

*Village of Windham, Ohio*  
**Minutes of the Regular Council Meeting**  
Held December 23, 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,  
                    Kelly Meszaros – present,                      Linda Rininger – present,  
                    Randy Slusher – present,                      Phil Snyder – present

Also present, Village Solicitor Mark Manlove, Police Chief Edward Perdian, Fire Chief Clair Simpson, Village Administrator Maurice Hankins, C. James Moore, Bruce Rininger, Mike Iwanyckyj, Brenda Slusher, Todd & Joyce Stackpole and Eric Breiding

**The minutes of the November 25, 2008 Regular Council Meeting** was reviewed. After one correction was noted on Resolution R-2008-85 which was the vote should have been four Yeas and two Nays, Phil Snyder made a motion to approve the minutes. The motion was seconded by Randy Slusher. Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

**Village Fiscal Officer reports, Lloyd Billman.** The Fiscal Officer stated that the Income Tax Revenue for the year ending November 2008 was \$619,111.46. Of this total, \$159,951.91 is due to estimated payments from declarations for tax year 2008 taxes which are revenue for calendar 2009.

The Fiscal Officer presented the expenditures for the month of November including checks, charges, etc of \$163,479.68. Check numbers 21439 through 21473, 21475 through 21509, 21511 through 21546, 21548 through 21549, 21551 through 21546, 21548 through 21549, 21551 through 21560, 21562 through 21565, 21567 through 21569, 21571 through 21575, and 21577 through 21602 were paid from the Primary Checking Account during November. Check numbers 21474, 21510, 21547, 21550, 21561, 21566, 21570 and 21576 were voided during the month of November.

The Fiscal Officer also presented the November Bank Reconciliation with an all funds reconciled balance of \$741,724.25 for the month of November.

**Village Council President, Phil Snyder** Mr. Snyder said 2009 will be a challenge as well as an excellent opportunity for this Council to move our community forward and upward. In 2008 we have, through diligence and hard work put ourselves in the position to begin to become a progressive, positive and safe community for our residents and ourselves. In spite of the dire economic situation our country is facing we are in a somewhat stable financial position poised to move forward. We have many opportunities to look at in the coming months just to name a few:

1. Continue to modernize and improve our Police Department
2. Evaluate and consider moving toward Portage County Water District
3. Continue to pursue the acquisition of the East Elementary Property
4. Continue to improve the infrastructure of our community, streets, sidewalks, etc
5. Toughen up our existing Rental Codes to better serve our residents.

These and many other opportunities are there to be pursued. It will take hard concerted committee and council involvement to achieve these goals, but I truly believe if we work together we are more than capable of achieving all of these things and more.

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

Phil gave the monthly reports relating to both Police and Fire Departments. Mayor Donham said this is a significant drop during the year on crime statistics.

**Mayor's Communication and Correspondence**

Mayor Donham said the Rotary has requested a public proclamation for the week of January 25, 2009 through January 31, 2009 as Windham Family Week in conjunction with the Garrettsville-Hiram Rotary Family Week Celebration "Empower the Family". Mr. Snyder made a motion for the Mayor to sign the public proclamation which was seconded by Mr. Garrett. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None.

Mayor Donham then read a letter from Wheeler Landscape praising the police department and the reduction in crime within the Village during the past year.

**Prior requests of guests to speak:** None.

**Finance Committee Report by Linda Rininger.** Mrs. Rininger read the Fiscal Officer's expenditures for the month of November including checks, charges, etc of \$163,479.68. Check numbers 21439 through 21473, 21475 through 21509, 21511 through 21546, 21548 through 21549, 21551 through 21546, 21548 through 21549, 21551 through 21560, 21562 through 21565, 21567 through 21569, 21571 through 21575, and 21577 through 21602 were paid from the Primary Checking Account during November. Check numbers 21474, 21510, 21547, 21550, 21561, 21566, 21570 and 21576 were voided during the month of November.. Mr. Garrett made a motion to approve and Mrs. Meszaros seconded the motion. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mrs. Rininger read the Fiscal Officers November 2008 Bank Reconciliation with an all funds reconciled balance of \$741,724.25 and the following monthly reports for the month ending October 31, 2008: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund and the following year-to-date reports through October 31, 2008: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. Mrs. Meszaros made the motion to approve and Mr. Garrett seconded the motion. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Ordinance O-2008-26 was read by Mrs. Rininger: BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY. Mr. Snyder made a motion to suspend the rules which was seconded by Mrs. Meszaros. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried. Mr. Snyder then made a motion to adopt Ordinance O-2008-26 which was seconded by Mrs. Meszaros. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mrs. Rininger read Ordinance O-2008-27 AN ORDINANCE APPROVING AND ADOPTING THE PERMANENT APPROPRIATIONS FOR 2009 FOR THE VILLAGE OF WINDHAM,

CALLED FOR IN THAT BUDGET, AND DECLARING AN EMERGENCY. When the motion to suspend the rules and second were made by Mr. Snyder and Mr. Garrett respectively and the role was taken, it was discovered that there was a misstatement on the Ordinance and the Mayor called for a short recess to resolve the issue. The recess began at 7:23 PM and ended at 7:31 PM. Upon returning, Mr. Snyder made a motion to suspend the rules which was seconded by Mr. Garrett. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Mr. Snyder then made a motion to adopt Ordinance O-2008-27 which was seconded by Mrs. Meszaros. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Ordinance O-2008-28 was read by Mrs. Rininger 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. Mr. Snyder made a motion to suspend the rules which was seconded by Mr. Garrett. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. A motion to adopt Ordinance O-2008-28 was made by Mr. Snyder which was seconded by Mrs. Meszaros. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Ordinance O-2008-29 was read by Mrs. Rininger AN ORDINANCE AMENDING ORDINANCE NO. O-2008-1, 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. Mr. Snyder made a motion to suspend the rules which was seconded by Mr. Slusher. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mr. Slusher, Mr. Snyder. Nays: Mrs. Rininger. Motion carried. Mr. Snyder then made a motion to adopt Ordinance O-2008-29 which was seconded by Mr. Garrett. Mayor Donham then clarified that ranges for the Fiscal Officer, Street Superintendent, Income Tax Clerk and Utilities Clerk had previously approved by Council. The vote was taken with Aye votes by Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder and no Nay votes. The motion was carried.

Mrs. Rininger read Resolution R-2008-90 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE THE FOLLOWING THEN AND NOW PURCHASE ORDERS AS LISTED BELOW. Mrs. Meszaros made a motion adopt the resolution which was seconded by Mr. Slusher. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

**.Safety / Personnel / Rules Committee by Phil Snyder.** Mr. Snyder gave the second reading of Ordinance O-2008-23 AN ORDINANCE DECLARING IT NECESSARY TO ESTABLISH AN AMENITIES POLICY FOR THE EXPENDITURE OF PUBLIC FUNDS FOR QUASI-PUBLIC PURPOSES BY THE VILLAGE OF WINDHAM DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES.

The reading of Ordinance O-2008-24 was tabled until after the executive session.

Mr. Snyder gave the second reading of 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 VILLAGE POLICY DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES.

Resolution R-2008-91 was read by Mr. Snyder. A RESOLUTION APPOINTING MICHAEL BOURNE AS PART-TIME OFFICER FOR THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY.

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

The motion was made by Mr. Snyder and seconded by Mr. Garrett to waive the license penalty for vending machine licenses because of a misunderstanding. Ayes: Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Abstain because of a personal conflict: Mrs. Barrett. Motion carried.

Resolution R-2008-92 was read by Mr. Snyder. A RESOLUTION AUTHORIZING THE PURCHASE OF A 2005 FORD POLICE INTERCEPTER FROM THE MORELEND HILLS POLICE DEPARTMENT AT A PRICE OF \$2,995.00 AND DECLARING AN EMERGENCY. The motion to adopt the resolution was made by Mr. Snyder which was seconded by Mr. Garrett. Ayes: Mr. Garrett, Mrs. Meszaros, Mr. Slusher, Mr. Snyder. Nays: Mrs. Barrett, Mrs. Rininger. Motion carried.

Ordinance O-2008-30 was given a first reading by Mr. Snyder 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 made a motion to permit advertising for temporary part-time office help not to exceed 24 hours a week. The motion was seconded by Mr. Slusher. Ayes: Mr. Garrett, Mrs. Meszaros, Mr. Slusher, Mr. Snyder. Nays: Mrs. Barrett, Mrs. Rininger. Motion carried.

Ordinance O-2008-31 was given a first reading by Mr. Snyder. 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.

Resolution R-2008-93 was tabled until after executive session.

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

**Utilities report by Scott Garrett.** After consideration by the members of Council, Ordinance O-2008-32 was not read nor considered in favor of Ordinance O-2008-33.

Mr. Garrett read Ordinance O-2008-33 AN ORDINANCE AMENDING SECTION 921.01(5) OF THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM TO DECREASE THE 5% SEWER RATE INCREASE SET FOR JANUARY 1, 2009 TO 0% INCREASE DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. Mr. Snyder made a motion to suspend the rules which was seconded by Mr. Slusher. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Snyder then made a motion to adopt Ordinance O-2008-33 which was seconded by Mr. Garrett. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mr. Slusher, Mr. Snyder. Nays: Mrs. Rininger. Motion carried.

Mr. Garrett read Ordinance O-2008-34 AN ORDINANCE AMENDING SECTION 923.03(4) OF THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM TO INCREASE THE 5% WATER RATE INCREASE SET FOR JANUARY 2009 TO 7.5% INCREASE DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. Mr. Snyder made a motion to suspend the rules which was seconded by Mr. Garrett. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mrs. Meszaros made a motion to adopt Ordinance O-2008-34 which was seconded by Mr. Snyder. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Ordinance O-2008-35 was read by Mr. Garrett AN ORDINANCE AMENDING SECTION 927.04(h) OF THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM TO ELIMINATE THE DEPOSIT REQUIREMENT FOR WATER SERVICES UNLESS A CUSTOMER BECOMES DELINQUENT, DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. Mr. Snyder made a motion to suspend the rules which was seconded by Mr. Garrett. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mrs. Meszaros made a motion to adopt Ordinance O-2008-35 which was seconded by Mr. Slusher. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

**Streets and Sidewalks by Randy Slusher.** Mr. Slusher said he has nothing at this time.

**Housing Rental License Code by Phil Snyder.** Mr. Snyder said he has nothing at this time.

**Village Buildings and Properties by Rachel Barrett.** A request for approving construction of Mayor's Office and Storage from the Mayor's Budget for a 12 x 12 or 10 x 12 room was considered. Mr. Snyder made a motion approving the request which was seconded by Mr. Garrett. Ayes: Mr. Garrett, Mrs. Meszaros, Mr. Slusher, Mr. Snyder. Nays: Mrs. Barrett, Mrs. Rininger. Motion carried.

**Planning and Zoning Commission by Phil Snyder.** Mr. Snyder said he has nothing from the committee.

**Parks and Recreations by Kelly Meszaros.** 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. was tabled pending further investigation.

**Bicentennial Committee by Kelly Meszaros** Mrs. Meszaros said she was unable to attend the sealing of the Time Capsule on December 13<sup>th</sup> at 4:00 P.M. with a reception at the Ravenna Historical Society.

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

**Village Solicitor report by Mark Manlove.** – Mr. Manlove said he has nothing.

**Guest Recognition.** None.

Mr. Snyder made a motion to enter into executive session to discuss personnel payroll related issues, legal matters and the lawsuit with the township and contract issues with Community Ambulance. 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. Mr. C. James Moore, former mayor and Mr. Lloyd Billman, Fiscal Officer were invited to go into executive session with Council. Council went into executive session at 8:59 P.M.

At 10:04 Mr. Snyder moved to return from executive session and return to regular session. Mr. Garrett seconded the motion. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Snyder made a motion to authorize employees to paid back pay which is due them for the years 2005, 2006 and 2007. The motion was seconded by Mr. Garrett. Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried. The payments will be made during the first quarter of 2009.

Ordinance O-2008-24 AN ORDINANCE AUTHORIZING THE VILLAGE OF WINDHAM TO WITHDRAW FROM THE WINDHAM TOWNSHIP FIRE DISTRICT UNDER SECTION 505.37(C) OF THE OHIO REVIESED CODE DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES was given a second read by Mr. Snyder.

Mayor Donham announced there will be a Special Meeting of Council on Monday December 29, 2008 at 5:00 PM for the purpose of considering Ordinance O-2008-24 to withdraw from the WINDHAM TOWNSHIP FIRE DISTRICT.

There being nothing further, Mr. Garrett made a motion to adjourn which was seconded by Mr. Snyder. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried and the Council meeting was closed at 10:04 P.M.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor