

Village of Windham, Ohio

Minutes of the Special Council Meeting

Held August 31, 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, Maurice Hankins, Brenda Slusher, Bruce Rininger, Daryl Cottle, C. James Moore, Atty. Chip Comstock, Jim Starkey, Joe Veccia, Mike Iwanyckj

Mayor Donham said the first item of business for this evening is Ordinance O-2009-29 which comes under the Finance with Scott Garrett as Chair.

Mr. Garrett read Ordinance O-2009-29 **AN ORDINANCE APPROVING AN AMENDMENT TO THE PERMANENT APPROPRIATIONS FOR 2009 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET, AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder. Mayor Donham asked if there was any discussion on the Ordinance. Mrs. Barrett said she would like an explanation on why the Fire Department budge was increased; it went from \$25,000 to \$50,000 and now it is up to \$75,000. Mayor Donham explained that this budget compared to the one currently in place, it hasn't changed. Mrs. Barrett said in the June Finance Committee Meeting, it was either June or July, you asked for a budget of \$50,000 and there was no objection to that from the Finance Committee. Mayor Donham asked the Fiscal Officer if this was different from the current because he had not made any changes. The Fiscal Officer stated that he didn't know that it was different from the current budget in effect. The Mayor said if it is increased from what is currently in the budget then it is a typo because he didn't recommend any change. Mrs. Meszaros said something which was inaudible on the recording. Mayor Donham said he didn't recommend any change to the current appropriation for the Fire; I think we put a six month budget in so whatever our yearly, I think our yearly was \$150,000 so we put half of that in which is \$75,000. Mrs. Barrett asked where are we getting the extra, I think it is \$5100 for the Street Department? Mayor Donham said there are a couple of different programs, under the big umbrella of Streets which is Maintenance and Repair, Permissive Tax and everything I think the net increase is about that for the total and it is coming from the already generated revenue that we have in Permissive so it is under our Revenue certificate and is not taken from another fund. That's the only increase that is on there that is not taken from another fund. Everything else is a net, neutral change. That's the only one and that is to pay for our grants and stuff this year. Everything else, there were changes in Water and Sewer and General Fund and they were only line item changes. The Street Department to pay for OPWC Grants and the flowers and flags that we talked about this year and we did quite a bit of grass cutting, more than in previous years. That is definitely a department we are going to be looking at adjustments to after the first of the year because we have to make a decision whether we keep subsidizing it with general fund revenue or not. Any other questions on the suspension of the rules? Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mr. Slusher. Nays: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Motion defeated.

Mayor Donham said the next item on the agenda is under Safety Personnel and Rules which Mr. Snyder as Chair. Mr. Snyder said he would like to make a motion to enter into executive

session to discuss our current lawsuit with the Township and invite in our Special Council and also when we need them Mr. Moore and Mr. Hankins. Mr. Slusher seconded the motion. Mrs. Rininger asked if we were going to vote on the proposed Joint Fire District Agreement. Mayor Donham asked if we had an agreement given to us? Mrs. Rininger said, yes we do. Mayor Donham said he didn't get a written agreement. Mrs. Rininger said, I just got it. Mayor Donham said, my understanding was we are going to discuss the entire encompassing negotiation. We can talk about proposals, agreements, the law suit and everything that encompasses the discussion. Solicitor Reitz asked, isn't it accurate that in the event there is an agreement that it would encompass the terms of settlement of the lawsuit? Mrs. Rininger said there is a memorandum of understanding. Solicitor Reitz said for purposes of going into executive session, you can't go into executive session to discuss just the contract. You can go into executive session to settle potential settlement of a pending lawsuit. Mrs. Rininger said so we need to discuss the agreement out in public. Atty. Reitz said if that is part of your settlement negotiation, then it's part of the lawsuit. Mayor Donham said he thought the motion was sufficient. Atty Reitz said he thought so too, but there was discussion afterward saying we are going to discuss the contract, and I wanted you to be clear that your purpose for going into executive session is to discuss the pending lawsuit and any potential settlement.of that lawsuit. Mrs. Rininger said the reason that I asked is under Safety Personnel and Rules Committee, the only thing on here is the Discussion of the proposed Joint Fire District Agreement on the Agenda. That's why I questioned it. Solicitor Reitz said that is all your notice said also. Mayor Donham said it was made clear at the last Meeting to all Council people that we would be scheduling a Special Council Meeting directly after our status conference to discuss the lawsuit. I feel confident with the motion made. Do we have a second? Mr. Garrett said he seconded the motion. Vote of Council: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried and Council entered into executive session at 6:17 PM.

Motion was made by Mrs. Meszaros and seconded by Mrs. Rininger to return from executive session. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays; None. Motion carried at 9:26 PM.

Mrs. Rininger made a motion to wave the fees for the meeting tonight which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: Mr. Snyder, Mr. Slusher. Motion carried.

Mr. Snyder made a motion to adjourn which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried at 9:27 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor