

Village of Windham, Ohio
Minutes of Regular Council Meeting
Held April 23, 2013

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 – absent (came in late), Phil Snyder – present

Also present were Atty. Tom Reitz, solicitor, Police Chief Gene Fixler, Denise Bly, and Mike Iwanyckyj.

The minutes of February 4, 2013 Special Council Meeting were reviewed and upon a motion by Mrs. Miranda to remove them from the table, a second by Mr. Snyder and by a 5 – 0 vote (Mrs. Prem not present) the motion passed. Mrs. Barrett moved to approve which was seconded by Mrs. Miranda and by a 5 – 0 vote (Mrs. Prem not present) the minutes were approved.

The minutes of February 4, 2013 Emergency Special Council Meeting were reviewed and upon a motion by Mrs. Miranda to remove them from the table, a second by Mr. Garrett and by a 5 – 0 vote (Mrs. Prem not present) the motion passed. Mr. Snyder then moved to approved which was seconded by Mrs. Miranda and by a 5 – 0 vote (Mrs. Prem not present) the minutes were approved.

Mrs. Prem entered the meeting at approximately 7:05 PM.

The minutes of March 26, 2013 Regular Council Meeting were reviewed and upon a motion by Mrs. Barrett and second by Mr. Snyder and by a 6 – 0 vote of Council were approved with a single correction by Mrs. Miranda within the discussion of Resolution R-2013-9 by Mayor Donham who said ... commit to five years rather than the typographical reporting of ... committee to five years.

The Fiscal Officer's Financial Reports by Lloyd Billman

The Income Tax total for March 31, 2013 year to date was \$116,617.03 with \$7,886.25 of this total for declarations of estimated tax.

The expenditures for the month of March 2013 were \$167,023.46 in checks and charges. Check numbers 28813 through 28831, 28834 through through 28914 were paid from the primary checking account during March 2013 with no checks voided during the month. Direct Deposit Vouchers 90-2013 through 106-2013, 127-2013 through 143-2013, 148-2013 through 164-2013 were also paid during the month of March 2013.

The March 2013 Bank Reconciliation all funds reconciled balance was \$1,305,003.36.

Council President's report by Phil Snyder. Mr. Snyder said he had nothing to report.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for March 2013 by Phil Snyder. Mr. Snyder made a motion to approve the report which was seconded by Mr. Garrett and carried by a 6 – 0 vote of Council.

Mayor's Communication and Correspondence Mayor Donham said that Thursday is the first publication date for the resurfacing advertisement with the award of the bids at the Council Meeting of May 28, 2013 and the beginning of construction to start the first of June. The roads included Woolf, Wilverne, Spring, School and Maple Grove.

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 March 2013 in the amount of \$167,023.46 in checks, direct deposit and charges with check numbers 28813 through 28831 and 28834 through 28914 paid from primary checking during March 2013 and no checks voided during the month. Direct Deposit Vouchers 90-2013 through 106-2013, 127-2013 through 143-2013 and 148-2013 through 164-2013 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 March 2013 in the amount of \$1,305,003.36 and the following monthly reports distributed to Council for the month ending March 31, 2013: Fund Summary, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through March 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 Resolution R-2013-11 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY BONDED CHEMICALS, COSE MEDICAL MUTUAL OF OHIO, OHIO EDISON 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-2013-11 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Resolution R-2013-4 **A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE VILLAGE OF GARRETTSVILLE FOR DISPATCH SERVICES AND DECLARING AN EMERGENCY** as a third reading. He then made a motion to remove it from the table which was seconded by Mr. Snyder and carried by unanimous vote. Atty Reitz said this is the same agreement as was before you on March 8, 2013 with the addition of the ten holidays. We attempted to go for three 1 year terms but without success. Chief Fixler said we need to insure that our computer equipment and archived files will talk to Garrettsville equipment and archived files and we are still coordinating this. Mr. Garrett made a motion to go into executive session to discussion staffing, rate of pay, etc for dispatching if the contract passes as written. Mr. Snyder seconded the motion and by unanimous vote Council entered executive session at 7:19 PM. Chief Fixler was asked to join Council in executive session from 7:26 PM until he was permitted to leave at 7:44 PM. Mr. Garrett made a motion to return from executive session which was seconded by Mr. Snyder and carried by unanimous vote at 8:01 PM. Mr. Garrett then made a motion to adopt Resolution R-2013-

4 which was seconded by Mr. Snyder and a roll call vote was taken as follows: Mr. Garrett yes, Mr. Snyder yes, Mrs. Prem yes, Mrs. Barrett no, Ms. Blewitt yes, Mrs. Miranda yes so the motion carried.

Mr. Garrett read Ordinance O-2013-9 **BEING AN ORDINANCE AUTHORIZING AND ESTABLISHING A COLLECTION SERVICE FEE FOR DELINQUENT MUNICIPAL INCOME TAXES AND DECLARING AN EMERGENCY** as a second reading.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder read Resolution R-2013-10 **A RESOLUTION AUTHORIZING THE MAYOR AND THE VILLAGE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH MEDICAL MUTUAL OF OHIO FOR MEDICAL INSURANCE FOR THE TIME PERIOD FROM APRIL 1, 2013 TO MARCH 31, 2014 AND WITH ANTHEM BLUE CROSS AND BLUE SHIELD FOR VISION AND DENTAL INSURANCE FOR THE TIME PERIOD FROM MARCH 1, 2013 TO FEBRUARY 28, 2014 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 Resolution R-2013-10 which was seconded by Mr. Garrett and carried by unanimous vote.

Mr. Snyder read Resolution R-2013-12 **A RESOLUTION AMENDING THE VILLAGE OF WINDHAM IDENTITY THEFT POLICY BY ADING A PERSONAL INFORMATION SYSTEM POLICY AND PROGRAM AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Ms. Blewitt and carried by a 6 – 0 vote of Council. Atty. Reitz briefly explained the policy. Mr. Snyder then made a motion to adopt Resolution R-2013-12 which was seconded by Mr. Garrett and carried by unanimous vote.

Mr. Snyder read Ordinance O-2013-11 **AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF WINDHAM, OHIO** as a first reading.

Mr. Snyder read Resolution R-2013-13 **A RESOLUTION WAIVING REPAYMENT OF EMPLOYEE HEALTH INSURANCE PREMIUMS BY ONE EMPLOYEE WHICH WERE INCORRECTLY DEDUCTED DURING THE PAY DATES OF JANUARY 18, 2013 THROUGH MARCH 15, 2013** and made a motion to suspend the rules which was seconded by Mr. Garrett and carried by unanimous vote. Mr. Snyder then explained that Council had done this in the past for another incident so we had established a precedent. Mr. Snyder then made a motion for the adoption of the Resolution which was seconded by Mr. Garrett and carried by unanimous vote of Council.

Mr. Snyder read Ordinance O-2013-12 **AN ORDINANCE AMENDING SECTION 155.03 SICK LEAVE OF THE WINDHAM CODIFIED ORDINANCES TO ESTABLISH THAT SICK LEAVE IS ONLY AVAILABLE TO EMPLOYEES OF THE VILLAGE OF WINDHAM THAT WORK 40 HOURS EACH WEEK** and made a motion to suspend the rules which was seconded by Ms. Blewitt and carried by unanimous vote. Mr. Snyder then made a motion to adopt O-2013-12 which was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Mr. Snyder before reading Ordinance O-2013-13 made a motion to enter executive session to discuss compensation of an employee which was seconded by Mr. Garrett and carried by unanimous vote at

Minutes of April 23, 2013 Regular Council Meeting

8:17 PM. Mr. Snyder made a motion to return from executive session which was seconded by Ms. Blewitt and carried by unanimous vote at 8:39 PM. Mr. Snyder then read Ordinance O-2013-13 **AN ORDINANCE TO ESTABLISH A REQUIREMENT THAT IF ALTERNATE MEDICAL INSURANCE IS AVAILABLE TO AN EMPLOYEE'S SPOUSE THE VILLAGE WILL NOT PROVIDE MEDICAL INSURANCE COVERAGE TO THAT SPOUSE** as a first reading.

Mr. Snyder read Resolution R-2013-14 **A RESOLUTION RETAINING THOMAS REITZ, ATTORNEY AT LAW, AS SOLICITOR FOR THE VILLAGE OF WINDHAM, OHIO, AND FIXING HIS FEES FOR THE PERIOD FROM JUNE 1, 2013 TO MAY 31, 2014 AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and when the roll call vote was taken the following occurred: Mr. Garrett yes, Mr. Snyder yes, Ms. Blewitt yes, Mrs. Barrett yes, Mrs. Miranda no, Mrs. Prem yes so the motion carried. Mr. Snyder then made a motion to adopt R-2013-14 which was seconded by Mr. Garrett and carried by unanimous vote. Mr. Garrett, Mr. Snyder and Mayor Donham all said they were pleased with our Solicitor and felt we got good value.

Utilities by Rachel Barrett Mrs. Barrett had nothing at this time. Mayor Donham said he was putting together an OPWC package for the Water Department which included a generator, dehumidifier and the EPA list of recommendations. This would be about a \$300,000 to \$400,000 project.

Service Committee by Deb Blewitt Ms. Blewitt had nothing.

Parks and Recreation by Phil Snyder Mr. Snyder spoke about a cleanup day a couple of weeks ago. There were a couple of Lions Club members who came and helped also. Mr. Donham asked if the Historical Society is still going to pay \$1000 for the dirt for the ball fields. Mr. Snyder said he would check.

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

Solicitor's Report by Atty. Tom Reitz Mr. Reitz said he had no report.

Guest Recognition

Denise Bly asked about dispatch. Mayor Donham said according to his understanding of Council no decision has formally been made. She then asked about Ordinance O-2013-13 and the spousal coverage. Mayor Donham said there was no qualifier on the quality of coverage.

Last chance by members of Council to speak upon any subject at this meeting.

Ms. Blewitt moved that the Fire Department would be allowed to use the soccer fields for the Carnival to be held by the Firemen's Association and the WVFD and Mr. Snyder seconded the motion which passed by unanimous vote.

Ms. Blewitt then said she has a resident who has complaints about someone on Horn Road who has old plows, junk cars, etc. and puts decorative landscaping blocks around them and their neighbor is fed up with it. Mayor Donham asked Mike (Iwanyckyj) to put some special attention on this.

Mrs. Prem asked about an update of the Land Bank. Mr. Donham has to get a list of some properties to the prosecutor's office that owe back taxes and then it takes from three to four months to get that handled. It would be sooner with the property owner's permission. He feels that we would be able to get it done this year if it got to the prosecutor y October. Mayor Donham has been elected to Vice Chair of the Land Bank so this helps our situation.

Mrs. Miranda asked about the status of the Community Center. Mayor Donham asked Mike to bring a report to the next Buildings and Properties Committee Meeting.

Mrs. Miranda made a motion for adjournment which was seconded by Mr. Snyder and the roll call vote was taken – Mrs. Barrett no, Ms. Blewitt yes, Mr. Garrett yes, Mrs. Miranda yes, Mrs. Prem yes, Mr. Snyder yes and so the Council stood adjourned at 9:16 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