

Village of Windham, Ohio

Minutes of the Special Council Meeting

Held July 29, 2010

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.

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

Also present were Atty. Tom Reitz Solicitor, C. James Moore, Mike Iwanyckj Village Administrator, Bruce Rininger, Russ Hahn, Denise Bly, Sheryl Prem, Barb Edder, Lt. Dale Korman, Cecilia Swanson, David Brown, Kathleen Kozen, Louis Kovar

The minutes of the May 26, 2010 Regular Council Meeting which was special because it was not held on the regularly scheduled date were reviewed and on a motion by Mrs. Barrett and second by Mrs. Miranda and by a 6 – 0 vote the motion was carried.

The Fiscal Officer's Financial Reports were presented by Mr. Billman as follows:

The Income Tax total for June year to date is \$277,194.32 of which \$30,151.87 is for payments of declarations of estimated tax.

The expenditures for the month of June 2010 of \$307,499.51 in checks, charges, etc with check numbers 24531 through 24661 paid from the Primary Checking Account during June with no checks voided during the month.

The June 2010 Bank Reconciliation with an all funds reconciled balance was \$532,235.09.

Village Council President's Report by Mrs. Barrett – there was no report, however Mrs. Barrett inquired if Council wished to change the dates of the Committee meetings and Council to revert back to what was set up the beginning of the year. After considerable discussion, Mrs. Barrett made a motion to change the Service Committees to the first Tuesday of the month, the Finance and SPR Committees to the first Thursday of the month effective with the September meetings. The motion was seconded by Mr. Garrett and by a 6 – 0 vote the motion was carried.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for June 2010 by Mrs. Meszaros. Mrs. Meszaros made a motion to enter the report as it stands which was seconded by Mrs. Miranda and by a 6 – 0 vote the motion was carried.

Mayor's Communication and Correspondence

Mayor Donham said there is nothing on this part of the agenda on which to comment but he would comment later.

Prior requests of guests to speak

Cecilia Swanson, Director of Portage County Library made an impassioned plea to Council to act on the library either with repairs or another suitable location.

Finance by Scott Garrett

Mr. Garrett said the minutes have been handed out.

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of June 2010 of \$307,499.51 in checks, charges, etc. Check numbers 24531 through 24661 were paid from the Primary Checking Account during June. No checks were voided during June 2010. Mrs. Meszaros seconded the motion and it was carried by a 6 – 0 vote of council.

Mr. Garrett made a motion to approve the Fiscal Officers June 2010 Bank Reconciliation with an all funds reconciled balance of \$532,235.09 and the following monthly reports for the month ending June 30, 2010: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through June 30, 2010: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mrs. Meszaros and carried by a 6 – 0 vote of council.

Mr. Snyder made a motion to suspend the rules on Resolution R-2010-29 **RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE THE FOLLOWING THEN AND NOW PURCHASE ORDERS AS LISTED BELOW** which was seconded by Mrs. Meszaros. The roll call vote was taken and all Ayes except for Mrs. Rininger who abstained. The motion carried.

Mr. Garrett made a motion to adopt Resolution R-2010-29 which was seconded by Mr. Snyder and the motion carried by the same 5 – 0 vote with Mrs. Rininger abstaining.

Mr. Garrett made a motion to suspend the rules on Ordinance O-2010-23 **BEING AN ORDINANCE AUTHORIZING THE AMENDING AND/OR SUPPLEMENTING OF THE PERMANENT APPROPRIATIONS SET FORTH IN ORDINANCE O-2010-18 ON JUNE 24, 2010 FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY.** The motion was seconded by Mrs. Meszaros and carried by a 6 – 0 vote of council.

Mr. Garrett then made a motion to adopt Ordinance O-2010-23 which was seconded by Mr. Snyder and carried by a 6 – 0 vote of council.

Mr. Garrett made a motion to suspend the rules on Resolution R-2010-31 **A RESOLUTION AMENDING RESOLUTION R-2010-3 WITH RESPECT TO TRANSFERS BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, TO THEIR RESPECTIVE DEBT SERVICE AND DEBT SERVICE RESERVE FUNDS TO MEET CALENDAR 2010 DEBT SERVICE REQUIREMENTS DURING 2010 AND DECLARING AN EMERGENCY** which was seconded by Mrs. Rininger and carried by a 6 – 0 vote of council.

Mr. Garrett then made a motion to adopt Resolution R-2010-31 which was seconded by Mrs. Rininger and carried by a 6 – 0 vote of council.

Mr. Garrett made motion to approve a transfer of up to \$34,200 from the General Fund as needed to the Permanent Improvement Fund 4901 to be used as matching funds for the Main Street Resurfacing Project which was seconded by Mr. Snyder. Council supported the motion by a 6 – 0 vote.

Mr. Garrett made a motion to suspend the rules on Resolution R-2010-32 **A RESOLUTION AUTHORIZING A PROJECT WORKS AGREEMENT FOR THE STATE OF OHIO AND DECLARING AN EMERGENCY** which was seconded by Mrs. Meszaros and carried by a 6 – 0 vote of council.

The motion to adopt Resolution R-2010-32 was made by Mr. Garrett and seconded by Mrs. Meszaros and confirmed by a 6 – 0 vote of council.

Safety / Personnel / Rules by Kelly Meszaros

Mrs. Meszaros made a motion to enter into executive session to consider applicants for Police Chief and personnel question and hiring of part-time officers. The motion was seconded by Mr. Snyder and carried by a 6 – 0 vote at which time Council entered executive session at 7:46 P.M.

Upon returning Mrs. Rininger made a motion to return to regular session which was seconded by Mrs. Miranda and carried by a unanimous vote of council, the time being 8:20 P.M.

Mrs. Meszaros made a motion to extend the advertising to the Akron Beacon and Tribune newspapers on August 1, 2010 with the cut-off on August 6, 2010 at 4:00 P.M. as long as the advertising does not exceed \$600. The motion was seconded by Mr. Miranda and carried by a 5 – 0 vote of council with Mr. Snyder casting the dissenting vote.

Mrs. Meszaros made a motion to approve the hiring of Steve Clark as part-time officer effective August 1, 2010 which was seconded by Mr. Garrett. The roll call was taken and confirmed the motion by a 6 – 0 vote.

Service Committees

Utilities by Phil Snyder - Mr. Snyder reported that he had nothing.

Streets and Sidewalks by Linda Rininger - Mrs. Rininger had nothing to report.

Housing Rental License Code by Rachel Barrett – Mrs. Barrett read Ordinance O-2010-15 **AN ORDINANCE AMENDING § 1341.08 OF THE HOUSING MAINTENANCE AND OCCUPANCY CODE BY ADDING A PROVISION FOR THE COLLECTION OF UNPAID HOUSING RENTAL LICENSE FEES** as a third reading and asked that the words Housing Rental appear before License Fees and also that the first and second whereas recognize the Service Committee as the endorsing committee. Mrs. Meszaros made a motion to adopt which was seconded by Mr. Snyder and carried by a 4 – 2 vote with Mrs. Barrett and Mrs. Rininger casting the dissenting votes.

Village Buildings and Properties by Phil Snyder – Mr. Snyder read Ordinance O-2010-14 **AN ORDINANCE APPROVING AN ADVISORY ELECTION QUESTION TO BE PLACED ON A VILLAGE WIDE BALLOT AT THE NEXT SCHEDULED GENERAL ELECTION WITHIN THE VILLAGE AND REQUESTING THAT THE PORTAGE COUNTY BOARD OF ELECTIONS PLACE THIS ISSUE ON THE BALLOT** as a third reading and made a motion for the adoption of same which was seconded by Mr. Garrett. The roll call was taken and confirmed by a 4 – 2 vote. The two Nay votes were cast by Mrs. Miranda and Mrs. Rininger.

Mr. Snyder then read Resolution R-2010-30 **A RESOLUTION ACKNOWLEDGING TENANTS OF PROPERTIES OWNED BY THE VILLAGE OF WINDHAM AND ESTABLISHING RENTAL ARRANGEMENTS FOR THOSE TENANTS AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Meszaros and carried by a 5 – 1 vote of council with Mrs. Miranda casting the No vote. Upon discussion it was decided to amend the original Resolution to replace the named tenants by the words tenant or tenants. Mrs. Meszaros made a motion to amend the Resolution by replacing the named tenants with the words tenant or tenants which was seconded by Mr. Snyder and carried by a 6 – 0 vote of council. Then Mr. Snyder made the motion to adopt as amended which was seconded by Mr. Garrett. The vote of council supported the motion by a 4 – 2 vote with Nay votes by Mrs. Miranda and Mrs. Rininger.

Mr. Snyder made a motion to approve the letter to be send to NDS requesting relocation assistance for tenants. The motion was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Parks and Recreation by Phil Snyder – Mr. Snyder said the committee had discussed renovating and upgrading in the playground area and that Mr. John Pemberton had bid for grading and redoing of the driveways in the park for \$1700.00 which is probably the primary job which needed to be done in the park. We are in the process of getting things together to do some renovation and upgrade the playground area. We are going to add mulch underneath all of the equipment and repaint all of the playground equipment and fill and reseed the low areas and have a general cleanup day for the park. We are also going to get some of the trees removed in exchange for the wood. Ivan Ward is going to mow an additional twenty feet out into the field owned by Jack Bierer so it isn't growing onto the ball field. Mayor Donham asked Mr. Snyder if he had enough working members to spearhead the effort or if he would need another committee. Mr. Snyder said he thought they could accomplish what they wanted to do. Mrs. Meszaros added that some kids need service projects such as the scouts, etc.

Planning and Zoning Commission by Phil Snyder – Mr. Snyder read Ordinance O-2010-16 **AN ORDINANCE AMENDING VILLAGE ZONING ORDINANCE § 1169.03, BY REDUCING THE MINIMUM LOT AREA IN THE R-1 DISTRICT** as a third reading and made a motion to table the Ordinance until a later date. The motion was seconded by Mrs. Miranda and carried by a 6 – 0 vote of council.

Mr. Snyder said we have to decide an appropriate date for the public hearing. Mrs. Miranda asked if we could have some more discussion on this. She wanted to know how what happened on Snow Road affected this and what the results are going to be. Atty Reitz said that Snow Road has nothing to do with this legislation. Mr. Snyder explained that this legislation would change the minimum lot size to correspond to the minimum lot size in Portage County. The minimum lot size is currently three-fourths acre and this would change the minimum lot size to one-half acre. There is additional criteria such as soil and septic system which determines whether a person can build. Mrs. Miranda inquired about whether the change in zoning would permit Mr. Hood to build on Snow Road. Mr. Snyder explained that the area of Snow Road is not zoned correctly for him to build upon. Mr. Donham explained since he has been on Council the only change to come before Council on Zoning was to create a new district for the Renaissance Family Center. Solicitor Reitz said Mr. Hood has applied for a variance and if it is a use variance he won't get that since the Zoning would have to be changed to permit the new use. He can apply to have the property re-zoned. Mrs. Miranda said then this legislation would help him. Mr. Reitz said I don't believe he is in the right district so I don't believe it will change his situation at all. Mr. Snyder said that lot (which is owned by Mr. Hood) is not zoned for residential; since 2004 it has been zoned industrial and so it can't be used for residential.

The date of the public hearing needs to be established so that it can be published at least 30 days prior to the public hearing. Mr. Snyder made a motion to establish the public hearing date and time as September 28, 2010 at 6:30 PM. The motion was seconded by Mrs. Meszaros and on a roll call vote of council was passed 6 – 0.

Mr. Snyder then made a motion to table Ordinance O-2010-16 **AN ORDINANCE AMENDING VILLAGE ZONING ORDINANCE § 1169.03, BY REDUCING THE MINIMUM LOT AREA IN THE R-1 DISTRICT** which was seconded by Mrs. Miranda and on a roll call vote of council the motion was passed 6 – 0.

Solicitor's Report - Atty. Reitz had no report.

Guest Recognition

Sheryl Prem said she wanted to thank the Council for getting together for a part time officer. We can't go on forever advertising for a Police Chief. Mrs. Meszaros said we lost a week of advertising through the Record Courier so we felt that putting it out and especially broadening the area with it we would get a better response. So we are going to advertise it for one week. Mayor Donham said here is the predicament we are in; currently we got six applications for the Police Chief position and Ed (Perdian) is one of them. I think three are interview able. Obviously we would like more candidates than that. In my opinion I think three is a minimum. Everyone here knows my opinion, I think Ed is a hell-of-a Chief.

Bruce Rininger asked if there was a time limit on the amount of time you are allowed to speak? Mayor Donham said our procedure is to tell people to try to limit themselves to three minutes. I do a stop watch here if it seems to be going over; I stop the clock when I person stops speaking and when Council responds to the person. I then start it again when the person starts to speak again. For instance you used ten and a half seconds. And if you get to three minutes and I still think it is relevant I'll let it go. If I think we are rehashing the same things and we are getting nowhere, I'll shut the conversation down and we'll move on.

Louis Kovar asked a question about if we had a plan of where to go in the case of a Tornado warning. Mayor Donham said that is a good question. Mrs. Rininger said that is an action plan that should be set up by the landlord. Louis responded what about in the case of a single family home? Mrs. Rininger said I don't know, there is not really an emergency system set up. Mayor Donham said it used to be Katherine Thomas Elementary School. Mr. Garrett said yes, it used to be K.T. but it needs to be updated. Russ Hahn said years ago they sounded the fire siren a certain length of time and that was our warning that a Tornado was imminent. Mayor Donham said we still sound the fire siren, but the question is do we have a dedicated public building. Mrs. Rininger said Mike I'm sure you can elaborate on this, but if you went to the Fire Station, they could accommodate you. Mr. Garrett said we need to look at the schools and the new K.T. Mayor Donham said I guess the short answer is no and the better answer is we'll find one pretty quick. Mike said the Fire Station and Saint Michael's Church would be two safe locations. Mr. Garrett said the Methodist Church also has a basement. Mayor Donham said we should dedicate some plan and get something out to residents.

Jim Moore said I think everybody here knows the Chief except for Jena. Has the Council or a Committee ever done a performance review on the Chief? Mrs. Meszaros said she only came on in January of this year as chair of safety, so I haven't had the opportunity to request a performance review. Mr. Moore said but any member of Council can request a performance review or an evaluation at any time, especially for the Chief. Mayor Donham said I can only think of one that pops out but there may be two instances that happened where we discussed it with the Chief as a personnel issue and it was resolved painlessly and quickly. I never got a request to do that. Mrs. Miranda asked if this was the case for all employees? Atty. Reitz said anybody in administration can ask for a performance review. Mrs. Rininger said I believe that three years ago the Personnel Committee asked for evaluations on all employees, department heads and employees were to be reviewed. I don't believe that ever happened. Mayor Donham said I think all of the employees are evaluated, at least in the Police Department I know there is a very regimented policy on how we do evaluations. Everyone should be getting annual evaluations. As far as department heads, I don't do a structured employee evaluation. I'm a pretty straight shooter and if Ed is messing up or if Dale is messing up, I don't wait for an evaluation. I get right to the point and let them know what I expect. If Mike is messing up I call him and we meet probably the next day. Generally my guys, they haven't made any huge errors and when they do we resolve it pretty quick. Mrs. Rininger said we have requested that we see evaluations. Mayor Donham said of

who. Mrs. Rininger said of the employees, the personnel committee had that set up. Mayor Donham said they are in their employee files; everyone has had them. Mrs. Miranda said we have new hires who would probably like to know how they are doing. Mayor Donham said basically what we have done, and this kind of hinges around the Police Department but what we have done in the Police Department is part of any promotion or anything going on, part of their personnel file is their annual evaluations which I think take place in November. Mr. Moore said an evaluation or performance review is a way of Council putting down something in writing to somebody as to what the problem was. Mrs. Meszaros said from this point forward, we will make sure that happens. Mrs. Rininger said that is addressed in the Personnel Handbook. Mrs. Meszaros said yes, the Personnel Handbook addresses that very clearly.

Mrs. Meszaros said Mrs. Kropinak retired effective August 1st and I think it would be appropriate to recognize her in some way. Perhaps a proclamation could be done speaking about the great job she has done. Mayor Donham asked what would be the pleasure of Council. Mrs. Meszaros said a proclamation could be done and given to the school who could send it to her.

Mike Iwanyckyj said just so everybody knows on grass notice we are giving 48 hours for the individual to respond. Something that will have to come before committee, the towers (water towers) will need to be inspected at a cost of \$14,000 to \$15,000. It has to be done before school starts. This has to be done every five years. A question was asked when school starts. Mayor Donham said I believe it is August 23rd. Mrs. Miranda asked if it was scheduled. Mayor Donham said it hasn't been scheduled. The reason it has been put off is because Portage County was probably going to do this as part of their evaluation but it isn't happening quick enough. We will have to look at how to get this done. The capital improvement fund doesn't have enough money in there to do it. We will have to look at the cash fund balance and find a way to get money moved to do it, if not advancing Revolving Loan money because we might have audit adjustments and things like that which might cancel it out before the end of the year. Mike said the old '90 Chevy and old walk behind that doesn't run – is that something we could sell. Mrs. Rininger said that needs to go before committee. Atty. Reitz asked how much they were worth. Mike said about \$1800 total. Tom asked how much for each? Mike said less than \$1000 each. Atty Reitz said if it is under a thousand dollars your Village Administrator has the authority to discard them or sell them. I do recommend that he does what he has just done now which is report it to you so it shows up on your minutes. If the value of the equipment, real estate or whatever it is is more than \$1000 then there must be a formal finding from Council by Resolution that this is municipal property no longer needed for any municipal purpose. Then you can get rid of it however you want. Mike said the last thing was on the Water Plant flooding, I'm going to go with Falls Home Remodeling. The only thing was the estimate was for \$5,600 and with our deductible we are going to get \$4,600 which will leave us about \$300 shy. Mrs. Rininger made a motion to authorize the repairs which was seconded by Mr. Garrett. The roll call of Council was 6 – 0 in favor of the motion.

Mrs. Barrett made a motion to adjourn which was seconded by Mrs. Rininger and by a 6 – 0 vote the motion was carried and Council adjourned at 9:10 P.M.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor