger said I do, where it says two mil in three and four, it should be four.

Mayor Donham said it's two; the Joint Resolution says two.

Mrs. Rininger said, but it says successful in passing; it's talking in general. It's just a description of what the levy is.

Mayor Donham said if there is some modifications that you want made from the District's standpoint to us, I'm ok to table it, I don't have a Fire Department to run. If the District has the money and can wait for the payment, we can hold onto it.

Mrs. Rininger said we haven't received the money yet, have we.

Mayor Donham said we should have received the February payment.

Mrs. Barrett said it wasn't due until the end of February.

Mayor Donham said he thought we should have received it by now. He said he only votes if there is a tie.

Mrs. Meszaros made a motion to table Resolution R-2010-15 which was seconded by Mrs.

Miranda. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mrs. Miranda, Mr. Snyder. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mayor Donham said on the next one, it's the exact same thing except it's talking about the \$7000 additional payment. What does the Council want to do on it, the same thing? Mr.

Snyder said, I have a question about this, the Joint Fire District has decided they are going to put a four mil levy on, is that correct? Mayor Donham said yes. Mr. Snyder continued, so they are going to get four mils from the Village and four mils from the Township. They are going to get four mils from the Village and they are asking us to pay another \$7000 besides. Mrs.

Rininger said that was the agreement under the Joint Fire District. Mr. Snyder said, I know but it was only two mils then too. Mrs. Rininger said the four mils is all encompassing, we don't have a separate heavy equipment or operating, it's all together. Mr. Snyder said I understand, it's still twice as much money as we originally... Mrs. Rininger said well unfortunately we are looking at the possible purchase of a pumper and an ambulance so these are things that have to be taken into consideration from this equipment. Mr. Snyder said that has nothing to do with

the \$7000. Mrs. Rininger said if in the future we can do away with this \$7000 annually from the Village, believe me I'll try to stop it, but right now this is what's before us. Mr. Snyder said and I disagree with it at this time because you were going to ask for a four mil levy. Mrs. Rininger said the four mils has not passed yet, this is what was agreed to under the two mil levy. Mr. Snyder said under the two mil, that's true. Mrs. Rininger said this needs to be addressed immediately because we are basically in violation of that agreement right now. Mayor Donham said my outlook on it is similar to yours, Phil, I don't like doing it but it is obviously part of the agreement to get the deal done. A very very small cousin of the cornhusker kickback, but similar to that, it was something politically that got put in there to make it happen, but I think Linda's right our Joint District had it in there and both the Joint District and the Village would have to agree to modify that and I'm not sure the Joint District is willing to do that. Mrs. Meszaros said we would need to suspend the rules and then a motion to adopt. Mr. Reitz said or you could pass it on the first reading and it takes effect thirty days from now.

Mrs. Meszaros read Resolution R-2010-16 **A RESOLUTION AUTHORIZING AN ADDITIONAL COMPENSATION AGREEMENT BETWEEN THE VILLAGE OF WINDHAM AND WVFD JOINT FIRE DISTRICT AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Miranda. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mrs. Miranda, Mr. Snyder. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mrs. Meszaros made a motion to adopt Resolution R-2010-16 which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mrs. Miranda. Nays: Mr. Snyder. Abstain: Mrs. Rininger. Motion carried.

Mrs. Barrett made a motion to authorize Stacy Brown to work with Chief Ed Perdian to research and write grants and letters for foundation programs for cars and equipment for the Windham Police Department. Mrs. Meszaros seconded the motion. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Miranda, Mr. Snyder. Nays: None. Motion carried.

Mrs. Rininger asked Mayor Donham if she could address Council regarding the concerns of Phil Snyder about the WVFD Joint Fire District and the two mil levy. She said it is not specified in here that that is depending on any levy amount. So the four mil or two mil has no bearing on that seven thousand.

Mrs. Meszaros made a motion to enter executive session for personnel issues to discuss hiring of Village Administrator and Street Superintendent, the promotion of an officer to Sergeant and contract for Medical Benefits for Village Employees. Mrs. Miranda seconded the motion. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Miranda, Mr. Snyder. Nays: None. Motion carried and Council entered executive session at 7:58 PM.

Mr. Snyder made a motion to return from executive session which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Miranda, Mr. Snyder. Nays: None. Motion carried and Council returned from executive session at 10:11 PM.

Mrs. Meszaros made a motion to remove from the agenda the promotion of Jamie S. Price to Sergeant at a rate as set forth in the Village pay ordinance with an effective date of March 28, 2010. The motion 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.

Mr. Snyder made a motion to confirm the appointment of Mike Iwanyckyj as Village Administrator at a rate as set forth by ordinance with an effective date of April 1st, 2010. The motion was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: Mrs. Meszaros, Mrs. Rininger. Motion carried.

Mr. Snyder made a motion to approve the appointment of Mike Iwanyckyj as Water and Sewer Operator in Training at a rate as set forth in the Village pay ordinance with an effective date of March 29th, 2010. The motion was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mr. Snyder. Nays: Mrs. Meszaros, Mrs. Rininger, Mrs. Miranda. Tie vote. Mayor Donham voted yes to break the tie. Motion carried.

Mr. Snyder made a motion to confirming the hiring of David Fall to the position of Street Superintendent at a rate of pay of 13.25 per hour with an effective date of March 28th, 2010. The motion 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-2010-6 **A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO ENTER INTO A CONTRACT WITH MEDICAL MUTUAL OF OHIO FOR HEALTH INSURANCE SUPERMET PLUS HRA FROM APRIL 1, 2010 TO MARCH 31, 2011 WITH AN OPTION FOR EMPLOYEES TO OBTAIN VISION AND DENTAL INSURANCE FROM ANTHEM AND DECLARING AN EMERGENCY** and made a motion to suspend the rules 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.

Mr. Snyder made a motion to adopt Resolution R-2010-6 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.

Service Committees

Utilities by Phil Snyder - Mr. Snyder had nothing.

Streets and Sidewalks by Linda Rininger - Mrs. Rininger had nothing.

Housing Rental License Code by Rachel Barrett – Mrs. Barrett had nothing.

Village Buildings and Properties by Phil Snyder – Mr. Snyder read Ordinance O-2010-8 **AN ORDINANCE FINDING THAT LITTER, AS DEFINED HEREIN, CONSTITUTES A DETRIMENT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY, PROVIDING FOR NOTICE TO REMOVE LITTER TO RESPONSIBLE PARTY(S) AND ARRANGING FOR ASSESSMENT TO THE PROPERTY OWNER OF UNPAID COSTS ADVANCED BY THE VILLAGE OF WINDHAM** as second reading. Mrs. Barrett made a motion to suspend the rules which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Miranda, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Mrs. Barrett made a motion to adopt Ordinance O-2010-8 which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Rininger, Mrs. Miranda, Mr. Garrett, Mrs. Meszaros. Nays: None. Motion carried.

Mr. Snyder read Ordinance O-2010-9 **AN ORDINANCE AMENDING SECTION 1341.08(b) OF THE WINDHAM CODIFIED ORDINANCES TO REMOVE THE REQUIREMENT THAT ALL RENTAL UNITS WITHIN A DESIGNATED STRUCTURE MUST MEET**

THE MINIMUM REQUIREMENTS OF THE WINDHAM BUILDING CODE PRIOR TO OBTAINING A HOUSING LICENSE AND DECLARING AN EMERGENCY as

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

Mr. Snyder made a motion to adopt Ordinance O-2010-9 which was seconded by Mrs. Barrett. The Fiscal Officer began to call the roll for the vote on the motion. After Mr. Snyder and Mrs. Barrett had voted affirmatively, the Mayor said hold on for a second. I haven't called for the vote. There was a sidebar discussion between the Mayor and the Solicitor about whether Mrs. Meszaros should vote upon the legislation. The Mayor asked if the Housing Code applied to duplexes and above and was told it applied to two or more units.

The Solicitor also said that he recalled that Council had indicated that this legislation was undesirable. Mrs. Rininger said that's what I thought too.

Mr. Snyder then made a motion to table Ordinance O-2010-9 which was seconded by Mrs. Barrett. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Miranda, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Guest Recognition –

Debbie Blewitt asked if there was going to be another public meeting about the Renaissance Center move. The Mayor said we may consider this again two weeks hence.

Denise Bly asked for clarification on the vote of Mike Iwanyckyj to be hired as operator in training. Mayor Donham explained that he had voted yes to break the tie.

Mr. Snyder made a motion to adjourn the meeting 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 and Council was adjourned at 10:25 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor