

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

Held November 23, 2010

At 7:05 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, C. James Moore, Mike Iwanyckyj Village Administrator, Bruce Rininger, Sheryl Prem, Ted St. John, Tom Brett, Sandy Smith, Bee Cooper, Denise Bly, Jim Moore, Rev. Fred Youngen, Dave Brown, Cecilia Swanson, Joe Stehlik

The Mayor called upon Rev. Fred Youngen to address Council and the audience. Rev Youngen extended an invitation on December 7, 2010 to the Renaissance Family Center to an informational meeting as well as a celebration of their first birthday since they were incorporated. This is for a number of reasons but in particular to give information and answer questions from our community. There have been a lot of statements which are untrue and not factual. The Renaissance Family Center is owned by the Windham Bible Church but there is a lease between the two and so officially at the end of this year if the Lord is willing everything will be taken care of between the two and it will be owned by the Renaissance Family Center and it will not be owned by the Windham Bible Church. I just want to make sure that everyone is invited to this and so you can ask your questions, or you can ask me at any time. I want you to be informed about what is going on in your community; it is your community. I hope you would have known today that over two hundred twenty-five people were served fourteen thousand pounds of food. And these are people of Windham. And we are thankful that we were able to do that with the cooperation of the Second Harvest Food Bank. And that is just in one day, and does not include the Salvation Army. On December 7<sup>th</sup> there will be other activities going on. Some members of Council discussed the rescheduling of the Finance and Safety, Personnel and Rules Committee so that they could attend. Mayor Donham said we don't have to nail it down tonight. Rev. Youngen said you are also invited this Thursday to a Thanksgiving Dinner.

Mayor Donham announced the appointment of Joseph A. Stehlik as Police Chief. He said he has some prepared remarks. He wanted to at least express how we went about the process and how this went. Because it is with great pleasure and honor tonight, that I have the opportunity to appoint the next Windham Chief of Police. It is one of the most important and solemn obligations a Mayor has to their citizens, that of selecting the person who will ensure the safety and security of our family and friends. It is one that I embarked on with complete dedication, sincerity and I am able to report with complete confidence that I, the selection committee and my colleagues on council, conducted a thorough and detailed evaluation of the candidates and have selected a Leader that is without a doubt the person that will be in the best interest of the Village. It is a bitter-sweet moment for me, although I know we are gaining a great Leader and Chief, I also know we are saying goodbye to a Chief that has lead our Department and Village admirably and successfully during a very difficult time for the Village. It is not often that I have found myself in the position as Mayor having to choose between what I know is right and just, and what I know to be in the best interest of the Village. Most times

when a government finds themselves so conflicted it is what is right and just that carries the day. We are after all a nation of laws and justice, not of men and majorities. The exception however is security. When the choice of doing what is right becomes evident that it will compromise the security of the people, compromise must be met, and that which allows us to move forward in security and strength must prevail. During this process it became evident to me and Chief Perdian that although I will miss his passion and leadership that it was time for both Chief Perdian and the Village to move on to the next chapter of our respective successes. We wish him the best and he did us the same. Change is inevitable and although many times it is tough, it is mostly necessary and good. This change brings us to our next evolution of the Windham Police Department. and the Village as a whole. An exciting future of further professionalism, greater safety, and excellence. I think I speak for the entire council when I say we are very excited, optimistic and eager for the direction Chief Stehlik will provide. Joe Stehlik is an outstanding officer who has done an outstanding job throughout this process. He brings with him over twenty-five years of law enforcement experience. He is a proven leader. He has been in every aspect of law enforcement throughout his career, from a beat cop to a police chief. To my knowledge the Chief will be the only Chief who we have hired who has been a Police Chief. So he will be bringing credentials to the position which nobody ever has. He is educated, he is experienced, he is a good communicator and I believe he is going to be a very valuable asset to the Village of Windham. He will do a great job in providing direction and a path to success in greater security of Windham. But ultimately it will be our job; our job as a government and a people to make it happen. A Police Chief cannot make us safer. That we must do for ourselves.

Mrs. Meszaros made a motion to approve the Mayor's appointment of Joseph A. Stehlik with an effective date upon compliance with the requirements of Ohio Police and Fire Pension Fund. The motion was seconded by Mr. Garrett and the roll call was unanimous in favor of the motion.

Mayor Donham then asked Joe Stehlik to come forward and administered the oath of office as follows: I Joseph A Stehlik do solemnly swear or affirm that I will support the Constitution and the Laws of the United States of America, the Constitution and the Laws of the State of Ohio, and the Laws and Ordinances of the Village of Windham and that I will faithfully, honestly and impartially discharge my duties for so long as I remain in office. Chief Stehlik was greeted by a round of applause with many well wishers congratulating him.

Mayor Donham called for a short recess so that the well wishers could speak with our new Chief.

**The minutes of the October 26, 2010 Council Meeting** were reviewed and on a motion to approve by Mrs. Barrett and second by Mr. Garrett. The roll call vote was taken and was unanimous in favor of approving the minutes.

**The Fiscal Officer's Financial Reports** were presented by Mr. Billman as follows: The Income Tax total for October year to date is \$427,718.59 of which \$53,235.47 is declarations for estimated tax.

The expenditures for the month of October 2010 of \$136,920.39 in checks, charges, etc. Check numbers 25078 through 25222 were paid from the Primary Checking Account during October. No checks were voided during October 2010.

The all funds October 2010 Bank Reconciliation showed a reconciled balance of all funds in the amount of \$567,654.53.

**Village Council President's Report** by Mrs. Barrett – Mrs. Barrett said she has nothing to report.

**Dispatchers, Police, Fire and Rescue Squad (EMS) reports for October 2010** by Mrs. Meszaros. Mrs. Meszaros made a motion to enter the reports on record which was seconded by Mrs. Miranda and carried by unanimous vote of Council.

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

Mayor Donham said he has no communication or correspondence.

**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 October 2010 in the amount of \$136,920.39 in checks, charges, etc with check numbers 25078 through 25222 being paid from the Primary Checking Account during October with no checks voided during October 2010. The motion was seconded by Mrs. Meszaros and carried by a unanimous vote of Council.

Mr. Garrett made a motion to approve the Fiscal Officers October 2010 Bank Reconciliation with an all funds reconciled balance of \$567,654.53 and the following monthly reports for the month ending October 31, 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 October 31, 2010: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mrs. Meszaros and carried by a 6 – 0 vote of Council.

Mr. Garrett read Ordinance O-2010-28 **AN ORDINANCE APPROVING AND ADOPTING THE PERMANENT APPROPRIATIONS FOR 2011 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET** as a third reading and made a motion to adopt Ordinance O-2010-28 which was seconded by Mr. Snyder. The roll call vote was taken and the motion passed by unanimous vote.

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 first reading.

Mr. Garrett read Ordinance O-2010-32 **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-2010-32 which was seconded by Mr. Snyder and carried by unanimous vote of Council.

Mr. Garrett read Resolution R-2010-50 **RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY BONDED CHEMICALS INC., OHIO EDISON, COSE / MEDICAL MUTUAL OF OHIO, MEDICAL MUTUAL, BURGESS & NIPLE**

**AND DECLARING AN EMERGENCY** and then made a motion to suspend the rules which was seconded by Mr. Snyder. The motion was carried by a 6 – 0 vote of Council. Mr. Garrett then made a motion to adopt Resolution R-2010-50 which was seconded by Mr. Snyder. 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 second reading

Mr. Garrett read Resolution R-2010-52 **A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH COMDOC TO PROVIDE FOR THE LEASE AND SERVICE OF A PHOTOCOPIER FOR USE BY THE VILLAGE AND DECLARING AN EMERGENCY** He then made a motion to suspend the rules which was seconded by Mrs. Meszaros and passed by a 6 – 0 vote of Council. Mr. Garrett then made a motion to adopt Resolution R-2010-52 which was seconded by Mr. Snyder and passed by a 6 – 0 vote of Council.

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 first reading.

Mr. Garrett read Resolution R-2010-54 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE THE FOLLOWING TRANSFER BETWEEN THE GENERAL FUND AND THE PERMANENT IMPROVEMENT FUND AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and passed by a 6 – 0 vote of Council. Mr. Garrett then made a motion to adopt Resolution R-2010-54 which was seconded by Mr. Snyder and passed unanimously by Council.

Mr. Garrett read Resolution R-2010-55 **A RESOLUTION AUTHORIZING SUPPORT TO THE PORTAGE COUNTY DISTRICT LIBRARY FOR THE BRANCH WITHIN 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 a 6 – 0 vote of Council. Mayor Donham explained that we have recognized the deplorable conditions of our present facility which houses the library and is no longer habitable nor should we ever accept it to be in that type of condition. This resolution authorizes up to \$800 per month subsidy by the Village to the Portage County District Library so that they can locate in a different location and continue to provide service to Windham through the branch location. I think that the library and the Village are pretty pleased to get this done tonight so that the board can move forward with their plans on what they are going to do with the Windham branch. Atty Reitz said the library had a chance to review it and it is a step in the right direction. Mr. Garrett then made a motion to adopt Resolution R-2010-55 which was seconded by Mr. Snyder and passed unanimously by Council.

Mr. Garrett said the copies of the Finance minutes have been distributed.

**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 second reading.

#### **Service Committees**

**Utilities by Phil Snyder** - Mr. Snyder read Ordinance O-2010-33 **AN ORDINANCE TO REVISE AND AMEND SECTION 921.01 OF THE VILLAGE OF WINDHAM UTILITY CODE TO ADJUST THE SEWER RATES FOR SEWER DISCHARGE TO THE VILLAGE AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett. The roll call vote was taken and was unanimous in favor of the suspension of rules. Mr. Snyder then made a motion to adopt Ordinance O-2010-33 which was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Mr. Snyder read Ordinance O-2010-34 **AN ORDINANCE TO REVISE AND AMEND SECTION 923.03 OF THE VILLAGE OF WINDHAM UTILITY CODE TO ADJUST WATER RATES FOR THE PURCHASE OF WATER FROM THE VILLAGE AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Meszaros and passed by a 6 – 0 vote of Council. Mr. Snyder then made a motion to adopt Ordinance O-2010-34 which was seconded by Mrs. Meszaros and carried by a 6 – 0 vote of Council. The question was asked and the Mayor clarified that this would be for the January billing which is mailed out for payment by February 15<sup>th</sup>, 2011. He then explained that as a change to the water rates, previously the way we have always billed for water and sewer, we have always had a high minimum fee for 2000 gallons. If you use less too bad, 2000 is the minimum. We have had a high minimum fee and a real small surcharge after that for each additional thousand. In my opinion it didn't promote conservation of water and was definitely unfair to the low water users. The more water you used, the better deal you got. What Council has decided to do is accept my recommendation to change that next year to a no minimum fee. Our water meters measure per thousand gallons so we will charge a flat fee per thousand. What we have done is taken a six thousand gallon rate which is the median rate for the Village. We have the same number of users below that rate as above that rate and use that as a baseline. If you use six thousand gallons, your rate would be the same and every thousand you use less than that would be reduced incrementally. So for instance if your water bill for six thousand gallons is \$120, you are paying \$20 per thousand. If you only use one thousand gallons, it would be \$20. If you use two thousand the bill would be \$40, three thousand the bill would be \$60. Those that use a lot of water are going to pay incrementally more and those that can try to reduce their bills will see a benefit for trying to do so. I think it is a step in a positive direction. It will help us in the utility department to be able to produce less water. If anybody has any questions or concerns it will be on the February billing, you can get hold of our utility department and they can give you the exact details.

**Streets and Sidewalks by Linda Rininger** - Mrs. Rininger said she had nothing at this time.

**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 said they have decided to have a Holiday Decoration contest within the Village with outside judges and award three prizes for the best decorated properties. The notice will be sent in the utility bills this month notifying everybody that we are going to do it. Hopefully it will grow each year and make the community look good for the holidays..

**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.

Mayor Donham said one thing that wasn't in the motion for police chief that I think we should entertain a motion for because we will subsequently have to come back and revise the pay scale, is we didn't state the rate of pay. So the rate of pay for the police chief is \$40,000 per year and I would like someone to make a motion to set the rate of pay. Mr. Snyder made a motion to set the rate of pay for the Police Chief at \$40,000. The Fiscal Officer said there is a pay ordinance which sets the rate. Mayor Donham said yeh, but we don't have it so we should at least recognize it in a motion and then revise it at the next time. Mrs. Meszaros seconded the motion. The roll call vote was taken and passed unanimously.

### **Guest Recognition**

Jim Moore asked for clarification about the utility rates increase. Mayor Donham explained that it is a freeze for the sewer and five percent increase for the water. He then asked Mrs. Swanson of the Library if they were looking for a place and she said they were considering options.

Sheryl Prem expressed concerns about the fracking process of gas wells. They do have safe ways using sand and water rather than chemicals. Could we have someone tell us what process they will be using. She also said the police reports haven't been updated on the website since July 2008. Also there are tons of garbage on the side of the Renaissance Center as you go up the walk there is an area where they all gather. Mayor Donham said if it is back by the playground, it is the school's property. He said he would make a note to Lieutenant Korman to look into it. Mr. Donham said there is a lot of controversy about the fracking process. It is a matter of who is doing it. If it is a bad company, they are going to do bad things. What we have done is selected the most reputable long term company around to go with. That is how we have dealt with it because you can have an environmental disaster. If you would like information, I'll get you whatever we have. We don't have any surface exploration allowed in our lease, but it does give the ability to go horizontally. It is about 8000 feet down. Atty Reitz said the lease we have countered says absolutely no drilling on Village property. Most water wells go 200 feet or so and there is a registry which tells you the depth. Also the company we are dealing with is Ohio Buckeye and they are a subsidiary of Chesapeake Energy which is the third largest in the United States. The reason it is on second reading this evening is because they have not accepted our lease at this time. Mrs. Miranda said when someone first came to us and was talking about drilling, our first concern was for the homeowners. Can you refresh my memory about that. Mr. Reitz said yes, there was a letter which you could send out to your citizens which said here are some of the things you should ask them about because it is my understanding that some unprepared citizens signed some leases several months ago where they really didn't get a very good deal and they weren't give the opportunity to have some investigation done for example some benchmark water testing in advance for a benchmark.

Mrs. Swanson said she wanted to thank the Village for a twenty-five year partnership and for all of their support. Mr. Snyder said thank you for all that you do. Mrs. Miranda asked if the library needs more from us or is this going to be all right. Mrs. Swanson said we always need more. Mr. Donham said I think this gets us going. Certainly there is going to be something somewhere down the line where we are going to be doing some stuff for the library and we don't know what that is now. Atty Reitz said the Resolution this evening shows a concrete

commitment and allows the library to go forward with their plans and then when they know what they are dealing with, they will probably come back to you..

Denise Bly asked if would be possible to have a brief summary of the police report, crime is up or crime is down. Mrs. Meszaros said it looks like our reported citations are down from October last year. Denise said is that good or bad; is it because the police aren't doing a good enough job, or... Mrs. Meszaros said it depends on what you are looking at. I'm disturbed by an increase in petty theft and I'm really disturbed by an increase in human services calls and specific juvenile complaints. I don't really see a lot of activity on drugs; whether that means we aren't hitting it like we were before. That's something our new Chief is going to have to determine. All in all the physical arrests are roughly about the same. General complaints are down a little bit. Mileage on the cruisers is about what it was last year. Denise said she was looking for a few highlights from the report.

Sheryl Prem asked about the status of the cruisers. Mrs. Rininger said we are having a little difficulty with Marshall Ford. We have approved the funding, we have sent the options through. We have everything in place on our end, and they are telling me one thing and telling Dale (Korman) another, so I'm calling the manager tomorrow and having a little conversation with him. I was hoping to have them by the end of the year, but unfortunately it may not occur until the end of January. Believe me I'm not pleased. I thought we would have it in place by now.

Mrs. Rininger asked about the letter from Virgalene Hall (Chief Dispatcher). Did we reinstate this individual? Mayor Donham said no. He said we can talk about it in executive session or in the Personnel committee meeting. Mrs. Rininger said she would like to talk about it at the Personnel Committee meeting. Mayor Donham said sure, we can do that.

There was additional discussion about the date of the Finance and Personnel Committee meetings with the date of December 7, 2010 at 6:00 PM agreed upon..

Mr. Snyder made a motion to adjourn which was seconded by Mrs. Rininger and by a 6 – 0 vote the motion was carried and Council adjourned at 8:10 P.M.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor