

Village of Windham, Ohio

Minutes of the Regular Council Meeting

Held May 27, 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,
Phil Snyder – present

Also present, Village Solicitor Mark Manlove, Village Administrator Maurice Hankins, Fire Chief Clarence Simpson, Kelly Meszaros, Nancy Packard, Randall Slusher, Danny Spaur, C. James Moore, and Tom Brett

The minutes of the April 22, 2008 Regular Council Meeting, April 25, 2008 and April 27, 2008 Special Council Meetings were reviewed. Phil Snyder made a motion to approve the minutes. The motion was seconded by Scott Garrett. Linda Rininger added that she wanted her protest noted on the April 25th minutes. Ayes: R. Barrett for April 22, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Abstain: R. Barrett for April 25 and April 27. Motion carried.

Village Fiscal Officer reports, Lloyd Billman. The Fiscal Officer presented the expenditures for the month of April including checks, charges, etc of \$172,802.19 and the April Bank Reconciliation with an all funds reconciled balance of \$809,685.85 for the month. Check numbers 20221 through 20447 were paid from the primary checking account during the month. Check numbers 20221 through 20258 and 20388 were voided from the primary checking account during the month. An amended permanent appropriation was also announced for later approval.

Village Council President, Phil Snyder Phil said he is continuing to pursue the establishment of Fire Inspectors for the Village however there are no classes available at present. He also said we have been working on ways to enforce and strengthen Village Ordinances and will continue to work on that. He has established a committee consisting of Mayor Donham, Sergeant Eric Breiding, Village Administrator Maurice Hankins, Councilman Matt McManus and himself to look into acquiring the East Elementary School. He said the potential is unlimited. It is something we absolutely have to be very aggressive about and continue to work on. We have tentatively set a goal for August to determine if we are going to take possession of the school or not. We will also be involving a lot more people to work with the committee. Mayor Donham echoed Phil's sentiments. Rob said we are very excited about the possibilities. It is unlimited potential as far as space and technology and the overall condition of it. The next step will obviously be how can we pay for it, what can we offer for the amount of money that we can bill at, and the next hard step is how can we finance it, but it will be a positive for the community.

C. James Moore asked if it would be a complete donation from the Windham Board of Education, and was told that it would be. He was told the maintenance and utility cost is about \$100,000 per year and we wouldn't just want to move the administration in there and call it an administration building. We would be looking at recreation facilities for the community as the

primary source and then move the administration as a secondary option. We would be looking at the maintenance, utilities and we would also have to have someone running the recreation facilities. Those are the major costs we are looking at.

There is an operating kitchen and a cafeteria which would seat probably 200 people. It has a full gymnasium as well as a library, media center, clinic and computer lab. It is completely wired for phones and television in every room. It is a brand new modern up-to-date building. It is a six million dollar building that the community has already paid for but is getting no benefit from.

Linda asked if we have contacted any possible vendors. Phil said no, but in committee we have talked about this and there are several County Organizations which have offices in the Village that we would try to attract as tenants. We would probably try to attract someone like Portage Woods to be a tenant. Linda said that a satellite operation of Robinson would be a good idea. Kelly Meszaros said an urgent care would be also a good idea here. Maurice said it would be ideal for a day care center as well.

Phil Snyder presented the Dispatchers, Police, Fire and Rescue Squad (EMS) report for the month of April 2008.

Mayor Donham presented the Mayor's report to Council. Mayor Donham gave an update upon the Arsenal Water and Sewer Project. We will pass a letter of intent this evening on the Arsenal Project tonight that the previous Mayor and Council had spent a lot of time on. The share agreement with the County on offering Water and Sewer into the Ravenna Arsenal makes it a reality. It looks like about 18 to 24 months away as a construction completion date of when they will have the infrastructure in place ramp up for the number of soldiers they are planning on having there. The County is going to build the project at their cost and the Village will have no upfront money to spend.

Prior requests of guests to speak: none.

Finance Committee Report by Linda Rininger. Rachel made a motion to approve the Fiscal Officers Expenditures for April of \$172,802.19 in checks and charges, etc. Check numbers 20221 through 20447 were paid from the primary checking account during the month. Check numbers 20221 through 20258 and 20388 were voided from the primary checking account during the month. The motion was seconded by Phil. Ayes: R. Barrett, M. McManus, L. Rininger, P. Snyder Nays: None. Motion carried.

Phil then made a motion to approve the April 2008 Bank Reconciliation with an all funds reconciled balance of \$809,685.85. This was seconded by Scott. Ayes: R. Barrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Linda gave the second 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 DECLARAING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES.

Phil made a motion to suspend the rules on Ordinance O-2008-11 which was seconded by Linda. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Phil made a motion to adopt Ordinance O-2008-11 AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY. The motion was seconded by Matt. Ayes: R. Barrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Phil made a motion to suspend the rules on Ordinance O-2008-12 which was seconded by Linda. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Phil made a motion to adopt Ordinance O-2008-12 AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE PERMANENT APPROPRIATIONS FOR 2008 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET, AND DECLARING AN EMERGENCY. The motion was seconded by Linda. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Phil made a motion to adopt Resolution R-2008-25 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. The motion was seconded by Linda. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Phil made a motion to adopt Resolution R-2008-28 A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO ENTER INTO AN AGREEMENT WITH DEREK SPODAR TO BUILD A SERVER FOR USE BY THE ADMINISTRATION OFFICE AT A COST NOT TO EXCEED \$2465.91 AND AUTHORIZING HALF PAYMENT BEFORE THE WORK BEGINS AND THE BALANCE AT COMPLETION RETROACTIVE TO MAY 22, 2008 ACCORDING TO PURCHASE ORDER 548-2008 AND DECLARING AN EMERGENCY. The motion was seconded by Linda. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Phil moved and Matt seconded the motion that we present our financial reports for Audit years 2005 and beyond in the Regulatory form rather than OCBOA Look-a-Like form. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Safety / Personnel / Rules Committee by Phil Snyder. The police department has created a new SOP (Standard Operating Procedure) and we are not ready to recommend as yet.

Scott made a motion to accept with regrets the resignation of Jodi Minotti. The motion was seconded by Phil also with regrets. The date of Jodi's resignation was effective April 25, 2008. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Phil made a motion to suspend the rules on Ordinance O-2008-13. The motion was seconded by Linda. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Phil made a motion to adopt Ordinance O-2008-13 AN ORDINANCE AMENDING SECTION 155.05 OF THE CODIFIED ORINANCE OF THE VILLAGE OF WINDHAM TO ADD MARTIN LUTHER KING JR. DAY AS A PAID HOLIDAY FOR VILLAGE EMPLOYEES RETROACTIVELY TO JANUARY 1, 2000 DECLARING AN

EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. The motion was seconded by Linda. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Phil made a motion to adopt Resolution R-2008-26 A RESOLUTION AUTHORIZING TERRI GUNNOE TO BE EMPLOYED AS FULL TIME UTILITY CLERK AT THE RATE OF 9.50 PER HOUR EFFECTIVE JUNE 1, 2008 AND DECLARING AN EMERGENCY which was seconded by Scott. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Phil made a motion to adopt Resolution R-2008-27 A resolution AUTHORIZING THE MAYOR TO SIGN A LETTER OF INTENT WITH THE PORTAGE COUNTY COMMISSIONERS TO ENTER INTO A CONTRACT WITH PCWR IN ORDER TO PROVIDE WATER AND WASTEWATER TO THE RAVENNA ARSENAL. The motion was seconded by Scott. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

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

Utilities

Utilities report by Scott Garrett. Since Scott was unable to attend, Phil chaired the meeting. Phil said there was no action recommended except the letter of intent with the Portage County Commissioners.

Streets and Sidewalks. Mayor Donham said that there was a meeting with the Engineer and the Contractor didn't show up. The meeting was rescheduled for May 30, 2008 and the Mayor feels that it is the Contractor's responsibility. Maurice said that ODOT will send their project manager as an observer to the meeting who would offer any encouragement he can. Maurice also had a meeting with Eileen Stiffler about the new sidewalks.

Housing Rental License Code by Phil Snyder. Phil gave the third reading and motion to adopt Ordinance O-2008-6 AN ORDINANCE AMENDING SECTION 1341.08(C) OF THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM TO INCREASE LICENSING FEES FOR HOUSING LICENSES AND INSPECTION EFFECTIVE JUNE 1, 2008 REPEALING ALL PRIOR OTHER INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY. The motion was seconded by Scott. The property will be inspected prior to payment of fees and then the fees will be assessed along with penalty on the repairs for those owners who fail to pay the fees and feel they can escape inspections. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

There was some discussion about language on housing code on mowing the properties. The language was for rental properties and not single family owners.

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 Recreations by Matt McManus. Matt said the Park Beautification Day on May 3rd went well and was enjoyed by all in attendance considering the weather. We would have lost our guest speaker if we rescheduled. The kids did an outstanding job and had a ball; he said he may push it a little later into the summer next year. He said soon there will be two

park style grills put in and horseshoe pits as well. He hadn't heard anything about the grants as yet. Some fund raisers were also discussed.

Bicentennial Committee by Kelly Meszaros – Kelly said she didn't make the meeting. They had a memorial recognition at the cemetery. The birthday party is set for June 9th. The certificates will have to be returned due to the misspelling of names which have to be corrected.

Economic Development and Long Range Planning – Nothing at this time.

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

Records Commission by Scott Garrett. – Scott made a motion to adopt resolution R-2008-24 A RESOLUTION ADOPTING THE RECORDS RETENTION AND DISPOSITION SCHEDULE RETROACTIVELY TO APRIL 8, 2008 AND DECLARING AN EMERGENCY. The motion was seconded by Phil. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Village Solicitor report by Mark Manlove. – No report.

Guest Recognition. Marsha Byich asked to speak. She said that she understood that when a resignation had been tendered by a Council Person the seat must be filled within 30 days. The Mayor said that Council has 30 days to fill the appointment and if not the Mayor would make the appointment. She said that we should be following the rules. The solicitor said that the resignation could be made effective tonight.

Maurice said that there is mulch available behind the fire station and also down at the Sewer Plant and if it sets there long enough they will just push it over the hill. Mayor Donham said he would meet with the Village Administrator after the meeting and setup a signup for those interested.

Phil made a motion to adjourn into executive session to discuss the vacant council seat appointment and legal matters. The motion was seconded by Matt. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried. Council adjourned into executive session at 8:18 P.M.

Rachel moved and Matt seconded the motion to return from executive session at 9:01 P.M. Ayes: R. Barrett, S. Garrett, M. McManus, L. Rininger, P. Snyder. Nays: None. Motion carried.

Upon returning from executive session, Mayor Donham announced the appointment of Randy Slusher who was then sworn in by Mark Manlove.

Scott moved and Phil seconded the motion to adjourn Council. All being in agreement the Council meeting was closed at 9:03 P.M.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor