

Village of Windham, Ohio

Minutes of the Regular Council Meeting

Held November 20, 2007

At 7:00 PM, the Honorable Mayor C. James Moore called the meeting to order and led in the Pledge of Allegiance.

Roll Call: Rachel Barrett – present, Scott Garrett – present,
Robert Donham – present, Jodi Minotti – present,
Marian Garrett – present, Phil Snyder – present

Also present, Village Solicitor Mark Manlove, Village Administrator Maurice Hankins, Police Chief Ed Perdian, Fire Chief Clair Simpson, Marsha Byich, Kelly Meszaros, Russ Hahn and Marion Quiggle.

Inasmuch as Scott Garrett had not arrived as yet and was expected to be about 10 minutes late, Mayor Moore suggested that the Council could enter into executive session so that he could bring them up to date on litigation against the Township Trustees and the negotiations with the Army National Guard. Rob made the motion to enter into executive session and Phil seconded the motion. Ayes: R. Barrett, R. Donham, M. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried. The Council entered executive session at 7:05 PM.

A motion was made to return from executive session at 7:19 PM by Marian and seconded by Rob. Ayes: R. Barrett, R. Donham, M. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

The minutes of the October 16, 2007 Regular Council Meeting were reviewed. Marian made a motion to approve the minutes. The motion was seconded by Rob. Ayes: R. Barrett, R. Donham, M. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried. The minutes of the Special meeting of November 15, 2007 were also reviewed and Phil made a motion to approve the minutes. The motion was seconded by Rob. Ayes: R. Barrett, R. Donham, M. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Village Fiscal Officer reports, Lloyd Billman. The Fiscal Officer presented the expenditures for the month of October including checks, charges, etc of \$157,620.19 and the October Bank Reconciliation with an all funds reconciled balance of \$778,182.25 for the month. Check numbers 19245 through 19375 and 19377 through 19425 were paid from the Primary Checking Account were paid during October. Check numbers 19376 was voided from the Primary Checking Account during October. The Fiscal Officer announced that Local Government Services will be coming in on Thursday, November 29th to make final adjustments to our fund balances in the Uniform Accounting Network (UAN). Our Auditor, Ed Rance has been reviewing all of their adjustments and has found discrepancies so we aren't totally comfortable with the projected adjustments.

Mayor Moore suggested we skip over the Village Council President's Report since Scott has not arrived as yet.

Rachel Barrett presented the Dispatchers, Police, Fire and Rescue Squad (EMS) report for the month of October 2007.

Mayor Moore presented the Mayor's report to Council. Mayor's Press Release to the Record Courier dated Friday, November 2, 2007 announcing that he and Trustee Dann Timmons met on October 16, 2007 with the two attorneys retained by the Village Council and Township Trustees to discuss the potential formation of a Joint Fire District.

Mayor's Press Release to the Record Courier dated Saturday, November 3, 2007 announcing a Memorandum of Agreement between the Ohio Army National Guard and the Mayor to provide Fire and EMS Service by the Village Fire Department.

Letter from Trustee Chairman Dann Timmons dated November 12, 2007 to Mayor and Council advising that the Trustees voted on November 1, 2007 to reject the recommendation of the Exploratory Committee and not pursue the proposed Joint Fire District.

Special Council Meeting called by the Mayor which was held on November 15, 2007 for Council to authorize Attorney Comstock to proceed with legal action against the Township Trustees, to authorize the signing of the M.O.A. with the Army National Guard to provide Fire and EMS Services and to authorize the signing of an agreement with the Ambulance Billing Company. The three resolutions for the meeting R-2007-30, R-2007-31 and R-2007-32 all passed by unanimous vote.

Council authorization to allow employees Karen Barnard to schedule off her one day remaining Vacation day on October 28, 2007 which is past her anniversary date of October 26, 2007 and to allow Fiscal Officer Lloyd Billman to schedule off his remaining 3 days vacation within 30 days past his December 13, 2007 anniversary date due to the heavy work schedule at year end. Such actual 3 days off will be discussed between the Fiscal Officer and Mayor. Mark Manlove will write a legal opinion allowing this type of flexibility for scheduling off unused vacation after the employees anniversary date. Marian said that the Auditor Ed Rance said that in the case of the Fiscal Officer it be noted that there are extenuating circumstances in an ongoing Audit and change in administration. A motion was made by Rob and seconded by Rachel to approve the taking of vacations already mentioned after the anniversary dates of the two employees. Ayes: R. Barrett, R. Donham, M. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Council approval of Mayors appointment of Julie Konzan to fill the opening on the Planning and Zoning Commission due to the resignation of Dick Sands. A motion was made by Phil and seconded by Rachel to approve the appointment. Ayes: R. Barrett, R. Donham, M. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Neighborwork America Report "Creating a Community of Choice" has been completed and needs to be reviewed by Council for action soon. This report was compiled by meetings earlier this year with Village and Township Community leaders and residents. Copies are provided for Councils review.

Since Scott Garrett has not arrived as yet, we will wait on Finance and move to Safety Personnel and Rules Committee announced Mayor Moore.

Safety / Personnel / Rules Committee by Rachel Barrett. Rachel gave the committee report for the October safety meeting.

A motion was made by Rachel and seconded by Phil to allow Full Time Policeman Tim Wilmington until December 13, 2007 to have a complete physical which is acceptable to the

Ohio Police and Fire Pension Board or be removed from the schedule. After some discussion it was announced by Chief Ed Perdian that we had on this date (November 20, 2007) received word back from Working Partners that the Physical had been successfully completed and the Chief had faxed the required information to the Ohio Police and Fire Pension Board thus satisfying the requirement and keeping our penalty at \$500 for the infraction. Phil then retracted his second and Rachel withdrew the motion. No further action is necessary.

Chief Perdian also asked if we could find some money somewhere there are some major repairs needed on the end of the building in the front. We will also need to find some financing for a new furnace. Marian inquired about what constitutes major. The Chief said that the estimates range from \$5300 to \$8500 due to settling of the building. There is substantial leakage under the building which has weakened the support.

Rachel then said that Chief Simpson was concerned about hearing that the compressor which powers the air horn was going to be removed. It was explained that it might be moved to the other end of the Police Garage but not removed. A question was asked about any restriction on playing loud music late at night and Chief Perdian said he would look into it. Also discussed was the mothers walking in the roadway with their baby carriages and a question was asked if we had an ordinance on snow removal from the sidewalks. The committee was under the impression that there is an ordinance but have not researched it as yet.

The Mayor announced the dates the Army National Guard would be available to meet.

Streets and Sidewalks report by Jodi Minotti. Jodi spoke about the house number signs are so small and it was explained that there is an ordinance for six inch high house numbers which has not been enforced. It was mentioned that private dwelling owners would complain about having to have such large house numbers on their houses. Jodi also asked about funds available for streets and sidewalks and the Mayor explained that we have a \$60,000 grant for the East side of Maple Grove for next year but nothing other than that. Rob explained that he is speaking with a person in his office at work who may give us some suggestions as to how to get a larger portion of monies available.

Mayor Moore said the next item would be Housing Rental License Code since Scott just arrived and to give him some additional time to prepare.

Housing Rental License Code by Phil Snyder. The third reading and vote on Ordinance No. O-2007-14 amending 1341.12 (b) (1) of the Codified Ordinances to increase the fee for filing an appeal with the Housing Appeals Board from \$50.00 to \$100.00. Motion for adoption was made by Phil and seconded by Marian. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

The third reading and vote on Ordinance No. O-2007-15 adding Section 1341.03 (d) (3) of the Codified Ordinance of the Village to require all Trash containers be placed out for collection a maximum of 24 hours. Motion for adoption was made by Phil and seconded by Rachel. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Village Buildings and Properties by Marian Garrett. Marian said that Maurice has painted the walls on Council Chambers and we are encouraging Maurice to take a break until after the first of the year. Maurice explained that the carpeting will be coming in on Tuesday and Carpet Remnants can't be paid until they finish the work. He also said that his sister is working on getting us some chairs from the school.

Planning and Zoning Commission by Phil Synder. Phil said the Board of Appeals met and reviewed a request for a variance for side yard by Dale Belknap. It was approved. The Zoning Board did not meet since they had no quorum.

Parks and Recreations by Phil Snyder. A meeting was held and the conditions of the Village Park were discussed. A motion by Larry Kuhlman and second by Bill Hickman to spend \$1000.00 for new picnic tables and playground repairs and was passed. Phil Snyder and Larry Kuhlman were appointed to evaluate the conditions of the park. Phil made a motion to approve the expenditure from our Leisure Activities line item. The motion was seconded by Scott. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Economic Development and Long Range Planning by Jodi Minotti. – Jodi said she has several questions about why we don't have a center for teenagers to meet. Phil directed her to a website to check on.

Records Commission by Scott Garrett. – New Resolution R-2007-36 designating Lori Lee as representative for Mayor and Council Members training on Records Commission issues. Scott made a motion to accept and Phil seconded the motion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Village Solicitor report by Mark Manlove. – No report.

Bicentennial Committee. Kelly spoke about the January 19th event at a cost of \$95 per person to kick off the Bicentennial Year. There is a questionnaire for families to fill out listing remembrances of years gone by. They are seeking the top 100 things which are great about Portage County.

Village Council President, Scott Garrett Scott said there are two openings on Council. He said that we will advertise for the positions with a cutoff of December 11, 2007 and decide during the December meeting. Mark Manlove stated that Rob Donham and Marian Garrett are excluded from voting on the council openings the fact they are leaving on January 1, 2008 and are holders of the two open Council seats that were being filled. The motion was made by Phil and seconded by Jodi to advertise for the two positions. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Finance Committee Report by Scott Garrett. Scott made a motion to approve the Fiscal Officers Expenditures for October of \$157,620.19 in checks and charges, etc. Check numbers 19245 through 19375 and 19377 through 19425 from the Primary Checking Account were paid during October. Check number 19376 from the Primary Checking Account was voided during October. The motion was seconded by Marian. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: none. Motion carried.

Scott then made a motion to approve the October 2007 Bank Reconciliation with an all funds reconciled balance of \$778,182.25. This was seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: none. Motion carried.

Council's approval of Auditor of State Mary Taylor's engagement letter for the Village 2006 State Audit. Motion was made by Scott and seconded by Rachel to approve the engagement

letter. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Council's approval of disposing of office equipment memo from Maurice Hnkins, Village Administrator. 4 VCR's, 1 copier, 2 printers, 4 monitors and 1 keyboard all valued at less than \$1000.00 and unusable. Scott moved and Marian seconded the motion to approve. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Council's approval to donate a copier and fax machine valued at less than \$300.00 to the schools. These items were not needed. See memo from Village Administrator Maurice Hankins. Scott moved to approve and Phil seconded the motion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

New Resolution R-2007-33 authorizing transfer Utility Fund transactions to Reserve Accounts. Scott moved to adopt and Rachel seconded the motion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

New Resolution R-2007-34 approving encumbrance of \$4,394.18 from E. Center Street Sewer Project Fund (Fund 5701) to be used to defray the OWDA Audit fees. Motion to adopt by Scott with Rachel seconding the motion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

New Resolution R-2007-35 approving transfer of \$6,000.00 from E. Center Street Sewer Project Fund (Fund 5701) to Sewer Operating Fund (Fund 5201) in order to reimburse monies expended to settle the Trailer Park repair work necessitated by Liberta Construction oversight. Motion to adopt by Scott and seconded by Marian. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Acceptance of Contract with Office of the Public Defender Portage County, Ohio. Motion to adopt by Scott and seconded by Rachel. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

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

Utilities

Utilities report by Scott Garrett. Village Administrator, Mayor and Committees recommendation to move Daryl Cottle part time laborer status (38 hours per week) to Full Time Laborer Status effective November 11, 2007 (see Village Administrator and Mayor's memo dated November 8, 2007). Scott moved and Phil seconded the motion to approve. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: none.

New Ordinance No. O-2007-16 establishing the position of Part Time Waste Water Superintendent with compensation at \$21.00 per hour (32 hours per week is 1664 hours per year for a total of \$34,944.00 annually). Scott moved to suspend the rules and Phil seconded the motion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried. Motion to adopt was made by Scott and seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Portage County Water Resources (PCWR) – time for Mayor and Council to resume consideration of P.C.W.R. by action taken in 2004. P.C.W.R. has been waiting for our Village Audits to be completed in order to obtain financial information about our Water and Sewer

Funds. The 2004 audit is complete and the 2005 and 2006 audits will soon be complete. Documents are provided for Council.

Guest Recognition.

Marian moved and Rob seconded the motion for adjournment and with no dissention the meeting was closed at 8:40 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

C. James Moore, Mayor