

# Village of Windham, Ohio

## Minutes of Special Council Meeting (Regular Council Meeting held at other than Normal Date)

Held June 21, 2012

A public hearing was held at 6:30 PM in order to allow the public to have input upon the 2013 proposed budget. The roll call was taken with Mrs. Barrett, Ms. Blewitt, Mrs. Miranda, Mrs. Prem and Mr. Snyder present. Mr. Garrett was absent. Also present was citizen C. James Moore and Solicitor Tom Reitz.

At 7:00 PM the Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of allegiance to our nations flag.

Roll Call:      Rachel Barrett – present,      Deb Blewitt – present,  
                     Scott Garrett – present,      Jena Miranda – present,  
                     Sheryl Prem – present,      Phil Snyder – present

Also present Atty. Tom Reitz, solicitor, Police Chief Gene Fixler, C. James Moore, and Village Administrator Mike Iwanyckyj.

Mr. Snyder made a motion to add Resolution R-2012-20 and Ordinance O-2012-29 to the agenda which was seconded by Mrs. Miranda and carried by unanimous vote of Council.

**The minutes of May 22, 2012 Council Meeting** were reviewed and Mrs. Barrett made a motion to approve them which was seconded by Mr. Garrett. The roll call vote was taken and by unanimous vote the minutes were approved.

### **The Fiscal Officer's Financial Reports** by Lloyd Billman

The Income Tax collected year to date May 31, 2012 were \$274,606.94 with \$21,375.18 of the total for declarations of estimated tax.

The expenditures for the month of May 2012 were \$153,791.92 in checks, direct deposits and charges. Check numbers 27782 through 27890 were paid from the primary checking account during the month with check number 27881 voided during the month. Direct Deposit vouchers E123 through E159 were also issued during the month.

The all funds reconciled bank balance for May 2012 was \$1,500,269.74.

**Council President's report by Phil Snyder**, Mr. Snyder said he had nothing at this time.

**Dispatchers Police, Fire and Rescue Squad (EMS) reports for May 2012 by Phil Snyder**  
Mr. Snyder moved to accept the report as given by Chief Fixler which was seconded by Mr. Garrett and the vote of Council was unanimously to support the motion.

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**Mayor's Communication and Correspondence** Mayor Donham said he wanted to report upon the Portage County Land Bank. They have been granted a two month extension to determine the houses which would be considered. Mayor Donham serves on this board. Mrs. Barrett asked how the properties were selected for demolition. Mr. Donham said there were three single families on the list and the fourteen Holmes properties. Dwellings which were burned by arson were on the list.

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

### **Finance by Scott Garrett**

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of May 2012 in the amount of \$153,791.92 in checks, direct deposits and charges with check numbers 27782 through 27890 paid from primary checking account during May 2012 and checks number 27881 voided during the month. Direct Deposit vouchers E123 through E159 were also issued during the month. Mr. Snyder seconded the motion which passed by unanimous vote of Council.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for May 2012 in the amount of \$1,500.269.74 and the following monthly reports distributed to Council for month ending May 31, 2012: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through May 31, 2012: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances which was seconded by Mr. Snyder and carried by 6 – 0 vote.

Mr. Garrett read Resolution R-2012-18 **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, OHIO EDISON AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, seconded by Mr. Snyder and carried by unanimous vote. Mr. Garrett then made a motion to adopt Resolution R-2012-18 which was seconded by Mr. Snyder and again carried by unanimous vote.

Mr. Garrett read Ordinance O-2012-28 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made motion to suspend the rules which was seconded by Mr. Snyder and passed by 6 –0 vote. Mr. Garrett then made a motion to adopt Ordinance O-2012-28 which was seconded by Mr. Snyder and passed by 6 – 0 vote.

Mr. Garrett then read Ordinance O-2012-27 **AN ORDINANCE DECLARING IT NECESSARY IN ORDER TO CONTINUE TO PROVIDE SERVICES IN THE VILLAGE OF WINDHAM TO INCREASE THE VILLAGE INCOME TAX BY .5% EFFECTIVE JANUARY 1, 2013, AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES** as a second reading.

Mr. Garrett then read Resolution R-2012-17 **A RESOLUTION DECLARING IT NECESSARY TO PLACE A .5% GENERAL INCOME TAX INCREASE ON THE BALLOT FOR THE NOVEMBER 6, 2012 GENERAL ELECTION, SAID INCREASE**  
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**TO BE EFFECTIVE JANUARY 1, 2013, AND NOTIFYING THE PORTAGE COUNTY BOARD OF ELECTION TO CAUSE NOTICE OF THE ELECTION, AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES** as a second reading.

Mr. Garrett then read Resolution R-2012-19 **A RESOLUTION APPROVING THE 2013 PROPOSED BUDGET AND AUTHORIZING THE FISCAL OFFICER TO SUBMIT THE BUDGET TO THE PORTAGE COUNTY AUDITOR AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and with the roll call vote taken all Ayes except for Mrs. Barrett. Mr. Garrett then moved to adopt Resolution R-2012-19 which was seconded by Mr. Snyder and the roll call vote was taken again with all Ayes except for Mrs. Barrett who voted Nay so the motion carried.

#### **Safety, Personnel, Rules (SPR) by Phil Snyder**

Mr. Snyder stated that Ordinance O-2011-42 **AN ORDINANCE ESTABLISHING THE VILLAGE OF WINDHAM EMPLOYEE HANDBOOK** is to remain tabled since the committee is still working on it.

Mr. Snyder then made a motion to approve the promotion of Jeff Harris to the position of Part-Time Patrolman effective June 22, 2012 which was seconded by Mr. Garrett and passed by a vote of 5 – 1 with Mrs. Barrett the sole opposing vote.

Mr. Snyder then made a motion to approve the promotion of Part-Time police Officer Gordon Fischer to Full-Time effective upon successful completion of Ohio Police and Fire Pension Fund paperwork. The motion was seconded by Mr. Garrett. The roll call vote was taken as follows: Mr. Snyder yes, Mr. Garrett yes, Mrs. Prem yes, Mrs. Barrett no, Ms. Blewitt yes, Mrs. Miranda yes, so the motion was carried.

Mr. Snyder made a motion to accept the resignation of Dalcynthia Barnett effective May 28, 2012 which was seconded by Mr. Garrett and carried by unanimous vote of Council.

Mr. Snyder made a motion to permit Lt. Dale Korman to take his vacation up to two months after his anniversary date as this had been approved by the Safety, Personnel and Rules Committee members. Mr. Garrett seconded the motion and the roll call vote was taken: Mr. Snyder yes, Mr. Garrett yes, Mrs. Prem yes, Mrs. Barrett no, Ms. Blewitt yes, Mrs. Miranda yes, so the motion carried. Mayor Donham said he would recommend the department heads to tell their employees to pay attention to their anniversary dates as this happens too often and will not be automatically granted.

Mr. Snyder read Ordinance O-2012-29 **AN ORDINANCE TO REVISE AND AMEND SECTION 121.01(k) PARAGRAPH (3), SERVICE COMMITTEE, AND TO ENACT SECTION 121.01(k)(6), UTILITY COMMITTEE, WITH RESPECT TO THE COMMITTEES OF THE VILLAGE COUNCIL AS SET FORTH IN THE WINDHAM CODIFIED ORDINANCES** as a first reading.

#### **Utilities by Rachel Barrett**

Mrs. Barrett read Ordinance O-2012-21 **AN ORDINANCE TO ENACT SECTION 927.05 WATER METER REPLACEMENT FEE** as a third reading and made a motion for its Minutes of June 21, 2012 Special Council Meeting (Regular Council Meeting at other than standard date)

adoption which was seconded by Ms. Blewitt. The roll call vote was taken and carried by a 5 – 1 vote with Mrs. Miranda opposed to the legislation.

### **Streets and Sidewalks by Deborah Blewitt**

Ms. Blewitt read Resolution R-2012-20 **A RESOLUTION AUTHORIZING DESIGN PROFESSIONAL SERVICES AGREEMENT WITH BURGESS & NIPLE AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote of Council. Ms. Blewitt then made a motion for the adoption of Resolution R-2012-20 which was seconded by Mr. Snyder and carried by unanimous vote. Mayor Donham said we needed to do this before the July meeting so the paving project could be bid out and be completed before year end.

### **Housing Rental License Code by Deborah Blewitt**

Ms. Blewitt said she had nothing at this time.

**Village Building and Properties by Deborah Blewitt** Ms. Blewitt said she had nothing at this time.

### **Parks and Recreation by Phil Snyder**

Mr. Snyder then read Ordinance O-2012-22 **AN ORDINANCE TO REVISE AND AMEND SECTIONS 121.01(1)(2) WITH RESPECT TO THE WINDHAM VILLAGE PARK BOARD IN THE WINDHAM CODIFIED ORDINANCES** as a third reading and made a motion to adopt the Ordinance which was seconded by Mr. Garrett. Mr. Snyder said we are trying to find a way to get the park board more involved since we just had our third month without a meeting due to lack of quorum present. Mrs. Barrett said she would like to see the legislation amended where Council has more say in the appointments. Mr. Donham said he was opposed to that. The vote was taken and passed unanimously.

Mr. Snyder said there has been a problem with littering in the park. He asked Lori Lee to obtain quotes on signs from Econo Signs and she was able to secure a quote of \$149.47 for eight new signs. Mr. Snyder then made a motion to approve the purchase of the signs which was seconded by Ms. Blewitt and carried unanimously. Mr. Snyder said next there will be a \$100 fine for littering. He then said leaving the park open later was working well.

Mr. Snyder said Stephen Canan of A+ Roofing has replaced the roofs on all dugouts at a cost of \$2000 for the material and has donated all labor for the replacement. He passed the invoice on to Mayor Donham and made a motion to allow A+ Roofing to hang banners on the outfield fence. Ms. Blewitt seconded the motion which was passed unanimously by Council.

**Planning and Zoning by Phil Snyder** Mr. Snyder said he has nothing at this time.

**Solicitor's Report by Tom Reitz** Mr. Reitz said he had received a fax saying the hearing for Tom Denvir concerning Bureau of Workers Comp had been cancelled which meant there is no claim by Patrolman Denvir.

### **Guest Recognition**

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There was nothing from guests present.

**Last Chance by members of Council to speak** Chief Fixler wanted to give an update about the Fire Department assisting the Police Department. First he stated the Fire Chief Mike Iwanyckyj and he worked well together. He then said there were two officers in Akron on the Swat Team who were shot. Chief Fixler then spoke about the article in The Villager and said a search warrant was obtained for drug activity and was very confidential. He didn't even let his own people know about it so there would be no leaks. He then requested that between 10 PM and 11 PM the fire department was to come to the police department. They were to sit on Oak Court and not to be put in harms way because the raid was on Cloverleaf. They were asked to examine a child in the house after the raid was successful. The Fire Department told Chief Iwanyckyj they were not to do that anymore. They are taxpayer supported and we can't have them sitting at the station. The squad can't get to Horn Road in the middle of winter in two minutes.

Mayor Donham said when he receives the letter from Dann Timmons he would like to have a meeting with the insurance carrier (Ellerhorst), the Fire District and the SPR Committee to get it hashed out. Chief Iwanyckyj said the squad doesn't have specialized training. It was then pointed out that they had training to examine the child.

Ms. Blewitt said she had been contacted by Henrietta Turner who had a fence installed when a new hot tub was put in. Mr. Snyder said there needed to be a permit before the fence was put up. Ms. Blewitt said some Village Official told her she was in violation with zoning. Mike Iwanyckyj said this was the first he had heard of it. Jim Moore said he called Bob Cline since Mrs. Turner's property was next to a rental property of his and Mr. Cline said there were no permits issued for the fence.

There being nothing more to come before Council, Mrs. Barrett made a motion to adjourn which was seconded by Mrs. Prem and carried by unanimous vote at 8:05 PM.

Respectfully submitted,

Attest,

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor

**\*\* NOTE: THESE MINUTES ARE SUMMARY BY DIRECTION OF COUNCIL \*\***

All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.