

*Village of Windham, Ohio*  
**Minutes of Council Meeting**

Held March 22, 2011

At 7:35 PM, the Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of allegiance to the Flag of our Nation..

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, Police Chief Eugene Fixler, Denise Bly, Bruce Rininger, Mike Iwanyckyj, Tom Brett, and Terri Gunnoe

**The minutes of the February 22, 2011 Regular Council Meeting** were reviewed and on a motion to approve by Mr. Snyder and second by Mrs. Miranda and a vote of Council which unanimously affirmed the motion.

**The minutes of the March 1, 2011 Special Council Meeting** were reviewed and on a motion to approve by Mrs. Barrett and second by Mrs. Miranda and a 6 – 0 vote of Council were approved.

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

The Income Tax total for February 2011 year to date is \$87,573.82 of which \$5,247.87 is due to declarations for estimated tax.

The expenditures for the month of February 2011 of \$155,492.52 in checks, charges, etc. Check numbers 25668 through 25799 were paid from the Primary Checking Account during February. Check number 25727 was voided during February 2011.

The all funds February 2011 Bank Reconciliation all funds reconciled balance was \$524,008.46.

**Village Council President's Report** by Mrs. Rininger – Mrs. Rininger said she wanted to remind everyone that when we are seated at this table and someone is addressing the Council, comments made, statements made that sort of thing they are actually in a public format and we have to remember that when we are sitting up here having private discussions, we need to remember that this is a public format. She also asked about the Regional Planning Commission, the application needs to be by April 1<sup>st</sup>. Mayor Donham said yes that is the pre-application. Mrs. Rininger said for the buildings correct? Mr. Donham said this is for any other CDBG project which is coming up for next year. We already have building money for this year. We've got \$105,000 out of that. It's a year in advance, so last April we applied for that. CDBG this year will be used for general improvements because we don't have a demo project so to speak. If we can get \$30,000 to \$100,00 to do some general upgrades, I thought that would be good.

Mrs. Rininger asked about the demolition of the six, we have everything in place for that? Mayor Donham said we have \$105,000 CDBG for the demo of six buildings. Now we have to purchase those six buildings and they are owned by the same owner that we dealt with last year so we are looking at about \$2000 per building. However this years round of NSP money is coming up too to the tune of another \$100,000 that we probably ought to be able to secure for the Village. We are talking to the Commissions right now, NDS, Stacy Brown and myself trying to get the Commissioners to allow us to use the \$105,000 for purchase money. This is

why we haven't moved forward on the purchase of properties as yet. Mrs. Rininger asked if we were just going to purchase the six buildings correct? Mr. Donham said right now the plan that we have in place approved is six buildings we purchase them and we use \$105,000 for demolition. However with all this additional money being available we could probably get another thirteen to twenty buildings, if we could use that money to get from demolition to purchase (the buildings). The Commissioners would have to approve it, move our money from demolition to purchase and then use Neighborhood Stabilization funds for the actual demolition. Mrs. Rininger asked does the Council need to make any kind of motion vote or anything? Mayor Donham said no not at this time. We have a letter from Bill Holmes who is the person we have been dealing with on his properties. We have the properties identified. The properties are vacant; we are just not going to purchase them until we have a decision from the Commissioners on whether we can use that money for purchase or not. Because if we can we can spend it June 1<sup>st</sup> and we could use it to purchase more than just the six. Mrs. Rininger questioned the application which was distributed to Council. Mayor Donham explained that is a pre-application and then they will ask for a more detailed application later. We don't have to put the details, we can put upgrades to the building wiring, plumbing, structural and put a dollar amount with it. At the end of the summer we will have to fill out a line item application.

Atty. Reitz said don't they require a resolution?

Mayor Donham said no I don't believe so on that. I would have to look at the pre-application. We have always done it without a resolution. The total funding on the CDBG, they don't find out the amount until afterward. It's almost always the same as the year before but it probably won't be this year. I anticipate some problems with that because they only have about \$200,000 or \$250,000 and last year they gave us half of what they had. The Governor is probably going to cut that fund dramatically.

**Dispatchers, Police, Fire and Rescue Squad (EMS) reports for February 2011 by Mrs. Meszaros.** Mrs. Meszaros congratulated Chief Fixler on going from 2 moving traffic tickets last year to 42 for the same time this year and from 12 to 32 on warning tickets, so that is excellent. Mrs. Meszaros made a motion that these be entered into the record as written. Mr. Garrett seconded the motion which was passed by Council unanimously.

### **Mayor's Communication and Correspondence**

Mayor Donham said Linda stole a little bit of my thunder for the next two items. Obviously you heard about the Community Development Block Grant application with the Commissioners and the building improvements.

Also I think it is the first week of June we have the OPWC Grant application due. Again this year we are going to apply for their funding, and unless I hear different from the Utility Committee I think the best use of the money is going to be to apply for resurfacing and go after Ohio EPA funds or Rural Development funds for our sewer and water upgrades that we can do simultaneously. The reason we will be able to go for different funds on those is we will already have the Arsenal Project anticipated to be done this year so we will have the tap in fees in this calendar year. I sent an e-mail out today and I'm sorry for the lateness of the notification on this but I just found out Friday that we will have the ground breaking tomorrow at 11:00 A.M. at the North Gate of the Arsenal, if anyone is available. There will be a presentation by the lead engineer from the Army Corps as well as Congressman Ryan. Certainly everybody is invited to attend.

One more thing I wanted to address and this is also finance but we talked last month about the Hazmat Bill and being in arrears on that. I got a call today from John Barber on that. Mike can you update us. Mr. Iwanycky said Lloyd and I spoke and we agree that the district (WVFD Joint Fire District) should pay for the 2010 and prior to that the Village owes for 2008 and 2009. Mayor Donham asked how is the Township's bill paid for when we were separate (before the WVFD Joint Fire District was formed) – when they had our money paying for our

stuff and we had to sue them to get. Did they pay for theirs out of that Fire Fund or did they pay for it out of Township General Fund? Mike said that I'm not too sure about. Mrs. Rininger said they had some outstanding bills that they had to pay out of that fund but they didn't take anything like the Hazmat bill out of that fund according to what we were told. Mayor Donham said if 2008 and 2009 were paid out of their General Fund and not out of Fire District Fund then the Village should pay those. Mr. Garrett asked how much we were looking at. Mayor Donham said for those two years, one thousand dollars. Mrs. Rininger said if I might suggest it, why don't we take it from the \$3500 we pay the Township? In all fairness if they took their payment out of the levy money then we should be able to deduct it from our payment that we pay to the district. It is going to be hard for us because the levy money doesn't come to us. Mayor Donham said I have to find out a little bit more about what this fee is for. John expressed to me that this is mostly a voluntary fee that it is really a protection for the local Fire Departments. My concern is that the District Board members say what are the chances that we are going to have something? Let's not pay it and we will pay it if we have something. Mrs. Rininger said I don't think the board thinks like that. Mayor Donham said I don't think that it is the majority opinion of the board, but I can hear at least one of the board members saying that. Mrs. Meszaros said isn't voluntary kind of like an oxymoron? They should use the word donation. Mayor Donham said it is a per capita charge so it is pretty minimal for the service you get. If any community may need hazmat, obviously the big cities and us because of the turnpike and the Arsenal. Mrs. Rininger said I will place a phone call tomorrow and find out. Mayor Donham said and get back to me or Lloyd.

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

#### **Finance by Linda Rininger**

Mrs. Rininger made a motion to approve the Fiscal Officers expenditures for the month of February 2011 of \$155,492.52 in checks, charges, etc with check numbers 25668 through 25799 being paid from the Primary Checking Account during February. Check number 25727 was voided during February 2011. The motion was seconded by Mrs. Meszaros and carried by a 6 – 0 vote of Council.

Mrs. Rininger made a motion to approve the Fiscal Officers February 2011 Bank Reconciliation with an all funds reconciled balance of \$524,008.46 and the following monthly reports for the month ending February 28, 2011: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund. Approval of the following Year to Date Reports through February 28, 2011: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mrs. Miranda and carried by a 6 – 0 vote of Council.

Mrs. Rininger read Resolution R-2011-8 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY OHIO POLICE & FIRE PENSION FUND, DOMINION EAST OHIO, COSE / MEDICAL MUTUAL OF OHIO, BONDED CHEMICALS AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and passed unanimously by Council. Mrs. Rininger made a motion to adopt Resolution R-2011-8 which was seconded by Mrs. Miranda and passed unanimously by Council.

Mrs. Rininger read Resolution R-2011-13 **A RESOLUTION AUTHORIZING A COMMERCIAL/INDUSTRIAL ELECTRICITY AGREEMENT WITH GLACIAL ENERGY OF OHIO, INC** as a second reading. Atty. Reitz said he spoke with Glacial Energy and requested

that the net 10 be changed to net 30. They met us half way and said they would go net 20. I also forwarded to them the text about arbitration and they haven't gotten back to me on that. Mayor Donham said I got an e-mail on the way here saying they would accept that.

Mrs. Rininger read Ordinance O-2011-10 **BEING AN ORDINANCE AUTHORIZING THE ADJUSTMENT OF FUND BALANCES AND DECLARING AN EMERGENCY**. Mrs. Rininger made a motion to suspend the rules which was seconded by Mrs. Miranda and carried by a 6 – 0 vote of Council. After Mrs. Rininger made a motion to adopt and Mrs. Meszaros seconded the motion, Mayor Donham spoke and asked what are the exact fund balance adjustments again? I thought we were going to adjust those. Mrs. Rininger asked what were we going to adjust on? Mayor Donham said we were going to Finance and at least to see what those numbers were and part of was my time which we weren't adjusting back out. I think it was everybody's time and we talked in Finance about agreeing to this but only after we cleared up the rents portion which is how we were going to adjust this so we had no net deduction from the General Fund. We could table this. Mrs. Rininger asked how soon does the Auditor need this Lloyd? He is waiting for this to end the Audit on this isn't he. Mr. Billman said it makes a big difference on whether he has a bunch more work or whether he is done with it. Mayor Donham said the reason I have the apprehension on it before we do the rent ordinance for the water and sewer is because if you have a fund summary balance sheet you can look and this reduces our cash amount in that account significantly. I think it is down to forty or fifty thousand which is a margin you really don't want to be in. I'd feel more comfortable after April when we have the Income Tax received and after we make those rent adjustments where we don't have sharp downward movement this early in the year. Mrs. Rininger said so is that your only apprehension on this is it is going to take the General Fund too low? Mayor Donham said it's the timing and we discussed this in Finance and I don't like the numbers. Mrs. Rininger said I know you don't like the numbers. Mayor Donham said but Tom (Reitz) said do you really want to take that fight on if we can just adjust it as we had talked about with the time resolution and the rent adjustment. If we can do that, why get into a fight about it. Mrs. Meszaros asked if we are counting on this for the Water Fund. Mayor Donham said the Water Fund is much healthier on a percent basis considering they get a steady rent month to month. The General Fund is not as steady. We get three lump sums basically. We get it in April from the Income Tax, in March and September from Real Estate Tax. Mrs. Rininger said I can make a motion to table this until April after review by the Finance Committee. The motion was seconded by Mrs. Meszaros and carried by a 6 – 0 vote of Council.

Mrs. Rininger read Ordinance O-2011-12 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and carried unanimously by Council. Mrs. Rininger then made a motion to adopt Ordinance O-2011-12 which was seconded by Mrs. Meszaros and carried unanimously by Council.

The motion, second and vote to pay Portage County Hazardous Materials Response Team \$571.83 for year 2008 and 2009 with the 2010 billing being submitted to WVFD Joint Fire District will be decided next month. Mayor Donham said this is per capita and since our census numbers went down we won't pay this much.

#### **Safety / Personnel / Rules by Kelly Meszaros**

Mrs. Meszaros read Resolution R-2011-4 **A RESOLUTION APPROVING A CONTRACT WITH THE PORTAGE COUNTY DISTRICT LIBRARY FOR A BRANCH OF THE LIBRARY TO BE LOCATED WITHIN THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY** as a third reading

Atty Reitz explained that the only change was in paragraph 4.

Mrs. Meszaros made a motion to adopt which was seconded by Mr. Garrett and passed unanimously by Council.

Mrs. Meszaros read Ordinance O-2011-7 **AN ORDINANCE AMENDING SECTION 155.14 OF THE VILLAGE ADMINISTRATIVE CODE** as a second reading.

Mrs. Meszaros read Ordinance O-2011-13 **AN ORDINANCE AUTHORIZING THE MAYOR AND THE VILLAGE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH THOMAS REITZ AUTHORIZING HIM TO SERVE AS SOLICITOR FOR THE VILLAGE OF WINDHAM COMMENCING ON JUNE 1, 2011, SETTING THE TERMS OF HIS COMPENSATION AND DECLARING AN EMERGENCY** as a first reading.

Mrs. Rininger said once again I want to express I think this is premature because we are going to make changes to this contract that he may not accept. I have serious problems putting it out there. Mayor Donham said duly noted again.

Mrs. Meszaros read Resolution R-2011-16 **A RESOLUTION AUTHORIZING AN AGREEMENT FOR CELL PHONE SERVICES WITH SPRINT AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Miranda and carried by a unanimous vote of Council. Mrs. Meszaros made a motion to adopt Resolution R-2011-16 which was seconded by Mr. Garrett. Atty. Reitz said this is their generic form. What Sprint did was they negotiated a nationwide cell phone contract for municipal subdivisions and when I asked them for a copy of the contract they referred me to a website in Nevada which has sixty pages of contract in it and has been amended as of now seven times. I thought I'm not going to wade through this. I did ask their legal department what they are going to ask us to sign since this has draft all over it. So what I've done on this legislation if you chose to action on this this evening you are authorizing the Mayor and Fiscal Officer to enter into a contract. When they actually send me the contract, if it is substantially the same as what you see here, all is well and good and Council is protected by the clause in Section I which if there is a difference we can be released from the contract.

Mrs. Rininger said I thought we were going to check and see if Sprint had a better cell phone. Did that never happen? Mayor Donham said he didn't believe that it happened. The roll call vote was taken which was unanimous in favor of the Resolution.

Mrs. Meszaros read Resolution R-2011-17 **A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO ENTER INTO A CONTRACT WITH MEDICAL MUTUAL OF OHIO FOR HEALTH INSURANCE SUPERMED PLUS HRS 2500 MMRx FROM APRIL 1, 2011 TO MARCH 31, 2012 AND DECLARING AN EMERGENCY** and Mrs. Rininger made a motion to suspend the rules which was seconded by Mr. Garrett and carried by a unanimous vote of Council. Mrs. Meszaros then made a motion to adopt Resolution R-2011-17 which was seconded by Mrs. Rininger and carried by a unanimous vote of Council.

Mrs. Meszaros made a motion to appoint Steven J. Baltas of Delta Benefits Agency, LLC (Union Insurance Group) as our Broker for Village Health, Vision, Dental, Life Insurance and Accidental Death and Disability Insurance until further notice which was seconded by Mrs. Rininger and carried by a unanimous vote of Council.

Mrs. Meszaros read Resolution R-2011-18 **A RESOLUTION ESTABLISHING A POLICY OF THE VILLAGE OF WINDHAM WITH RESPECT TO MUTUAL AID TO OTHER POLITICAL SUBDIVISION** as a first reading.

Mrs. Meszaros read Resolution R-2011-19 **A RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2008 FORD CROWN VICTORIA POLICE CRUISERS, RATIFYING ACTIONS**

**OF THE POLICE CHIEF TAKEN TO PURCHASE THE CRUISERS AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and carried by a 6 – 0 vote of Council. Mrs. Meszaros made a motion to adopt Resolution R-2011-19 which was seconded by Mrs. Rininger and carried by a 6 – 0 vote of Council.

**Utilities by Scott Garrett**

Mr. Garrett read Resolution R-2011-20 **A RESOLUTION AUTHORIZING AN AGREEMENT WITH PORTAGE COUNTY, OHIO FOR WATER PURCHASE AND SANITARY SEWER DISCHARGE AND DECLARING AN EMERGENCY** as a first reading

Atty Reitz said this agreement has been forwarded to the Portage County Assistant Prosecutor who represents the Commissioners on this matter and I have not heard back from her. My recommendation is we leave it at first reading giving them additional time for review.

Mr. Garrett said minutes have been provided.

**Streets and Sidewalks by Rachel Barrett**

Mrs. Barrett had nothing to report since she was out of commission. Mayor Donham said (tongue in cheek) we were really in disarray. We simply could not operate in your absence. Mrs. Rininger said oh brother. Mrs. Meszaros said I wonder how Lloyd is going to report this..

**Housing Rental License Code by Rachel Barrett**

Mrs. Barrett said she had nothing to report.

**Village Buildings and Properties by Jena Miranda**

Mrs. Miranda said she has no report at this time.

**Parks and Recreation by Phil Snyder**

Mr. Snyder said no meeting was held due to lack of a quorum. Jena and I did meet and discussed some things.

**Planning and Zoning by Phil Snyder**

Mr. Snyder said the only thing he had to report is we have two properties we are trying to take action against the property owners because of their run down conditions and we sent registered letters to both property owners but the letters were undeliverable. It was determined that one of the properties, the one next to the Renaissance Center is allegedly being foreclosed on. So we instructed legal Counsel to research the situation on both properties to see if they have both been foreclosed on. The one trailer is out on 303.and the other is next to the Renaissance Center.

Mrs. Rininger asked if there was anything the Council could do to help with the Parks and Recreation because we do have the Bicentennial coming. We need involvement since this is our Bicentennial. Mr. Snyder said we discussed that and I am going to make a concerted effort to try to get the people who are directly members to recognize the importance of our work because of the Bicentennial. I called everybody prior to the meeting. Mr. Kuhlman told me he would not attend. Danny Burns told me he would be there but wasn't. Mrs. Roubic is difficult to get hold of and doesn't return phone calls. Mayor Donham said historically we have a hard time getting the school board representatives there. We generally get a quorum with one Village representative there. Mrs. Rininger said she would try to go to the school board meeting tomorrow night and work on them. She said some flower beds would be nice. She also said she spoke with Greg Isler and said it would be nice to get some students involved.

**Solicitor's Report by Atty. Tom Reitz**

Mr. Reitz said he had no report.

**Guest Recognition**

Mayor Donham said before we get into Guest Recognition, if anyone hasn't taken a look at the Governor's budget yet, I would encourage you to review the Governor's budget. I intend on bring legislation to the next meeting officially opposing the cuts the Governor is making to local government funding. We are talking about a 50% cut in local government funding. This amounts to about \$55,000 out of our General Fund. If you want to call your representatives. You could call Kathleen Clyde, everyone you know that you might be able to get hold of. The total amount that is given to the County is apportioned out to the Local Villages. They plan on cutting 25% the first year and 50% the second year.

Tom Brett said our Housing Code requires six inch number on housing signs. This sign is six inches overall with three inch numbers. Mayor Donham said the Council would have to make the change to the Housing Code. Atty. Reitz said you want to do less than the Ohio Building Code? Oh! Mrs. Rininger said that never sounds good. Mr. Reitz said that's a little different. I will have to look into that. Mayor Donham questioned the language about granting a Housing Rental License in this case. He said you and I can have this conversation.

Mr. Iwanyckyj announced the preconstruction meeting as April 5, 2011 in the Arsenal at 9:30 AM. Mr. Donham asked if they sent final plans. Mike said no, they just sent an e-mail saying the preconstruction meeting was 4/5/11 at 9:30. Mayor Donham said to ask Jeff to send over plans because that is what we are going to review.

Denise Bly said it is not very well marked where you are allowed to park in the new homes. Knowing this issue came up before Council before approximately a year or two ago. There is another issue where the Police are unsure where to park. There is a sign at the entrance to the development that says you cannot park, however if you are not familiar with the development and don't live here and are coming to visit, how do you know which roads are under jurisdiction of that sign. Mayor Donham said if you have a drivers license you should know that you cannot park on the road. You cannot obstruct traffic. So if there is room to park and you still have a lane of traffic to travel without going into the other lane, then you are good. If you have to obstruct traffic then you are violating the law. Mr. Garrett said in the new homes there isn't much room. Mrs. Rininger said I always tell people if a Fire Truck can't get by you, get off the road. The width of a Fire Truck is what you are looking at. Mr. Donham said you cannot park on a traveling lane. It is redundant signage if you put up signs. Our officers are giving people warnings.

Mr. Garrett made a motion to adjourn which was seconded by Mrs. Meszaros and upon a unanimous vote the meeting was closed at 8:43 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor