

Village of Windham, Ohio
Minutes of Council Meeting

Held December 28, 2010

At 7:00 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, Eugene Fixler

Mayor Donham announced the appointment of Eugene H. Fixler as Police Chief. Mrs. Miranda made a motion to suspend the rules on Resolution R-2010-57 **A RESOLUTION CONFIRMING THE MAYOR’S APPOINTMENT OF A CHIEF OF POLICE, ESTABLISHING THE PAY FOR THE CHIEF OF POLICE AND DECLARING AN EMERGENCY** which was seconded by Mrs. Meszaros and upon the roll call vote was confirmed by a 6 – 0 vote. Mrs. Meszaros made a motion to adopt Resolution R-2010-57 which was seconded by Mr. Garrett and carried by a 6 – 0 vote of Council.

Mayor Donham said before I ask Chief Fixler to come up and do the official swearing in I want to thank you for the process and obviously bearing with us through this everyone at this table and everyone in the audience that you didn’t bring with you which I think may be one or two people. You’ve got a big posse there Chief Fixler. It has been a very long and hard process for us. In my young tenure here as Mayor, I’ve been Mayor three years it is certainly been the most difficult and most important decision I’ve had to make. We’ve gone through a lot of bumps in this Chief road; we have been without a Chief for about six months and unfortunately in a small town like this it has fallen on the shoulders of each and every one of us and I don’t think that any one of us want to go through that process again. We are very happy to have you on board. I’m very relieved. The work load will lesson on me and certainly a lot of members of this Council. As much as I am a control freak and like to know and have everything right in my sights I think that sometimes things just happen for a reason and I think this is one of those times when I think we’ve got the best man for the job and not in the most orthodox manner. Congratulations Chief. The Mayor then administered the oath of office to Chief Fixler.

Mayor Donham called for a short recess so that the well wishers could speak with our new Police Chief. Chief Fixler introduced several of those who he brought with him.

The minutes of the November 23, 2010 Council Meeting were reviewed and on a motion to approve by Mrs. Barrett and second by Mr. Garrett; after which the roll call vote was taken and was unanimous in favor of approving the minutes.

The minutes of the December 7, 2010 Special Council Meeting were reviewed and on a motion to approve by Mr. Snyder and second by Mrs. Meszaros followed by the roll call vote which resulted in a 6 – 0 in favor of approving the minutes.

The Fiscal Officer’s Financial Reports were presented by Mr. Billman as follows:
The Income Tax total for November year to date is \$444,905.96 of which \$54,505.47 is due to declarations for estimated tax.

The expenditures for the month of November 2010 of \$163,282.98 in checks, charges, etc. Check numbers 25223 through 25392 were paid from the Primary Checking Account during November. Check numbers 25255, 25287 through 25290, 25297 through 25317 and 25355 were voided during November 2010.

The all funds November 2010 Bank Reconciliation showed a reconciled balance of all funds in the amount of \$552,614.65.

Village Council President's Report by Mrs. Barrett – Mrs. Barrett made a motion to hold the Special Re-organizational Council Meeting on January 4, 2011 at 7:00 P.M. which was seconded by Mr. Snyder and carried by a unanimous vote of Council.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for November 2010 by Mrs. Meszaros. Mrs. Meszaros summarized the reports.

Mayor's Communication and Correspondence

Mayor Donham said he went to the Portage County District Library Board meeting and believes that they are going to be signing a lease agreement with the Renaissance Family Center soon.

Prior requests of guests to speak None..

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of November 2010 in the amount of \$163,282.98 in checks, charges, etc with check numbers 25223 through 25392 being paid from the Primary Checking Account during November with check numbers 25255, 25287 through 25290, 25297 through 25317 and 25355 voided during November 2010. The motion was seconded by Mrs. Barrett and carried by a unanimous vote of Council.

Mr. Garrett made a motion to approve the Fiscal Officers November 2010 Bank Reconciliation with an all funds reconciled balance of \$552,614.65 and the following monthly reports for the month ending November 30, 2010: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund and approval of the following Year to Date Reports through November 30, 2010: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mrs. Barrett and carried by a 6 – 0 vote of Council.

Mr. Garrett read Resolution R-2010-51 **A RESOLUTION AUTHORIZING A CONTRACT WITH THE PORTAGE COUNTY PUBLIC DEFENDER FOR DEFENSE OF INDIGENT PERSONS CHARGED WITH CRIMINAL OFFENSES UNDER THE VILLAGE ORDINANCES AND DECLARING AN EMERGENCY** as a second reading and Mr. Snyder made a motion to suspend the rules which was seconded by Mrs. Meszaros and carried by a 6 – 0 vote. Mr. Garrett then made a motion to adopt Resolution R-2010-51 which was seconded by Mrs. Barrett and carried by unanimous vote of Council.

Mr. Garrett read Ordinance O-2010-35 **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** and made a

motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote of Council. Mr. Garrett then made a motion to adopt Ordinance O-2010-35 which was seconded by Mr. Snyder and carried by unanimous vote of Council.

Mr. Garrett read Resolution R-2010-56 **RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY BURGESS & NIPLE, COSE / MEDICAL MUTUAL OF OHIO AND DECLARING AN EMERGENCY** and then made a motion to suspend the rules which was seconded by Mrs. Rininger. The motion was carried by a 6 – 0 vote of Council. Mr. Garrett then made a motion to adopt Resolution R-2010-56 which was seconded by Mrs. Barrett. The roll call vote was taken and sustained the motion unanimously.

Mr. Garrett read Resolution R-2010-47 **A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN OIL AND GAS AGREEMENT WITH KENYON ENERGY, LLC TO LEASE MINERAL RIGHTS FOR THE EXPLORATION OF OIL AND GAS IN THE VILLAGE AND DECLARING AN EMERGENCY** as a third reading and made a motion to adopt which was seconded by Mr. Snyder. Atty Reitz explained that he had written an addendum about 3 or 4 weeks ago and received an e-mail about a week ago. He has received no response on the final lease and suggested that Council table this legislation pending an answer from Kenyon Energy LLC. Mr. Garrett moved to table which was seconded by Mrs. Rininger and carried by a 6 – 0 vote.

Mr. Garrett read Resolution R-2010-53 **A RESOLUTION ESTABLISHING A POLICY OF THE VILLAGE OF WINDHAM WITH RESPECT TO LANDLORDS WHO FAIL TO REPORT TENANT MOVEMENTS AS REQUIRED BY SECTION 181.091 OF THE WINDHAM CODIFIED ORDINANCES** as a second reading.

Mr. Garrett read Resolution R-2010-58 **A RESOLUTION ESTABLISHING THE PAY FOR SCHOOL CROSSING GUARDS AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Rininger and passed by a 6 – 0 vote of Council. Mr. Garrett then made a motion to adopt Resolution R-2010-58 which was seconded by Mrs. Meszaros and passed unanimously by Council.

Safety / Personnel / Rules by Kelly Meszaros

Mrs. Meszaros read Ordinance O-2010-31 **AN ORDINANCE REPEALING VARIOUS SECTIONS OF THE VILLAGE OF WINDHAM CRIMINAL CODE WITH RESPECT TO THE PENALTIES FOR VARIOUS DRUG RELATED OFFENSES** as a third reading and made a motion to adopt which was seconded by Mrs. Rininger and carried by a 6 – 0 vote of Council..

Mrs. Meszaros welcomed the new Police Chief and wished him well.

Service Committees

Utilities by Phil Snyder - Mr. Snyder said he had nothing at this time.

Streets and Sidewalks by Linda Rininger - Mrs. Rininger said we are running low on salt and thanked the Township Trustees for their offer to assist..

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

Village Buildings and Properties by Phil Snyder – Mr. Snyder had nothing to report.

Parks and Recreation by Phil Snyder – Mr. Snyder announced the winners of the Holiday Decoration contest. He wanted to thank Larry Kuhlman for his assistance and the judges who were Bill and Ruth Ann Isler and Louise Sands. We had 161 houses who participated and this was a very nice display of community pride. The winner of the contest was Bud and Rella Mullenax. Second place was taken by Carl and Marion Angus. The third place went to Ken and Kay Friend. Special mention went to Don and Kim Ridenbaugh and also Ken and Frieda Sheer. The prizes were provided by local merchants. I would like to encourage everyone to shop locally. Mrs. Rininger said good job, Phil. It was quite festive on my end of town; everybody decorated. Mr. Snyder said we will do it again next year and hopefully it will grow each year.

Planning and Zoning Commission by Phil Snyder – Mr. Snyder said he had nothing to report.

Solicitor's Report – Atty. Reitz said he had nothing to report.

Guest Recognition No one from the audience had any comments.

Under other business properly before the Council – Mrs. Rininger announced the swearing in of Mike Iwanyckj as the new Fire Chief on Wednesday December 29th at 7:00 P.M. at the Fire Station.

Mayor Donham said he wanted to remind Council of a couple of things coming up for next year. We do have the six buildings which we need to purchase in the spring. We have demo money coming from the County Commissioners to demo six more buildings. I have been in contact with the Homes brothers who have identified the six buildings. So just expect that to be coming. The end of January or the beginning of February I am going to be having budget hearings with the department heads. Usually permanent appropriations are done in March but we like to do them early. Harold Huff will be retiring as Director of Portage County Water Resources the beginning of next year. We also have a new Commissioner so we are not going to have our agreement that we sent to them ratified immediately. There is a little bit of a delay there. I just want to thank Council for a successful year. As you know every year here especially during this economy is rough. We don't get a lot of people coming up and volunteering except for the people who are here at this table. We get a lot done and I'm pretty proud of everything we have gotten done this year with the demo of the project buildings, the paving, and the grants which we are pursuing, the additional officers and the new Chief who were brought on. There are a lot of exciting things to be proud of. We are doing a real good job and I want to thank you guys for that, and hope we will have a real good year next year.

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 7:46 P.M.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor