

Village of Windham, Ohio
Minutes of Regular Council Meeting

Held December 17, 2013

At 7:00 PM Mayor Donham 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 were Atty. Tom Reitz, Solicitor, Acting Chief Eric Breiding, Village Administrator Mike Iwanyckyj, Housing Inspector Tom Brett, former Police Chief Eugene Fixler, Lt. Dale Korman, Safety Clerk Cindy Cale, Randy Slusher, Gale Belknap and C James Moore.

Mr. Snyder made a motion to enter into executive session to discuss matters of personnel specifically the hiring of a Police Chief. Mr. Garrett seconded the motion and by unanimous vote the Council entered executive session at 7:01 PM.

Mr. Snyder made a motion to return to regular session which was seconded by Mr. Garrett and passed by unanimous vote of Council at 7:30 PM

Mr. Snyder made a motion to add a motion, second and vote to approve Tom Brett as Zoning Inspector effective January 1, 2014, adding Resolution R-2013-40 and Ordinance O-2013-36. The motion was seconded by Mr. Garrett and carried by unanimous vote.

Mr. Snyder made a motion to approve the appointment of Eric Breiding as Chief of Police which was seconded by Mrs. Miranda. The roll call vote was taken as follows: Mrs. Barrett no, Ms. Blewitt yes, Mr. Garrett yes, Mrs. Miranda yes, Mrs. Prem yes and Mr. Snyder yes so the motion carried.

Mr. Snyder acting as chairman of the Safety, Personnel and Rules Committee read Ordinance O-2013-36 **AN ORDINANCE ACKNOWLEDGING THE APPOINTMENT OF ERIC S. BREIDING AS THE CHIEF OF POLICE OF THE WINDHAM POLICE DEPARTMENT, SETTING HIS COMPENSATION AND WAIVING THE RESIDENCY REQUIREMENT SET FORTH IN THE OHIO REVISED CODE AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and carried by unanimous vote. Mr. Snyder then made a motion to adopt Ordinance O-2013-36 which was seconded by Mr. Garrett. The roll call vote was taken as follows Mr. Snyder yes, Ms. Blewitt yes, Mr. Garrett yes, Mrs. Barrett no, Mrs. Miranda yes, Mrs. Prem yes so the motion carried.

Mayor Donham then swore in Eric Breiding as Chief of Police and former Police Chief Fixler presented Chief Breiding his Police Chief badge. Everyone greeted the new Chief with a round of applause.

Mrs. Barrett made a motion to approve the minutes of the November 4, 2013 Special Council Meeting which was seconded by Ms. Blewitt and carried by unanimous vote.

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Mr. Snyder made a motion to approve the minutes of the November 12, 2013 Special Council Meeting which was seconded by Mr. Garrett. Discussion followed and Mrs. Miranda was not pleased that the letter was not made a part of the minutes and that some discussion was missing. Clerk of Council Billman explained that he did not have the letter presented by Jim Moore which was written by Maurice Hankins and he was not present at the meeting to know what discussion was being referred to by Mrs. Miranda. Mayor Donham offered to add a sentence which satisfied those present. Mayor Donham explained that if someone hands a letter or memo to the Council and it is not received by the Council, then it is not part of the minutes. Ms. Blewitt moved to amend the minutes with the suggested language prepared by the Mayor. Mrs. Prem seconded the motion and the vote was Mrs. Barrett abstain, Ms. Blewitt yes, Mr. Garrett yes, Mrs. Miranda abstain, Mrs. Prem yes and Mr. Snyder no so the motion carried. The two members abstained because they were not present for the meeting. The motion to approve as amended was given by Ms. Blewitt and seconded by Mrs. Prem and the vote was taken with the same 3 – 1 and two abstentions as before.

Mr. Snyder made a motion to approve the minutes of the November 26, 2013 Regular Council Meeting which was seconded by Mr. Garrett and passed unanimously.

The Fiscal Officer's Financial Reports by Lloyd Billman

The Income Tax total for November 30, 2013 year to date was \$428,994.34 with \$37,228.58 of this total for declarations of estimated tax.

The expenditures for the month of November 2013 were \$108,164.99 in checks and charges. Check numbers 29600 through 29669 were paid from the primary checking account during November 2013 with check number 29532 voided and reissued during the month. Direct Deposit Vouchers 446-2013 through 459-2013 and 462-2013 through 473-2013 were also paid during the month of November 2013.

The November 2013 Bank Reconciliation all funds reconciled balance was \$1,228,648.60.

Council President's report by Phil Snyder. Mr. Snyder said he wanted to thank the members of Council for the past couple of years. He said he appreciated the growth shown by Sheryl (Prem). He said Scott (Garrett) is a mainstay and has the most experience. Rachel (Barrett) has been here longer (in one position or another) than anyone and is an institution and an icon. He said he doesn't always agree with her but respects her. He said that Deb (Blewitt) has really really blossomed and grown and he is proud to know her. Concerning Jena (Miranda), Phil said you amaze me, you make things interesting and last year you have blossomed. Phil said that Rob (Donham) has done an amazing job and has done a lot. Phil said he appreciated what Jim Moore had done as Mayor. Phil said he was glad Randy Slusher came tonight and he would like to see Randy back on Council. Phil said he has loved working with Tom Brett.

Phil continued saying that he has tried to make decisions based on what is best for the community and will miss being on Council. He will always be a part of this community.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for November 2013 by Phil Snyder.

Mr. Snyder made a motion to approve the report which was seconded by Mrs. Miranda and carried by a 6 – 0 vote of Council. Mrs. Miranda asked if they really entered 687 entries in CAD (police reporting system). Cindy Cale said yes they did.

Mayor's Communication and Correspondence Mayor Donham said he had nothing at this time.

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Prior requests of guests to speak. There were no prior requests of guests to speak.

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of November 2013 in the amount of \$108,164.99 in checks, direct deposit and charges with check numbers 29600 through 29669 paid from primary checking during November 2013 and check number 29532 voided and reissued during the month. Direct Deposit Vouchers 446-2013 through 459-2013 and 462-2013 through 473-2013 were also issued during the month. The motion was seconded by Mr. Snyder and carried by unanimous vote of council.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for November 2013 in the amount of \$1,228,648.60 and the following monthly reports distributed to Council for the month ending November 30, 2013: Fund Summary, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through November 2013: Cash Summary by Fund, Comparison of Budget and Appropriated. The motion was seconded by Mr. Snyder and carried by unanimous vote of council.

Mr. Garrett read Ordinance O-2013-33 **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. Snyder and carried by unanimous vote. Mr. Garrett then made a motion to adopt Ordinance O-2013-33 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Resolution R-2013-37 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY OHIO EDISON, COSE / MEDICAL MUTUAL OF OHIO AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote. Mr. Garrett then made a motion to adopt Resolution R-2013-37 which was seconded by Mr. Snyder and carried by unanimous vote.

Mayor Donham pointed out an inconsistency which needed to be corrected with the legislation. Mr. Garrett read Ordinance O-2013-34 **AN ORDINANCE ESTABLISHING THE RATE OF PAY FOR THE PRESIDENT OF COUNCIL OF THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote. Atty Reitz explained that the Ohio Revised Code states that the change must occur in excess of five days before anyone can apply for the position and this holds true since the position is to be filled January 7, 2014. Mr. Garrett then made a motion to adopt Ordinance O-2013-34 which was seconded by Mr. Snyder and carried by a 5 – 1 vote with Mrs. Barrett casting the single no vote.

Mr. Garrett read Ordinance O-2013-35 **BEING AN ORDINANCE AUTHROZING THE AMENDING AND/OR SUPLEMENTING OF THE PERMANENT APPROPRIATIONS SET FORTH IN ORDINANCE O-2013-10 ON MARCH 26, 2013 FOR THE VILLGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote. Mr. Garrett then made a motion to adopt Ordinance O-2013-35 which was seconded by Mr. Snyder and carried by unanimous vote.

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Mr. Garrett read Ordinance O-2013-32 **AN ORDINANCE APPROVING AND ADOPTING THE TEMPORARY APPROPRIATIONS FOR 2014 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 and carried by unanimous vote. Mr. Garrett then made a motion to adopt Ordinance O-2013-32 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Resolution R-2013-38 **A RESOLUTION TO CREATE A SALARY LINE ITEM IN THE DUI FUND OF THE VILLAGE OF WINDHAM (FUND 2904) AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote. Mr. Garrett then made a motion for the adoption of the Resolution which was seconded by Mr. Snyder. Mr. Garrett asked for an explanation and Mayor Donham explained that this was to be used to pay salaries for DUI Traffic duty. The vote was taken and passed and passed unanimously.

Mr. Garrett read Resolution R-2013-39 **A RESOLUTION AUTHORIZING PAYMENT FROM THE WATER OPERATING FUND TO THE DRUG LAW ENFORCEMENT FUND AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote. Mayor Donham explained that this was for the purchase of the 1999 Chrysler which was seized during a drug raid. Mr. Garrett then made a motion to adopt Resolution R-2013-39 which was seconded by Mrs. Prem and carried by unanimous vote.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder made a motion to enter into executive session for purposes of discussion employment. The motion was seconded by Mr. Garrett and carried by a 6 – 0 vote with the Council entering executive session at 8:12 PM.

Mr. Snyder made a motion to return from executive session which was seconded by Ms. Blewitt seconded the motion which carried by unanimous vote with Council returning at 8:36 PM.

Mr. Snyder read Resolution R-2013-40 **A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO ENTER INTO A CONTRACT WITH THOMAS BRETT FOR EMPLOYMENT AS THE VILLAGE'S RENTAL HOUSING MAINTENANCE INSPECTOR AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and carried by unanimous vote. Mr. Snyder then made a motion to amend Resolution R-2013-40 to correct the inaccurate fee structures within the legislation which was seconded by Mr. Garrett and carried by unanimous vote. Mr. Snyder then made a motion to adopt Resolution R-2013-40 as amended which was seconded by Mr. Garrett which carried by a 5 – 1 vote with Mrs. Miranda being the single no vote.

Utilities by Rachel Barrett

Mrs. Barrett attempted to have a motion vote overturn two items of legislation which had earlier passed and was told she had to have legislation to overturn earlier legislation and then she said she had nothing at this time.

Service Committee by Deb Blewitt

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Ms. Blewitt read Ordinance O-2013-29 **AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1341 OF THE WINDHAM HOUSING MAINTENANCE AND OCCUPANCY CODE IN ORDER TO REDEFINE THOSE STRUCTURES TO WHICH THE CODE IS APPLICABLE** as a third reading. Mayor Donham said it was desirable to have this passed with emergency verbiage so it could be effective during 2014. Ms. Blewitt made a motion to amend the legislation which would add emergency verbiage. Mr. Snyder seconded the motion. The roll call vote was taken with Mrs. Barrett as the sole no vote so the motion carried. Ms. Blewitt made a motion to adopt as amended which was seconded by Mr. Snyder. The roll call vote was taken as follows Ms. Blewitt yes, Mr. Snyder yes, Mrs. Miranda no, Mrs. Barrett no, Mr. Garrett yes, Mrs. Prem yes so the motion carried.

Parks and Recreation by Phil Snyder

Mr. Snyder said he had nothing to report.

Planning and Zoning by Phil Snyder A decision was made to table the motion second and vote to accept Tom Brett as Zoning Inspector effective January 1, 2014. This must go before the planning and zoning committee for their vote and would require a change to the codified ordinance for a change to the pay structure.

Solicitor's Report by Atty. Tom Reitz Solicitor Reitz said when there is a vacancy on Council the procedure is for the individual to be elected by Council within 30 days of the new year or the Mayor appoints. Mayor Donham explained that he would like to get the letters of interest into the hands of the five Council members, four returning and Mrs. Rininger who was newly elected before the organizational meeting and then there could be an executive session at the organizational meeting to discuss amount those five.

Guest Recognition

Former Police Chief Fixler wanted to thank everybody for almost four years here. This has been a wonderful council, mayor and law director. I will miss everyone. He encouraged everyone to take a ride east on the turnpike and look over Windham; it looks so nice from the highway above. You have a sleeping jewel and it looks like a beautiful community. You have thousands of people driving by here every day and you just have to find a way to get the word out. Thanks to everybody. You have a good guy in Eric Breiding.

Mayor Donham said it takes about nine months before you become a 'Windhamite'. We all love this town. Sometimes you have to take a step back to see the big picture.

Jim Moore asked if the Housing Rental License Code with the changes would be incorporating the same regulations on a single family as are now with a multi-family. He was told yes. He said he gave a copy of the Warren code to Deb (Blewitt) and would suggest having Tom Reitz look over it. He asked if you would consider looking at inspecting the outside of the building.

Gale Belknap questioned the old Thomas house and wanting to hook into the Village sewer. She asked how close the hookup would be. Mayor Donham explained that the closest would be the lift station in front of the Dollar store.

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Mayor Donham said we had an amazing year and this was a nice council to work with. We had a lot of different mixtures with not all voting the same way each time. All added to the discussion. We have done better than surrounding communities. All of the staff worked hard to make the budget numbers. The two of you who are leaving – Jena, every minute is interesting and enjoyable, you have made me a better person. Sometimes people like being comfortable. You have kept me on my toes. Thanks for your zeal. Phil, Santa Claus, we have had some tremendous battles and tremendous successes. You have taught me how to be a good Mayor, a good dad and a good man. You have made my time here incredible. We appreciate you and I will miss you.

The calendar was decided to keep the January 7, 2014 date for the Organizational Council Meeting at 7:00 PM. Mrs. Miranda made a motion to adjourn which was seconded by Mr. Snyder and by unanimous vote of Council they were adjourned at 9:21 PM.

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

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

Respectfully submitted,

Attest,

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor