

Village of Windham, Ohio

Minutes of the Special Council Meeting Regular Council Meeting held at different than usual date

Held August 25, 2010

At 7:08 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, Denise Bly, Lt. Dale Korman, Cecilia Swanson, David Brown, Debbie Blewitt, Jason Lamtman, Tom Brett, Pauline Schaeffer

The minutes of the June 24, 2010 Regular Council Meeting which was special because it was not held on the regularly scheduled date were reviewed. There was considerable discussion as to whether these meeting minutes had been tabled previously. The Fiscal Officer/Clerk of Council stated that they were only completed and available to Council just prior to the August Committee meetings. Mrs. Rininger said on the last page the fourth paragraph where it begins Mrs. Miranda asked, that should be changed to Mrs. Whan and also throughout that paragraph. Also in the same paragraph the words Mr. Scott should be replaced by an unidentified member of the audience. Mrs. Miranda questioned if it would be too much to go back to the summary minutes because it is a lot of work on him, that's crazy the tape is available. Mayor Donham said these are still summary minutes, as they are not verbatim. We have gone back and forth on this. There is a fine line between Lloyd not summarizing enough and summarizing too much and in the two and a half years I have been here we have been to both extremes. As soon as he misses something he gets jumped on you need to be more specific. And then he gets real specific and this is what happens. Yes, he could summarize less, but it's really at the direction of what Council feels is acceptable. Mrs. Meszaros said if we get the new software, will that help. Mayor Donham said I'm sure it will. Mr. Billman asked Mrs. Rininger if she had brought her copy in. Mrs. Rininger said no, but I do have it at the house. Mayor Donham said we could talk about it at a Committee meeting. Mrs. Barrett made a motion to approve which was seconded by Mr. Snyder 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 July year to date is \$327,249.55 of which \$30,941.47 is for payments of declarations of estimated tax.

The expenditures for the month of July 2010 of \$182,583.03 in checks, charges, etc with check numbers 24662 through 24801 paid from the Primary Checking Account during July. Check numbers 24727 and 24728 were voided during the month of July..

The July 2010 Bank Reconciliation with an all funds reconciled balance was \$521,361.06.

Mr. Billman said additionally, I'd like to request from Council that we have a cutoff date of September 23rd which is Thursday to get agenda items in so that the Solicitor and I can do our best work and Council can receive an Agenda that doesn't have to say Draft and Legislation

will be complete so that I can get it to Council on September 24th which is Friday in advance of the September 28th meeting on Tuesday.

Mr. Billman also stated there is a Kenyon Energy letter which was received today.

Atty Reitz said he would like to support Lloyd's last statement about the cutoff date of the Thursday before the Council Meeting on Tuesday. It's difficult for me on the afternoon before a meeting to go through and make sure you really high quality legislation without typographical errors. I would really like to do it in advance like that.

Mr. Billman said there is a calendar in your material this evening and he would like all members of Council to remain after the meeting to sign the Resolution R-2010-35 accepting the amounts and rates.

Village Council President's Report by Mrs. Barrett – there was no report.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for July 2010 by Mrs. Meszaros. Mrs. Meszaros said a copy was available for those wishing to read it.

Mayor's Communication and Correspondence

The main street resurfacing project, we are going to open bids on that on Tuesday the 31st of August at noon. I hope that we would be able to award on Thursday, September 2, 2010 at 6:15 P.M. at a Special Meeting before the Finance meeting and we would anticipate starting the project three weeks after that.

The Mayor said he would be out of town September 4th through 11th so he would like to hold the Service, Planning and Zoning meetings on the 14th rather than the 7th of September.

We are also going to coordinate the Arsenal project the water and sewer lines going in no later than six weeks. And they do have a tie-in so they have some work in the intersection of 303 and S. Main Street. They are exchanging plans right now. We would like them to start on the North and work their way South, that way they would be done with that by the time we pave and we could do a better paving job rather than putting in a T-patch.

Mr. Snyder said, I would like to suggest that we move the service committee meetings and planning and zoning meetings to the 14th rather than the 7th which is the day after the holiday.

Atty Reitz said we could have Chad Murdock attend that meeting as legal Counsel.

Mayor Donham said the Bicentennial Beautification Committee contacted us about next years flowers. The Bicentennial is rolling out a whole set of beautification standards and what they would like us to do is commit to the \$2600 that we put into it each year and use that and whatever extra cost they would cover. Mrs. Rininger said Margaret (Gearhart) and I already discussed this and we already decided that we were going to meet with that committee to find out what's going on and get everything in place before December. Mayor Donham said I think the Bicentennial Committee wants to purchase from the people who do Newton Falls flowers because they are so much better quality than we have got in the last two years. Mr. Garrett said they tend to plant one color and one kind. Mayor Donham said the guy that does that for Newton Falls and a bunch of other communities, it's a touch more expensive and the Bicentennial Committee is willing to pick up the difference in cost. Mrs. Meszaros said the only problem I have with that is we are taking the business away from the local establishment and sending it to Newton Falls. Why are we taking money out of our local economy, our taxpayers and sending it across ... Mrs. Rininger said besides that she took a hit this year even though they were expensive to make it easier next year. We purchased this year extra stuff based upon the order that was given to her in order to have a lower cost next year. Mayor Donham said we can have the committee come in and talk to you guys. Mrs. Rininger said the Bicentennial Committee needs to get with the service committee and discuss this before we... Mr. Snyder said I agree with that, I think we have an issue and I don't agree with the Bicentennial Committee. I don't want to this year shaft Mrs. Gearhart who has been one hundred percent cooperative with us and we made it right but it took her three years to get

things straightened out from when whoever made the big mistake in the past and she wasn't paid for three years. I am opposed to going with Newton Falls. Mrs. Meszaros said if you talk with her far enough in advance, she will do a great job. Mrs. Rininger said and that is what she and I discussed. We just spoke two weeks ago, and I told her that because it is the Bicentennial I think that we need to get these arrangements made for the flowers well enough in advance that she can accommodate what everybody wants. And I also suggested that we bring the Bicentennial Committee into the discussion as well. Mayor Donham said if we start dueling with the Bicentennial Committee over which type of flowers we are going to have, it's going to look like Hell. The flowers don't look great this year. If you go to Newton Falls their flowers look much better than ours. I appreciate what Mrs. Gearhart has done, you are right she bent over backwards. She didn't get paid for a long time. There is a bit of a cluster, but I just want the best looking streets as possible for next year regardless of cost or who is doing it. Mrs. Meszaros said we are promoting Windham with the Bicentennial all the across the board. We are promoting history, we are promoting the future. Why would we take business out of the coffers of our community? Mayor Donham said if the flowers are going to look like that I vote to take it out of Windham. Mrs. Meszaros said she (Mrs. Gearhart) didn't have a lot of advance notice this year. They weren't started early enough. Mr. Donham said I'm not going to duel with the Bicentennial Committee on it, if the Council wants to talk to them about it. Mrs. Rininger said we aren't going to duel with them, I think it would be wise for us to approach them and say let's try it this way and see. Mayor Donham said I'd call them ASAP, I'll give you their chairs number. It's not Lynnea St. John who is handling that it's Jennifer Stocker of Liberty Tax Service. She lives on Horn Road and is the chair of that committee. She lives on the corner of Belden and Horn. She is the chair of the committee and the committee has decided to go to Newton Falls and they have to place their order by next week. Mrs. Rininger said, well then I will call them tomorrow. Mayor Donham said I'd love to do everything here, but if there is a local resident who is incapable of making flowers look as good as Newton Falls, then go to somebody who can get the job done. Mrs. Rininger said I don't know how to tell you this Rob, but there were serious communication breakdowns. She was getting information from several different people at the same time, so the reason the flowers look the way they do this year is not the fault of the individual who supplied them. Mayor Donham said but even what is in the flower pots... Mrs. Rininger said she did not get advise about what was suppose to be out there. So in all honesty, communication breakdown was not her fault. Mayor Donham said I'm not a horticulturist, I can't tell you what to put in a pot. I just want it to look pretty. Mrs. Miranda said flowers are pretty period, so it doesn't really matter. Mayor Donham said well those ones aren't. Mrs. Meszaros said some of them are beautiful. Mayor Donham said some of them are, we'll take a walk. But of forty, probably about fourteen of them are hideous. I don't know what's in them, I just look at them and I go uhh. Linda, I will send you her contact info.

School Resource Officer, I instructed Dale to move forward with a School Resource Officer for this year. There is fourteen thousand left in the fund, so we only used ten to administer it last year. We should be able to get through this year all right. I'm going to instruct Tom to get an agreement ready for our next meeting with the school, because I think the last agreement was just for a year. One issue that we are having is that unfortunately Jon Price left so we don't have an S.R.O. Officer immediately, so I met with Dave Doak of the Sheriff's Department, Danny Burns and Greg Isler and what the Sheriff's Department is willing to do is give us their officer for ten hours a week to put into the schools until we have an officer ready and they will pull out and we will put our officer in. A member of Council asked if we would have crossing guards also. Mr. Donham said yes, the same as last year except we will start off the year unless Dale has somebody ready to go on the first day with the Sheriff's Department with their Officer in the schools. Atty. Reitz asked which meeting it should be ready for. Mayor Donham said even if it's retroactive, I think it is ok for the Council Meeting.

Prior requests of guests to speak Pauline Schaeffer spoke about our cat situation. She has fought this for over two years. She has lived here for eleven years. Mr. Moore was in office when I had him out there with this problem. And they did help me at that time to get it solved. She knows they are her neighbor's cats and not stray cats. Mayor Donham asked Pauline's property address. She said she lives at 9120 Oak Circle and they live on the other side at 9128. Mayor Donham said we will look into what laws we have on the books to handle this situation. We also have a letter from the Animal Protective League about the stray cats. There is two distinct situations that we will have to deal with. One is if someone's pet is coming onto your property; that's a whole different set of parameters then if somebody says that's not mine. Mr. Garrett said if people put out food for stray cats, that increases the problem. Mayor Donham said this is the first time that anyone from the APL has offered to help with or without funding. I plan on contacting the APL on this to see what their proposal is because I don't know what to do. Atty Reitz said there is a nuisance ordinance about maintaining an animal as a household pet in a fashion that creates a noxious or offensive odor or unsanitary condition. That is a tall order because we have to show who owns the cat, identify the cat, and this is the cat that creates noxious or offensive odors. This is difficult to prove before the judge. An easier way is unsanitary conditions which are a menace to the health, comfort or safety of the public. Your ordinances are not well versed to deal with cats; there are a lot that deal with dogs. I'm not suggesting you don't enforce your laws but this is a minor misdemeanor; you have other problems which might merit investigation, which might rate a higher priority. Your best line of defense is following up with the APL and finding out what they have to say.

Mayor Donham said does anyone want to address Council rather than waiting. Mr. Moore said I want to address Council when you get to the point about assessing taxes for unpaid water bills.

Finance by Scott Garrett

Mr. Garrett said everyone should have received minutes.

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of July 2010 of \$182,583.03 in checks, charges, etc. Check numbers 24662 through 24801 were paid from the Primary Checking Account during July. Check numbers 24727 and 24728 were voided during July 2010. Mrs. Rininger seconded the motion and it was carried by a 6 – 0 vote of council.

Mr. Garrett made a motion to approve the Fiscal Officers July 2010 Bank Reconciliation with an all funds reconciled balance of \$521,361.06 and the following monthly reports for the month ending July 31, 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 July 31, 2010: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mrs. Rininger and carried by a 6 – 0 vote of council.

Mr. Garrett made a motion to suspend the rules on Resolution R-2010-35 **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY** which was seconded by Mrs. Barrett. The roll call vote was taken and all Ayes so the motion was carried.

Mr. Garrett made a motion to adopt Resolution R-2010-35 which was seconded by Mrs. Barrett and the motion carried by the same 6 – 0 vote.

Mr. Garrett made a motion to suspend the rules on Resolution R-2010-36 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE THE FOLLOWING THEN AND NOW PURCHASE ORDERS AS LISTED BELOW.** The motion was seconded by Mrs. Barrett and carried by a 5 – 0 vote of council with Mrs. Rininger abstaining.

Mr. Garrett then made a motion to adopt Resolution R-2010-36 which was seconded by Mrs. Meszaros and carried by a 5 – 0 vote of council with Mrs. Rininger abstaining.

Mr. Garrett made a motion to suspend the rules on Resolution R-2010-37 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE THE FOLLOWING TRANSFER BETWEEN THE GENERAL FUND AND THE PERMANENT IMPROVEMENT FUND AND DECLARING AN EMERGENCY** which was seconded by Mrs. Meszaros and carried by a 6 – 0 vote of council. Mr. Garrett then made a motion to adopt Resolution R-2010-37 which was seconded by Mrs. Rininger and carried by a 6 – 0 vote of council.

Mr. Garrett gave the first reading on Ordinance O-2010-21 **AN ORDINANCE TO REVISE AND AMEND SECTION 181.07(b) OF THE VILLAGE OF WINDHAM INCOME TAX CODE TO ADD FILING REQUIREMENTS.**

Mr. Garrett made a motion to suspend the rules on Ordinance O-2010-25 **BEING AN ORDINANCE AUTHORIZING THE AMENDING AND/OR SUPPLEMENTING OF THE PERMANENT APPROPRIATIONS SET FORTH IN ORDINANCE O-2010-23 ON JULY 29, 2010 FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW 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 Ordinance O-2010-25 which was seconded by Mrs. Rininger and carried by a 6 – 0 vote of council.

Mr. Garrett made a motion to suspend the rules on Resolution R-2010-42 **A RESOLUTION AUTHORIZING THE VILLAGE OF WINDHAM'S PARTICIPATION IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM, AGREEING TO THE CONDITIONS OF THE PROGRAM AND DECLARING AN EMERGENCY** which was seconded by Mrs. Rininger and carried by a 6 – 0 vote of council. Atty Reitz said you will recall that we were frustrated in the past about getting good prices on cruisers and we had attempted in a number of ways to get dealers to speak to us along the terms of the state cooperative purchasing program. This resolution is authorizing the Village of Windham to participate with the Department of Administrative Services in their cooperative purchasing program. You will register with them. There is an annual fee of \$125.00 and you also have to file an application which you authorize the Mayor and Fiscal Officer to fill out and send off. Once that process is done, you will no longer be thwarted by the local dealers when you ask for the Department of Administrative Services prices. It is not limited to police cruisers and you have to do this process each year.

Mr. Garrett then made a motion to adopt Resolution R-2010-42 which was seconded by Mrs. Rininger and carried by a 6 – 0 vote of council.

Safety / Personnel / Rules by Kelly Meszaros

Mrs. Meszaros read Ordinance O-2010-22 **AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED**

ORDINANCES OF WINDHAM, OHIO and made a motion to suspend the rules which was seconded by Mr. Garrett and passed by a 6 – 0 vote of Council.

Mrs. Meszaros made a motion to adopt Ordinance O-2010-22 which was seconded by Mr. Snyder and passed by a 6 – 0 vote of Council. This will take effect in 30 days since it was not passed as an emergency.

Mrs. Meszaros said she wanted to thank Officer Jon Price on his service and congratulate him on his assignment.

Service Committees

Utilities by Phil Snyder - Mr. Snyder read Resolution R-2010-38 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CERTIFY THE FOLLOWING SUMS TO THE PORTAGE COUNTY AUDITOR TO BE ASSESSED AND COLLECTED AS DELINQUENT WATER/SEWER RENTS TOTALING \$5,531.69 AS SET FORTH HEREIN AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was

seconded by Mr. Garrett. The roll call vote of Council resulted in a 5 – 0 vote with Mrs. Meszaros abstaining. Mr. Snyder made a motion to adopt Resolution R-2010-38 which was seconded by Mr. Garrett.

Mr. C. James Moore had previously asked to speak on this subject and was called upon by Mayor Donham.

Mr. Moore said we have three properties on your assessments with amounts \$174.33, \$410.84 and \$321.30. I will give you a copy of the Codified Ordinance referred to in your Resolution. My question is, two of these properties one at 9899 Belden Drive and the other at 9911 Belden. These are over a year old now and they didn't receive notice till about a month ago. They didn't receive a courtesy notice that the properties were going to be assessed. The other one is 9644 East Center is the restaurant. I was aware of that one because I was on top of that when he moved out. I have been after him and trying to get him to pay and he still hasn't paid. My first question is, I like to use the words customer which is the Village customer. Why doesn't the Village go back to the customer to get them to pay that balance before they go after and assess the landlord's taxes? Atty. Reitz said the Council has reserved the option to chose one or the other and that is found in 927.04 subparagraph small case I, it says the Village may proceed to collect such charges from either the lessor or the lessee. And having reserved that they can go after either, you go after the people who are most likely to pay, the folks who are here and have a real interest in the property, the folks who own the property. Mr. Moore said that's the easiest way I agree, but that doesn't mean that they (the lessee) is the least likely to pay. Why isn't there even an attempt to find out if they can pay. Atty Reitz said because by virtue of this ordinance the Council has assigned that responsibility to you, to the landlord. Mr. Moore said but it has been in there for years, Tom. Atty Reitz said yes. Mr. Moore said for many years it has never been enforced that way. They always came after the customer, the tenant to pay the bill. Atty Reitz said I take you at your word for that. I have no knowledge to say that you are wrong. But simply because the Village didn't do something the best way in the past, doesn't condemn the Village to continue to do it that way year in and year out. Mr. Moore said I'm not condemning the Village. I'm asking the Village to at least make an attempt to collect. I'm not saying they can't come after the landlord to collect by assessing the taxes. Mayor Donham said we are much more successful going after the property owner. We do have 850 or so accounts and looks like maybe 20 assessments here. For the vast majority we are collecting from the customer. However for these ones that we don't get any collection on we have been much more successful on our end to enforce this owner liability clause that we have had in there since 1987. And since we have done that these assessments have shrunk down. I think the first time we had almost a hundred and now we are down to about 20 and our collection percentage is over 100 percent (the amount collected compared to the amount billed). So it works, and like Tom said

these people who own this property are the ones who are vested in the community. It is from our stance easier and generally we don't like to be in the business of policing tenants. If someone has a tenant and they don't care what the water bill is, what we saw when you were here oh well this tenant runs up a \$500 or \$600 water bill and they move out and we get another tenant in who will run up a \$500 or \$600 water bill. And they will keep doing that because what do they care they are not selling the water. Mrs. Meszaros said my question has always been the word is *may*; it was my interpretation that the water was supposed to be shut off after it wasn't paid and it appears that this is also at the Village's discretion so we are letting these bills go and go and get higher before we are shutting them off. Mayor Donham said depending upon the circumstance you could have shutoff times vary and things like that. As you see on the assessments 20 out of 850 and most of these are one month. Mrs. Miranda questioned \$1451. Mayor Donham said I'm not sure what happened there. I know what happened at Lot 47 is you cannot shut that water off. There is no way to physically to shut that water off. And there is a lot of that in the Village. No preferential treatment, just physically cannot shut the water off. Mr. Moore said at least one of these, the water wasn't shut off and that's how it get high. It's easier to assess the landlord. Mrs. Rininger said did I hear you right that you were notified about the two on Belden just thirty days ago. Mr. Moore said that's right. Mrs. Rininger said so you haven't even had the opportunity to approach the tenants, is that correct? Mr. Moore said well one of them is now living in an apartment with the water being provided through the landlord. Mayor Donham said the vast majority of our are being shut off. Mr. Moore said that's another issue that the Village *may* shut the water off that's going to be coming back at you because that's just not right. I'm not going to get into that now. Mayor Donham said I'm of a different school of thought than I think you and Kelly are, because I think we should do as Portage County Water does and never shut anyone off. You have water it comes to your house if you don't pay it we will assess your taxes every year. That would eliminate 100% of our shutoffs. Portage County Water will never shut anyone's water off, they are going to charge you and if you don't pay they are going to assess it. Mrs. Rininger said if you want to encourage someone to be a landlord in this Village I don't suggest we do that. Mayor Donham said that's a thirty million dollar department that has rates that are half of ours which we have been looking at going to and it eliminates a lot of their overhead of actually shutting people off. Mr. Moore said my last question, the one at the Restaurant at 9644 East Center, I don't know of any other tenant who owns property but this one does. He owns property in the Township and also in the Village. You are assessing the balance of his water usage as a customer of the Village on us and not assessing his property. I'm asking why doesn't the Village assess his property he owns in the Village or in the Township? Mayor Donham says I don't know if we have the ability to, but certainly Council has the ability to amend this resolution to strike anything they want off of this list and consider it for another year. Mr. Snyder said one thing we should look at is we should make some attempt to collect the bill. Mayor Donham said we do. Mr. Snyder continued and then if that fails, then we go ahead and assess it to the taxes of the property owner. I'm not sure that we make any effort whatsoever other than bill them and if it isn't paid, it appears to me that we just bill them and if it isn't paid we assess it to the property owner which is necessary. I believe emphatically that it is necessary to do this, but I believe we should look at some method of making an effort to collect the bill at some point. Mayor Donham said you guys are more than welcome to talk to Terri (Gunnore the Utilities Clerk) about it but from what she has explained to me it seems like her method is fine. Next Utility Committee we will have Terri here. Mr. Snyder said we might have a better follow-through. Mayor Donham asked if there were any amendments to the Resolution considering the evidence that Mr. Moore brought forth? Mr. Garrett said I'd just like to make one statement the way ours is set up, by the time you give people seven days if it's late by the time the shutoff comes you are going to run up two months worth of water before it is shut off. The ones who are able to be shut off, you should be diligent to get them shut off. Most of these could be two months, you're right. Mr. Moore again asked about his question of the restaurant.

Mayor Donham said this is a non-profit, whatever doesn't get paid is passed on to the others in the form of an increase. Mrs. Rininger asked does it have to be assessed to the property, could it be assessed to the individual. Atty. Reitz said it could be assessed to the individual in the form of a lawsuit and attempt to attach their property by means of a judgment lien, you can garnish their bank accounts. Mrs. Rininger said, but we can't do this without... Atty. Reitz but as far as using the assessment procedure, to go after real estate owned by the tenant which is not the rented premises, I don't know, I have never had that questioned posed to me before. It is frankly a very unusual situation where you have a tenant renting property to live in or to use who has real estate somewhere else. The classic situation that I am familiar with is the tenant who is not a landowner anywhere. Mrs. Rininger said, can I suggest that before we vote on this Resolution that the \$410.84 be set aside until we get an answer to that or do you recommend we go forward. Atty. Reitz said I don't have a recommendation to whether you do that or not, it is legally permissible for you to strike that because if the answer comes back that you can't assess it to the tenants property elsewhere then you can assess it next year. Mr. Snyder amended his motion so that the third line be stricken (originally stating 41-046-00-00-004-000 Lot 47 9644 East Center \$410.84) from Resolution R02010-38 which was seconded by Mr. Garrett and by a 5 – 0 vote carried with Mrs. Meszaros abstaining.

Streets and Sidewalks by Linda Rininger - Mrs. Rininger read Resolution R-2010-39 A **RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM UNDER SECTION 715.261 OF THE OHIO REVISED CODE TO CERTIFY THE FOLLOWING SUMS TO THE PORTAGE COUNTY AUDITOR TO BE ASSESSED AND COLLECTED AS TAXES FOR THE MOWING OF LOTS CONTRACTED BY THE VILLAGE OF WINDHAM TOTALING \$2625.00 AS SET FORTH HEREIN AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and sustained by a vote of 6 – 0 vote of council. Mrs. Rininger made a motion to adopt Resolution R-2010-39 which was seconded by Mrs. Rininger and carried by a vote of 6 – 0 vote of Council.

Housing Rental License Code by Rachel Barrett – Mrs. Barrett had nothing to report

Village Buildings and Properties by Phil Snyder – Mr. Snyder read Resolution R-2010-41 A **RESOLUTION APPROVING THE RESOLUTION OF A CHARGE BROUGHT BY TRI-COUNTY INDEPENDENT LIVING CENTER, INC. AGAINST THE VILLAGE OF WINDHAM LIBRARY AND COMMUNITY CENTER AND AUTHORIZING THE MAYOR TO EXECUTE A CONCILIATION AGREEMENT AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Rininger. The roll call was taken and confirmed by a 6 – 0 vote. Mr. Snyder then made a motion to adopt Resolution R-2010-41 which was seconded by Mrs. Rininger and upheld by a 6 – 0 vote of Council.

Parks and Recreation by Phil Snyder – Mr. Snyder said we have been working pretty diligently on correcting the problems in the parks mentioned in the Ohio Risk investigator and we have a bid for repairs to take care of parking area and from John Pemberton to repair all parking lots and cut out and replace driveways in all parking areas. The bid is for \$1700 and I would like to make a motion to accept this bid from R.T.F. Construction LLC which was seconded by Mr. Garrett and unanimously carried by the vote of Council.

Planning and Zoning Commission by Phil Snyder – Mr. Snyder read Resolution R-2010-40 **A RESOLUTION RESCHEDULING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE PROPOSED AMENDMENT TO VILLAGE ZONING ORDINANCE § 1169.03 REDUCING THE MINIMUM LOT AREA IN THE R-1**

DISTRICT, AND DECLARING AN EMERGENCY and made a motion to suspend the rules which was seconded by Mrs. Meszaros and carried by a 6 – 0 vote of council.

Mr. Snyder then made a motion to adopt Resolution R-2010-40 which was seconded by Mrs. Meszaros and carried by a 6 – 0 vote of council.

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

Any Other Business Properly Before the Council – Mayor Donham asked Council for a motion to match the Township's participation in the Bicentennial Celebration. The Township is putting \$2500 in appropriations toward the celebration. I think the best way for us to handle it is to appropriate it into the Parks Committee line item and authorize them to expend through that line item on behalf of the Bicentennial Committee. I don't think it is appropriate to donate money to another entity, but I do think it is appropriate if we spend money that is public use up to \$2500. At this point it is just a motion to commit to that appropriation to next years funds but it is something that has been asked of us by the Committee since the Township has acted to do likewise. Mr. Snyder made the motion and Mrs. Meszaros seconded the motion to approve the appropriation for next year and by a unanimous vote of Council the motion was carried.

Lt. Dale Korman asked if was possible to have the fire siren moved so that it wasn't as loud for the Dispatchers to try to hear on the phone and talk on the radios while it was blaring. (The Fire Siren had just sounded and it was very difficult to hear.)

The Mayor brought up about the oil and gas drilling, and explained that they want to extract natural gas from shale. Most of the residents around here have received letters from companies trying to secure mineral right leases. Some people have signed up for this already and some have not. I have asked Atty. Reitz to prepare a handout which I can hand out to Council and residents explaining what is going on. I do think that the Village should enter into some form of lease agreement; we own probably 50 to 100 acres in the Village – they are offering \$350 per acre to start. If the Village got \$1000 per acre, obviously the citizens could benefit from \$100,000 extra in the general fund and they have offered 1/8 royalty on product that they pull out. He didn't know if it was 1/8 net or 1/8 gross. If we have the reserves here which are predicted which are similar to western Pennsylvania, what their municipalities are signing up for we are sitting on energy reserves potentially in natural gas that would rival oil reserves in Saudi Arabia. Mrs. Meszaros asked if we could get free natural gas? Att. Reitz said that is a possibility. Mrs. Meszaros said that would help the water and sewer departments. Mayor Donham said if the lease is crafted correctly to make sure that the drilling companies are responsible drilling companies who have been around for a while and also they are prohibited from injecting and storing waste or toxic chemicals that they use in this kind of drilling, it's a good deal. If they aren't willing to do that then you just tell them no. If it's the type of drilling, which I can't tell from a form letter, but if it's the new latest and greatest shale formation drilling that they have been talking about, it's brand new and there are people who fight it and people who don't. There is a byproduct waste a liquid that they have to use as part of the drilling process and that stuff has to be either re-injected into the ground or hauled off and dealt with and if we don't have our residents and the Village protected from that type of stuff, we could end up with a waste field. And if these guys aren't reputable, you could just end up suing the cooperation that doesn't exist. So I think it is important that we get this information out to our residents. Mrs. Miranda asked it this was from a drilling company or from a land company who is buying up leases and in turn selling it to a drilling company? Mayor Donham said this particular letter is Kenyon Energy which is a land man so to speak and they are acquiring it for Chesapeake Energy Corporation. Mayor Donham asked if it was appropriate to send this letter out with water bills. Mrs. Meszaros said there needs to be somebody prepared to answer questions when they are asked. Atty Reitz said the citizens could call Rob. Mrs. Rininger

asked where we are in the hiring process for the Chief. Mayor Donham said we have narrowed it down to two tiers. We have six candidates that are being called for interviews to see if they are interested in interviewed for the position, and we have a second tier of three who are not as good as the first but are worth interviewing if someone falls off the first six.

Guest Recognition

Cecilia Swanson from Portage County Library asked about the current status on the Windham Library, either locating to a new location or fixing up the problems with the current location. Mayor Donham said it was talked about in the Buildings and Properties Committee and the Committee hasn't committed to moving the library as yet. We are considering two sites to move the library to for rentals, but that's not real specific. We are going to compare costs and then it will be back to Council. We are looking at R.F.C. and possibly the old Day Care Building owned by N.D.S. Cecilia requested that they be allowed to look at the space being considered because even if there is sufficient square footage, it might not be appropriate to house a library. There needs to be sufficient outlets for computers, etc. Mayor Donham asked when the next Library Board meeting would be held. Cecilia said it is the third Thursday in September. Mayor Donham said he would attend the Library Board meeting in September to discuss further.

Lt. Dale Korman said this is the second life light helicopter land here within a week. Maybe the Fire Department could dedicate a landing zone here. Mrs. Rininger said I welcome your suggestion, but it needs to be brought before the Joint Fire District Board.

Bruce Rininger made several comments about the flowers and asked if you go to Newton Falls next year, what are you going to do the year after that? Mayor Donham said the cost is \$800 more than the current year. I think for the 200th birthday for the community, even if it's a drop-off for the next year, I think it's worth making our streets look good. Mr. Rininger asked who are you going to have do it, there is no guarantee that Mrs. Gearhard would do it again? Mayor Donham said I imagine there is someone willing to plant flowers. If our vendor is in the business of saying no, if I don't get it this year, I'll never do it again, I'm taking my ball and going home, I don't necessarily want to deal with a vendor who is that unprofessional. Mr. Rininger said it's nice to have the loyalty of our local government supporting our local industry. How can you say you have the best interest of Windham at heart if you go outside? Now before the current year I could understand it, but her husband spent a lot of time down here with the Pee Wee football team and put time in this community. But we'll just ignore all that and go outside. Mayor Donham said here is my take on this and we can agree or disagree on it, but the bottom line is you want a good product. And I don't think there is anyone here who is un-loyal to the Village of Windham especially the Gearharts. But I don't think it has anything to do with loyalty. I'm not so caught up in my own fiefdom here where it's Windham or bust. We are all Americans, we are all Ohioans, we are all Portage Countians. Everyone gets all bent out of shape about how there is never any money for local governments and there is never this there is never that why can't we do anything, but that's the type of mentality that get's us into that. It's us versus Newton Falls, us versus Garrettsville. We need to hire somebody down the road because they live down the road and five miles is farther than two miles. Where do you stop with that? Mr. Rininger said I don't know Mr. Mayor where do you stop? Where do you stop? When you run for election, what is more important? Mayor Donham said I'm not really concerned. Mr. Rininger said you don't care. Mayor Donham said I'll run for election or I won't and that's not a big deal for me. I know you don't fill your gas tank up in Windham every single time. Mr. Rininger said oh yes, but I do. I buy my gas at Jim's, I buy my groceries at Sparkle. I buy a can of pop or beer, I buy it locally. Mayor Donham said you're right, I've never seen you at another store or gas station. I never see you out of town.

Mr. Snyder made a motion to adjourn which was seconded by Mrs. Meszaros and by a 6 – 0 vote the motion was carried and Council adjourned at 9:08 P.M.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor