

Village of Windham, Ohio
Minutes of the Council Meeting

Held October 27, 2009

At 7:00 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, Linda Rininger – present,
 Randy Slusher – present, Phil Snyder – present,

Also present, Village Solicitor Tom Reitz, Village Administrator Maurice Hankins, Fire Chief Simpson, Housing Inspector Tom Brett, Bruce Rininger, Brenda Slusher, C. James Moore, Denise Bly and Sandra Thompson.

The minutes of the September 22, 2009 Regular Council Meeting. Mr. Snyder made a motion to approve the minutes which was seconded by Mr. Slusher. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

The minutes of the October 6, 2009 Special Council Meeting. Mrs. Barrett made a motion to approve the minutes which was seconded by Mr. Snyder. 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 September 2009 year to date as \$403,991.14 and stated that of this total, \$33,863.78 is due to estimated payments from declarations.

The Fiscal Officer gave expenditures for the month of September 2009 in the amount of \$122,351.90 in checks, charges, etc. Check numbers 23064 through 23207 were paid from the Primary Checking Account during September. Check numbers 23160, 23189 and 23190 were voided during September 2009.

The Fiscal Officer stated that the September 2009 Bank Reconciliation with an all funds reconciled balance was \$739,763.95.

Village Council President, Phil Snyder. Mr. Snyder said he has nothing to report.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for September 2009 by Phil Snyder. Mr. Snyder gave the monthly reports relating to both Police and Fire Departments.

Mayor's Communication and Correspondence Mayor Donham said he has nothing to report.

Prior requests of guests to speak Sandra Thompson spoke on behalf of Municipal Court Judge candidate Becky Doherty.

Finance Committee Report by Scott Garrett. Mr. Garrett said the minutes for the Finance Committee meeting have been passed out.

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of September 2009 of \$122,144.40 in checks, charges, etc. Check numbers 23064 through 23125 and 23127 through 23207 were paid from the Primary Checking Account during September. Check numbers 23160, 23189 and 23190 were voided during September 2009. The motion was seconded by Mrs. Meszaros. Vote of Council: Yeas: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of September 2009 of \$207.50 in a check # 23126 which was paid from the Primary Checking Account during September. Mr. Snyder seconded the motion. Vote of Council: Yeas: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Rininger, Mr. Slusher. Nays: None. Abstain: Mrs. Meszaros because her husband owns Meszaros Motorsports which is the payee of this check. Motion carried.

Mr. Garrett made a motion to approve the September 2009 Bank Reconciliation with an all funds reconciled balance of \$739,763.95 and the following monthly reports for the month ending September 30, 2009: 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 September 30, 2009: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mrs. Meszaros. Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried

Mr. Garrett read Ordinance O-2009-32 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM, AS SET FORTH BELOW AND DECLARING AN EMERGENCY** as second reading.

Mr. Garrett read Ordinance O-2009-34 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** as first reading.

Mr. Garrett read Ordinance O-2009-33 **AN ORDINANCE APPROVING THE PERMANENT APPROPRIATIONS FOR 2010 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET, AND DECLARING AN EMERGENCY** as second reading.

Mr. Garrett read Ordinance O-2009-35 **AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE PERMANENT APPROPRIATIONS FOR 2009 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET, AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett then made a motion to adopt Ordinance O-2009-35 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett read Ordinance O-2009-36 **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 made a motion to suspend the rules which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett then made a motion to adopt Ordinance O-2009-36 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett read Ordinance O-2009-37 **AN ORDINANCE AMENDING ORDINANCE NO. O-2009-28, TO REFLECT THE CURRENT SALARIES AND WAGES OF ALL FULL-TIME AND PART-TIME EMPLOYEES WITHIN THE VILLAGE OF WINDHAM, COUNTY OF PORTAGE AND STATE OF OHIO, REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

After clarification that this Ordinance added the pay for crossing guards as part of the SRO program with the schools, Mrs. Barrett made a motion to adopt the Ordinance which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett read Resolution R-2009-30 **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 which was seconded by Mr. Snyder. It was brought up that these were regular expenditures and the Fiscal Officer explained that there was not sufficient appropriations in place for the purchase orders to be created in a timely fashion. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett made a motion to adopt Resolution R-2009-30 which was seconded by Mrs. Barrett. Vote of Council: Ayes; Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Safety / Personnel / Rules Committee: Phil Snyder Chair. Mr. Snyder read **Ordinance O-2009-30 AN ORDINANCE AMENDING THE SECTION 155.02 OF THE VILLAGE OF WINDHAM ADMINISTRATIVE CODE WITH RESPECT TO EMPLOYEE VACATIONS** which was a third reading and made a motion to adopt the Ordinance. The motion was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

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

Utilities report by Randy Slusher. Mr. Slusher read **Resolution R-2009-34 A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE VILLAGE OF WINDHAM AND CINTAS FOR SERVICE DEPARTMENT UNIFORM WORK PANTS AND DECLARING AN EMERGENCY.** Mrs. Rininger inquired about this resolution and Solicitor Reitz explained that there was a contract in place of which we were unaware and during the negotiation with CINTAS there was a new service manager who took over and this agreement was worked out to the advantage of the Village since there would have been considerable expense to cancel out the previous contract. Mr. Slusher then made a motion to suspend the rules which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Snyder. Nays: None. Motion carried.

Mr. Slusher made a motion to adopt Resolution R-2009-34 which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Slusher, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Snyder. Nays; None. Motion carried.

Streets and Sidewalks by Randy Slusher. Mr. Slusher had nothing to report.

Housing Rental License Code by Randy Slusher.

Mr. Slusher gave the third reading of Ordinance O-2009-31 **AN ORDINANCE AMENDING THE HOUSING, MAINTENANCE AND OCCUPANCY CODE OF THE VILLAGE OF WINDHAM BY ESTABLISHING A PENALTY FOR DEFACING OR REMOVING A PLACARD POSTED BY THE HOUSING INSPECTOR** and moved to adopt the ordinance. Mr. Garrett seconded the motion. Vote of Council: Ayes: Mr. Slusher, Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Rininger. Nays: None. Abstain: Mrs. Meszaros because she manages rental units within the Village.

Village Buildings and Properties by Randy Slusher.

Mr. Slusher said he had nothing but this is the last time Council will get to meet before the sale of East Elementary School. Mayor Donham explained that they would discuss this matter in executive session.

Planning and Zoning Commission by Randy Slusher Nothing to report.

Parks and Recreations by Phil Snyder. .No report.

Economic Development and Long Range Planning by Phil Snyder – No report.

Solicitor's Report by Tom Reitz. Atty. Reitz said the only thing he has been working on is Income Tax prosecutions.

Guest Recognition. None.

Mrs. Meszaros made a motion to enter into Executive Session to consider the purchase or real estate and consider the appointment of a joint Fire District representative. The motion was seconded by Mr. Slusher. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried and Council entered executive session at 7:40 PM.

Upon returning, Mr. Snyder made a motion to return from Executive Session which 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 and Council resumed regular session at 8:10 PM.

Mr. Snyder made a motion to appoint George Bengsten as citizen representative for the Windham Volunteer Fire Department Joint Fire District which 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.

Mayor Donham said we would be accepting nominations for Council Representative for the Windham Volunteer Fire Department Joint Fire District. Mrs. Barrett nominated Mrs. Rininger which was seconded by Mrs Meszaros and Mr. Slusher nominated Mr. Snyder which was seconded by Mr. Snyder.. There were no other nominations and a roll call was taken as follows:

Mrs. Barrett cast her vote for Mrs. Rininger

Mr. Garrett cast his vote for Mrs. Rininger.

Mrs. Meszaros cast her vote for Mrs. Rininger

Mrs. Rininger cast her vote for Mrs. Rininger.

Mr. Slusher cast his vote for Mr. Snyder.

Mr. Snyder cast his vote for Mr. Snyder.

Mrs. Rininger was declared the Council Representative for the Windham Volunteer Fire Department Joint Fire District.

Mrs. Meszaros moved to adjourn which was seconded by Mr. Slusher. Vote of Council: Ayes:

Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays:

None. Motion carried and Council was adjourned at 8:12 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor