

Village of Windham, Ohio

Minutes of Council Meeting

Held January 27, 2015

At 7:02 PM Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of allegiance to the flag of our country.

Roll Call: Rachel Barrett – present Deborah Blewitt – present
 Scott Garrett – present Sheryl Prem – present
 Linda Rininger – present Randal Slusher – present

Also present were: Trisha Fall, Tom Denvir, Scott Hearn, Cindy Cale, Bill Pennington, Dave Fall, Ryan Wagner, Tom Brett, Patty Moore, Jim Moore, Denise Bly, Brenda Slusher, Chief Eric Breiding, Heather Eskridge and Kay Friend.

Mr. Garrett made a motion to approve the minutes of the December 23, 2014 Council Meeting which was seconded by Mr. Slusher and carried by a 5 – 0 vote, with Mrs. Prem abstaining.

Mr. Garrett made a motion to approve the minutes of the January 6, 2015 Organizational Meeting, which was seconded by Mrs. Barrett and carried by a 5 – 0 vote, with Mrs. Rininger abstaining.

It was noted that on the January 13, 2015 Special Council Meeting there was an error in the minutes. Mrs. Rininger was in fact, at that meeting.

Mr. Garrett made a motion to approve the minutes of the January 13, 2015 Special Council Meeting with the correction that Mrs. Rininger was present at that meeting, which was seconded by Ms. Blewitt and carried by unanimous vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date December 31, 2014 was \$561,039.22 with \$78,233.88 of this total for declarations of estimated tax. The expenditures for the month of December 2014 were \$131,490.92 in checks and charges. Check numbers 30784 through 30875 were paid from the primary checking account during December 2014 with one check, number 30796, voided during the month. Direct Deposit Vouchers 429-2014 through 452-2014 and 457-2014 through 477-2014 were also paid during the month of December 2014. The all funds reconciled balance for December 2014 was \$1,407,805.27.

Village Council President's report by Deborah Blewitt - Ms. Blewitt said she had nothing.

Dispatchers Police, Fire Rescue Squad Report for December 2014 by Deborah Blewitt. Ms. Blewitt made a motion to accept the report and attach it into the minutes which was seconded by Mr. Garrett. Mrs. Barrett said that we should eliminate the fire and rescue because the council had not received any in the past several months. Ms. Blewitt said that she would get those copies for council. Mayor Donham said that council would just vote on approving the Police Report. This passed by a 6 – 0 vote.

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Mayor's Communication by Rob Donham. There were three police officers being recognized at tonight's meeting. Chief Breiding explained that they were going to begin giving out yearly awards to officers that go above and beyond duties and expectations. Mayor Donham and Chief Breiding presented the awards. Scott Hearn received the Meritorious Service Award. Tom Denvir received the Professional Development Award. Trisha Fall received the Officer of the Year Award. The mayor thanked the police department for their hard work in keeping our town safe.

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 December 2014 in the amount of \$131,490.92 in checks, direct deposits and charges with check numbers 30784 through 30875 paid from primary checking during December 2014 with one check, number 30796, voided during the month. Direct Deposit Vouchers 429-2014 through 452-2014 and 457-2014 through 477-2014 were also paid during the month of December 2014. Ms. Blewitt seconded the motion which carried by a 6 – 0 vote.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for December 2014 in the amount of \$1,407,805.27 and the following monthly reports distributed to Council for the month ending December 31, 2014: Fund Summary, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through December 2014: Cash Summary by Fund, Comparison of Budget and Appropriated. Mr. Slusher seconded the motion which carried by a 6 – 0 vote.

Mr. Garrett read Resolution R-2015-1 **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 COMPANY AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Slusher and carried by a 6 – 0 vote. Mr. Garrett made a motion to adopt Resolution R-2015-1 which was seconded by Mrs. Prem and carried by a 6 – 0 vote.

Mr. Garrett read Resolution R-2015-2 **A RESOLUTION AUTHORIZING DESIGN PROFESSIONAL SERVICES AGREEMENT WITH AM ARCHITECTURE, INC. RATIFYING PREVIOUS ACTIONS AND DECLARING AN EMERGENCY** (See attached letter) and made a motion to suspend the rules which was seconded by Ms. Blewitt and carried by a 6 – 0 vote. Mr. Garrett made a motion to adopt Resolution R-2015-2, which was seconded by Mr. Slusher and carried by a 4 – 2 vote, with Mrs. Barrett and Mrs. Rininger being the dissenting votes.

Mr. Garrett read Resolution R-2015-3 **A RESOLUTION AUTHORIZING THE INTERNET SALE OF UNNEEDED, OR UNFIT, OR OBSOLETE PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES AND EQUIPMENT OWNED BY THE VILLAGE OF WINDHAM** and made a motion to suspend the rules, which was seconded by Ms. Blewitt and carried by a 6 – 0 vote. Mr. Garrett made a motion to adopt Resolution R-2015-3, which was seconded by Ms. Blewitt and carried by a 6 – 0 vote.

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Mr. Garrett read Ordinance O-2015-1 **AN ORDINANCE AMENDING THE CURRENT PAY ORDINANCE TO ESTABLISH AND REVISE THE SALARIES AND WAGES OF FULL-TIME AND PART-TIME EMPLOYEES WITHIN THE VILLAGE OF WINDHAM, COUNTY OF PORTAGE AND STATE OF OHIO, REPEALING ALL PRIOR INCONSISTENT ORDINANCES 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. Mr. Garrett made a motion to adopt Ordinance O-2015-1, which was seconded by Ms. Blewitt and carried by a 5 – 1 vote, with Mrs. Barrett as the dissenting vote.

Mr. Garrett read Ordinance O-2014-32 **AN ORDINANCE TO REVISE AND AMEND SECTION 923.03 OF THE VILLAGE OF WINDHAM UTILITY CODE TO ADJUST THE RATES FOR SERVICE FROM THE MUNICIPAL WATER SYSTEM AND DECLARING IT AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mr. Slusher and carried by a 6 – 0 vote. Mr. Garrett made a motion to adopt Ordinance O-2014-32, which was seconded by Ms. Blewitt. The mayor then went on to explain that the water rates will be frozen, because the wording in the legislation was a little unclear. This motion was carried by a 6 – 0 vote.

Safety, Personnel, Rules (SPR) by Deborah Blewitt

Ms. Blewitt read Ordinance O-2015-3 **AN ORDINANCE AMENDING SECTION 121.01 RULES FOR GOVERNANCE AND BUSINESS AND CONDUCT OF COUNCIL** (See Exhibit A). This was done as a first read.

Utilities by Rachel Barrett

Mr. Garrett read Ordinance O-2015-2 **AN ORDINANCE AMENDING SECTION 927.04 PAYMENT AND COLLECTION REQUIREMENTS** (See Exhibits A and B). This was a first read. Mayor Donham went on to explain that Solicitor Reitz and himself went over this together and found that the penalties and interest we are charging is a fifteen percent APR. The mayor changed the penalty to five dollars from the current ordinance. The penalty would no longer be compounding. The turn on and turn off fee will now be at the discretion of the Village Administrator.

Service Committee by Randall Slusher—Mr. Slusher had nothing at this time.

Economic Development by Sheryl Prem – Mrs. Prem had nothing at this time.

Parks and Recreation by Randall Slusher

Mr. Slusher read Resolution R-2014-33 **A RESOLUTION SUBMITTING THE QUESTION OF AN ADDITIONAL TAX LEVY FOR PARKS AND RECREATIONAL PURPOSES PURSUANT TO SECTION 5705.19(H) OF THE REVISED CODE**. Mr. Reitz explained that we needed to pass this tonight in order to get it on the ballot for May. Ms. Blewitt made a motion to suspend the rules, which was seconded by Mr. Slusher and carried by a 6 – 0 vote. Mr. Slusher made a motion to adopt Resolution R-2014-33, which was seconded by Ms. Blewitt and carried by a 6 – 0 vote.

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Planning and Zoning by Deborah Blewitt—Ms. Blewitt had nothing at this time.

Solicitor's Report by Tom Reitz—Mr. Reitz had nothing at this time.

Ms. Blewitt said she had one change to the February calendar, which was February 11, 2015. The committee meetings needed to be changed to Wednesday, February 11, 2015 because Ms. Blewitt and Cheree Taylor had prior commitments. Council was okay with this change.

Guest Recognition – Denise Bly wanted an elaboration on 10.1. Tom Reitz explained that the Ohio Revised Code set forth a procedure for passing resolutions and ordinances. You have to have a majority of the full body of council, regardless of how many council members are in attendance. There is a different procedure is the action by council is taken by a motion, not a resolution or ordinance. If it is a motion, then it will pass by a majority of the council members that are present at the meeting. This ordinance (O-2015-3) would make Windham's code in agreement with the Ohio Revised Code. Denise Bly also wanted to know what the levy amount for Resolution R-2014-33 would be. Mayor Donham replied that it is 1.4 mills and it will generate \$25,000 a year.

Mrs. Barrett made a motion to adjourn the meeting which was seconded by Mr. Slusher and by unanimous vote the meeting was adjourned at 7:36 PM.

Respectfully submitted,

Attest,

Cheree M. Taylor, 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.