

Village of Windham, Ohio
Minutes of the Council Meeting

Held January 27, 2009

At 7:05 PM, the Honorable Mayor Robert W. Donham II called the meeting to order.

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

Also present, Village Solicitor Mark Manlove, Village Administrator Maurice Hankins, C. James Moore, Bruce Rininger, Denise Bly, Police Chief Perdian, Fire Chief Simpson

The minutes of the December 23, 2008 Regular Council Meeting, December 29, 2008 Special Council Meeting and the January 21, 2009 Organizational Council Meeting were reviewed

Before the vote to accept the minutes, the Clerk of Council read corrections which had been given to him on the December 23, 2008 Regular Council Meeting and the December 29, 2008 Special Council Meeting and stated that the corrections will be made.

Mr. Snyder moved to accept the minutes with the corrections as noted. The motion was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Village Fiscal Officer reports, Lloyd Billman The Village Fiscal Officer gave the Income Tax Revenue for the year ending December 2008 as \$634,822.47 and stated that of this total, \$163,501.43 is due to estimated payments from declarations. He said he wanted to express kudos to our Income Tax Administrator Lori Lee on an outstanding job. This is the most ever collected in Income Tax during a single year in the Village of Windham.

The Fiscal Officer gave expenditures for the month of December 2008 in the amount of \$234,686.80 in checks, charges, etc. Check numbers 21603 through 21754 were paid from the Primary Checking Account during December with no checks voided during the month.

The Fiscal Officer stated that the December 2008 Bank Reconciliation with an all funds reconciled balance was \$645,571.91

Village Council President, Phil Snyder Mr. Snyder said he would like to thank Council for the opportunity to continue to serve as President with all of the Council Committees in a positive way. He said he is currently working on committee assignments to try to best utilize the skills and abilities of each Council member. It is important that we establish committees that will work together in an effort to move us forward.

Council assignments are very important in order to establish the direction in which we, and the Mayor, wish to move our Village.

We are living in a very difficult time for our Village as well as our country. Fortunately we find ourselves in a somewhat stable situation which we need to take advantage of. All around us we see cuts being made due to adversity in the economy.

It is very important that our committees work together to insure we don't fall into these same conditions.

All committee assignments will be finished by this Friday, January 30, 2009 and meeting times will remain the same.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for December 2008 by Phil Snyder.

Phil gave the monthly reports relating to both Police and Fire Departments.

Mr. Snyder then read Resolution R-2009-5 A RESOLUTION ACCEPTING THE DONATION OF EMERGENCY RESPONSE EQUIPMENT VALUED AT \$3,347.17 FOR THE VILLAGE OF WINDHAM POLICE DEPARTMENT FROM THE PORTAGE COUNTY OFFICE OF HOMELAND SECURITY AND DECLARING AN EMERGENCY and moved to adopt the Resolution. The motion was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mayor's Communication and Correspondence

Mayor Donham said he will be providing the transcript to members of Council on his annual Mayor's report during the next week, and will present is for Council at our next meeting.

Prior requests of guests to speak: There were no prior requests of guests to speak.

Finance Committee Report by Linda Rininger. Mrs. Rininger asked for a motion to approve the Fiscal Officers expenditures for the month of December 2008 of \$234,686.80 in checks, charges, etc. Check number 21603 through 21754 were paid from the Primary Checking Account during December and no checks were voided during December 2008. The motion was made by Mr. Snyder and seconded by Mrs. Meszaros. Vote of Council: Yeas: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mrs. Meszaros then made a motion to approve the December 2008 Bank Reconciliation with an all funds reconciled balance of \$645,571.91 and the following monthly reports for the month ending December 31, 2008: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund, also for the following Year to Date Reports through December 31, 2008: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. This was seconded by Mr. Slusher. Ayes: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried

Mrs. Rininger read Resolution R-2009-1 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE THE FOLLOWING THEN AND NOW PURCHASE ORDERS AS LISTED BELOW.

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

Mrs. Rininger read Resolution R-2009-2 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO ADVANCE BACK FROM THE SEWER OPERATING FUND TO THE REVOLVING LOAN FUND IN PAYMENTS OF \$1,651.91 PER MONTH UNTIL THE \$79,291.60 IS REPAYED IN FULL WITH SCHEDULED PAYMENTS THROUGH DECEMBER 2011 AND DECLARING AN EMERGENCY.

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

Mrs. Rininger read Resolution R-2009-3 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE THE FOLLOWING TRANSFERS BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, TO THEIR RESPECTIVE DEBT SERVICE AND DEBT SERVICE RESERVE FUNDS TO MEET CALENDAR 2009 DEBT SERVICE REQUIREMENTS DURING 2009 AND DECLARING AN EMERGENCY.

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

Mrs. Rininger read Resolution R-2009-4 A RESOLUTION ENABLING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE SUCH MOVEMENTS OF MONIES BETWEEN THE ENTERPRISE DEPOSIT FUND AND THE WATER AND SEWER OPERATING FUNDS EACH MONTH IN ORDER TO PAY THE FINAL WATER AND SEWER BILLS AFTER ANY REFUND HAS BEEN REIMBURSED TO THE CLIENT AND THE ACCOUNT HAS BEEN CLOSED OR TO BE APPLIED TO AN OUTSTANDING WATER AND SEWER BILL AT THE REQUEST OF THE ACCOUNT HOLDER AND DECLARING AN EMERGENCY.

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

Safety / Personnel / Rules Committee by Phil Snyder. Mr. Snyder read Ordinance O-2008-23 AN ORDINANCE DECLARING IT NECESSARY TO ESTABLISH AN AMENITIES POLICY FOR THE EXPENDITURE OF PUBLIC FUNDS FOR QUASI-PUBLIC PURCHASES BY THE VILLAGE OF WINDHAM DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. This was the third reading and a motion to adopt was made by Mr. Slusher and seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mr. Slusher. Nays: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. The vote being tied at three to three, Mayor Donham cast the tie breaking vote as Aye. The Motion was carried.

Mr. Snyder read Ordinance O-2008-25 AN ORDINANCE ADDING SECTION 155.951 TO THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM IN ORDER TO DEFINE SERVICE TIME AND EARNED TIME FOR VILLAGE EMPLOYEES IN ORDER TO CLARIFY THE VILLAGE POLICY DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. This was the third reading and after a motion to adopt was made by Mr. Slusher and seconded by Mr. Snyder, the Mayor declared a short recess so that the latest changes on this Resolution might be reviewed by all members of Council. The updated Resolution was passed out and the Mayor declared a return from the recess. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mr. Slusher. Nays: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. The vote being tied at three to three, Mayor Donham cast the tie breaking vote as Aye. The Motion was carried

Mr. Snyder gave a second reading on Ordinance O-2008-30 AN ORDINANCE ADDING SECTION 155.16 TO THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM IN ORDER TO PROVIDE A CELL PHONE ALLOWANCE FOR FULL TIME VILLAGE EMPLOYEES DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES.

Mr. Snyder gave a second reading on Ordinance O-2008-31 AN ORDINANCE AMENDING SECTION 155.05(a) OF THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM

TO ADD TWO FLOATING HOLIDAYS FOR FULL TIME EMPLOYEES DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES.

Mayor Donham then asked all in attendance to stand for a moment of silence for Glenn Barker and family. Mr. Barker was former Chief and Mayor for two months as well as Council Member for several years. He also asked those in attendance to recognize fallen officer Jarod Dean and for his family. Officer Dean had been a member of Windham Police Department for two years before leaving to serve with the Boston Heights Police Department. The Mayor then thanked all and said they would be missed.

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

Utilities report by Scott Garrett. Mr. Garrett made a motion to spend \$6,755.00 to put in new recorders and flow meters in the Water Plant. Mr. Snyder seconded the motion. Vote of Council: Ayes: Mr. Garrett, Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Mr. Garrett read Ordinance O-2009-2 AN ORDINANCE AMENDING SECTION 927.04(C) OF THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM TO CLARIFY WHEN THE 4% PENALTY COMMENCES, DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES and moved to suspend the rules. Mr. Snyder seconded the motion. Vote of Council: Ayes: Mr. Garrett, Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried. Mr. Garrett then moved to adopt Ordinance O-2009-2 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Mr. Garrett read Ordinance O-2009-3 AN ORDINANCE REPEALING SECTION 927.05 OF THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM TO ELIMINATE THIS SECTION AS IT IS COVERED ELSEWHERE, DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. Mr. Garrett then made a motion to suspend the rules which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Mr. Garrett moved to adopt Ordinance O-2009-3 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Streets and Sidewalks by Randy Slusher. Mr. Slusher read Resolution R-2009-6 A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO ENTER INTO A CONTRACT WITH ARCADIS FOR ENGINEERING SERVICES IN THE AMOUNT OF \$10,500.00 FOR REPLACEMENT OF 22 CATCHBASINS IN THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY. Mr. Snyder moved to adopt the Resolution which was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried. Mrs. Barrett asked for clarification on which funds the monies would be expended from. The Mayor said half from Street Maintenance and Repair Capital Improvement and half from Sewer Operating Capital Improvement.

Housing Rental License Code by Phil Snyder. .Nothing to report from Phil

Village Buildings and Properties by Rachel Barrett. Nothing to report at this time.

Planning and Zoning Commission by Phil Snyder Mr. Snyder said no meeting was held.

Parks and Receptions by Kelly Meszaros. Mrs. Meszaros read Resolution R-2008-79 after clarification from Solicitor Mark Manlove. Mr. Manlove said he researched the Ohio Revised Code and has determined that it is proper for us to Establish a Parks and Recreation Fund which would track all expenditures of the Parks Commission. Resolution R-2008-79 A
RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO ESTABLISH A PARKS AND RECREATION FUND NUMBER 2041 FOR THE PURPOSE OF PROVIDING FOR AND MAINTAINING PARKS AND DECLARING AN EMERGENCY. Mr. Snyder made a motion to adopt the Resolution which was seconded by Mr. Slusher. Vote of Council: Ayes: Mrs. Meszaros, Mr. Snyder, Mrs. Barrett, Mr. Garrett, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Bicentennial Committee by Kelly Meszaros Kelly said she has a framed poster from the Bicentennial Commission and will bring it in after close of Council this evening. There is one last wrap-up meeting yet to be held.

Economic Development and Long Range Planning by Kelly Meszaros – Nothing to report.

Village Solicitor report by Mark Manlove. – Atty. Manlove said he has been working on the Ordinances for the levy and the deadline is February 19th with a necessity to be presented to County Auditor Janet Esposito before they go to the Board of Elections, so we will need to meet prior to February 24th to vote on them. After some discussion it was decided that we could do that on February 10th before the Finance Meeting..

Guest Recognition. Jim Moore wanted to be sure that we properly recognized Glenn Barker's previous service to the Village. Mayor Donham said the minutes would reflect that.

There being nothing further, Phil Snyder made a motion to recess this meeting to be resumed at 6:30PM on February 10, 2009 which was seconded by Randy Snyder. Vote of Council: Ayes: Mrs. Meszaros, Mr. Snyder, Mrs. Barrett, Mr. Garrett, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried and the Council meeting was recessed at 8:21 P.M.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor