

Village of Windham, Ohio
Minutes of the Special Council Meeting

Held August 4, 2009

At 6:00 PM, the Honorable Mayor Robert W. Donham II called the meeting to order.

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, Tom Brett, Police Chief Perdian, Fire Chief Simpson, C. James Moore, Joe Veccia, Jim Starkey, Mike Iwanyckj.

Mayor Donham said this was advertised as a full business meeting.

Mrs. Rininger asked if we are going to waive the fees for the meeting tonight. Mayor Donham asked if that was a motion to which Mrs. Rininger said no. Mr. Slusher made a motion to waive the fees which was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Garrett, Mr. Slusher Nays: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Snyder. Motion defeated.

Mayor Donham said he advertised the meeting as a full agenda so Phil if you have anything to report, if not there are only a couple of items on the agenda.

Mr. Snyder said he had nothing to report at this time.

Mayor Donham said, my only communication I want to announce to all of Council subject to a rubber stamp which we should be getting on the 12th of August, we did get our grant for the Main Street resurfacing so next July we will be paving Main Street from the Arsenal to the Turnpike. I am on the subcommittee now so next year I will be reviewing those projects. Mr. Garrett exclaimed, fantastic.

Mayor Donham said he put the Resolution for the additional Tax Levy for the Fire Department under Finance and questioned whether Council wanted to enter into executive session before we consider Resolution 26.

Mrs. Rininger said before we move onto this, can I ask a question. Mayor Donham said yes. Mrs. Rininger continued, 'When I read it in the paper yesterday, it was a special session. It was a Special Council Meeting. Aren't we violating the Ohio Revised Code; we didn't have a topic which we were going to discuss, and if you call a Special Session you need to name a topic and you can't come off the topic. This looks like a full Council Meeting to me and it was not indicated to us last week that it would be a full Council Meeting. I thought it was supposed to be for one item only.

Mayor Donham said, I guess there are several questions there. The first one is are we violating the Ohio Revised Code.

Solicitor Reitz asked what did your ad say?

Mayor Donham said it was advertised as a Special Council Meeting and since I had several items on the agenda it was cost prohibitive to take out a full page ad and put the agenda on it so it said a full agenda Council Meeting.

Solicitor Reitz said no specific topic was put in the paper. Mrs. Rininger said no. Mrs. Meszaros said there was no specific topic. Mrs. Barrett said, it was my understanding we agreed to have a Special Meeting tonight for one topic and one topic only. Mrs. Rininger said she thinks there is a little misunderstanding at this table.

Solicitor Reitz said that is the second issue. As far as the notice requirements go, the Ohio Revised Code indicates that you must have a rule whereby any member of the press can find out what is on the agenda with twenty-four hours advance notice.

Mrs. Rininger said unfortunately Council didn't find out what was on the agenda with twenty-four hours notice and according to (ORC) 705.74 meetings of Council Special Session we should have had any such report shall state the subjects to be discussed at the meeting and no other subjects shall be considered. It was listed in the paper as a special session and no topic was given.

Mayor Donham it is for the benefit of Council, if Council doesn't want to have tonight's meeting let's not have it.

Mrs. Rininger said that's not the answer here, Rob. The answer is it should have been done correctly to begin with.

Atty. Reitz asked what section Mrs. Rininger was referring to and Mrs. Rininger said, of the Ohio Revised Code Section 705.74 Meeting of Council Special Sessions. Solicitor Reitz said that one I don't know off the top of my head.

Mayor Donham said, I'll reiterate for the crowd that we had at least three items that needed to be discussed tonight and short of taking out a page in the Record Courier, I don't know how else you are going to advertise it.

Mrs. Rininger said advertising cost does not justify violating the Ohio Revised Code.

Mayor Donham said as far as violating the code, I don't know that we are doing that, but if we are then I would recommend closing the meeting and not taking any action. Atty. Reitz asked if Mrs. Rininger had a copy of that code section with her and she replied, "Yes I do." Mr. Reitz said may I see it? Mrs. Rininger passed the copy of the code over to him.

Mrs. Rininger said, and that applies due to the fact that it was listed in the paper as a Special Session.

Mayor Donham said if it was done wrong, my apologies and lets end the meeting and we will re-advertise.

Atty Reitz said the early part of the 700 deals with Cities and the 730 part deals with Villages. Mrs. Rininger said that is interpretation and when it comes to this that applies to Council Meetings. There is no stipulation to City or Village.

Atty Reitz said I don't have any reason to say that's wrong.

Mrs. Rininger said how do we resolve this action on this?

Atty Reitz said you should adjourn the meeting.

Mayor Donham asked if there was a motion to adjourn. He then said we should schedule another meeting. Atty. Reitz said you can't conduct any business including scheduling another meeting. Mayor Donham said, I'll just call one then. Mrs. Meszaros said I make a motion to adjourn. Mrs. Rininger seconded the motion. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried at 6:12 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor