

Village of Windham, Ohio
Minutes of the Council Meeting

Held May 27, 2009

At 7:07 PM, the 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, Scott Garrett – absent arrived at 9:15 PM,
 Kelly Meszaros – present, Linda Rininger – present,
 Randy Slusher – present, Phil Snyder – present

Also present, Village Solicitor Tom Reitz, Village Administrator Maurice Hankins, C. James Moore, Bruce Rininger, Nancy Packard

The minutes of the April 28, 2009 Regular Council Meeting were reviewed and Mrs. Barrett moved to accept the minutes and Mr. Snyder seconded the motion. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Village Fiscal Officer reports, Lloyd Billman The Village Fiscal Officer gave the Income Tax Revenue for April 2009 year to date as \$237,505.39 and stated that of this total, \$14,561.95 is due to estimated payments from declarations.

The Fiscal Officer gave expenditures for the month of April 2009 in the amount of \$173,307.46 in checks, charges, etc. Check numbers 22234 through 22388 were paid from the Primary Checking Account during April. Checks # 22319 and 22385 were voided during April 2009.

The Fiscal Officer stated that the April 2009 Bank Reconciliation with an all funds reconciled balance was \$788,178.04

The preliminary copy of the 2008 Audit report is available in the Fiscal Officer's Office for Mayor and Council to review. The post audit will be held June 1, 2009 at 1:00 P.M.

Village Council President, Phil Snyder Mr. Snyder said he would like to congratulate everyone on passing the Fire Levy.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for April 2009 by Phil Snyder. Phil gave the monthly reports relating to both Police and Fire Departments.

Mayor's Communication and Correspondence

Mayor Donham said the Health Levy failed and the commissioners have taken money from our general fund to pay for it. He plans to attend a meeting of the Portage County Commissioners to express our disapproval.

The Commissioners were sent a letter at the beginning of the month stating that the Water and Sewer Department are for sale.

Prior requests of guests to speak: None.

Finance Committee Report by Scott Garrett. Mr. Snyder acted in the absence of Scott Garrett for this section. Mrs. Meszaros made a motion to approve the Fiscal Officers expenditures for the month of April 2009 of \$173,307.46 in checks, charges, etc. Check numbers 22234 through 22388 were paid from the Primary Checking Account during April. Checks # 22319 and 22385 were voided during April 2009. The motion was seconded by Mr. Slusher. Vote of Council: Yeas: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Slusher then made a motion to approve the April 2009 Bank Reconciliation with an all funds reconciled balance of \$788,178.04 and the following monthly reports for the month ending April 30, 2009: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund, also for the following Year to Date Reports through April 30, 2009: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mr. Snyder. Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried

Mr. Snyder then gave the second reading of Ordinance O-2009-11 AN ORDINANCE REVISING SECTION 181.10 OF THE WINDHAM CODIFIED ORDINANCES WITH RESPECT TO THE TIME FOR PAYMENT OF ESTIMATED TAXES TO THE VILLAGE OF WINDHAM.

Mr. Snyder gave the third reading of Ordinance O-2009-8 AN ORDINANCE ESTABLISHING THE RATE OF PAY FOR THE COUNCIL OF THE VILLAGE OF WINDHAM and made a motion to adopt the Ordinance. After some discussion and failing to receive a second Mr. Snyder then made a motion to table the Ordinance at this time. The motion was seconded by Mr. Slusher. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder read Ordinance O-2009-13 AN ORDINANCE CREATING AND ADOPTING ADDITIONS TO SECTION 181.07 WITH THE VILLAGE OF WINDHAM INCOME TAX CODE TO REQUIRE THE REGISTRATION OF CONTRACTORS AND SUBCONTRACTORS WITH THE INCOME TAX OFFICE and made a motion to suspend the rules. The motion was seconded by Mr. Slusher. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried. Mr. Snyder then made a motion to adopt Ordinance O-2009-13 which was seconded by Mrs. Meszaros. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried. The Ordinance will take effect in 30 days.

Mr. Snyder read Resolution R-2009-16 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE THE FOLLOWING TRANSFER FROM THE WATER OPERATING FUND TO THE DEBT SERVICE FUND TO MEET THE MAY 2009 DEBT SERVICE REQUIREMENTS AND DECLARING AN EMERGENCY and made a motion to suspend the rules. The motion was seconded by Mrs. Meszaros. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder then made a motion to adopt Resolution R-2009-16 which was seconded by Mrs. Meszaros. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to enter into a collective billing arrangement wherein a single check can be used to pay for all thirteen accounts with Ohio Edison each month. The motion was

seconded by Mrs. Rininger. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to pay two employees the amount which they were underpaid during 2008 because of license fees not being included in overtime wages. The amounts are \$266.00 for the first employee and \$18.46 for the second employee. The motion was seconded by Mrs. Rininger. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to pay one employee the amount which he was underpaid during 2008 because of license fees not being included in overtime wages. The amount for this employee is \$99.24. Mrs. Meszaros seconded the motion. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mr. Slusher. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mr. Snyder made a motion to allow Mayor Donham to purchase the \$50.00 BP Gift Card from the Village at face value (\$50.00) so that the money can be deposited into our general fund. Mr. Slusher seconded the motion. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried. The gift card was a reward for purchasing the Fellowes Shredder for the Administration Office.

Mr. Snyder made a motion to accept the donation of 8 cubic yards of double ground mulch from Doll Lumber Company. The motion was seconded by Mrs. Meszaros. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Safety / Personnel / Rules Committee by Phil Snyder.

Mr. Snyder gave the Second Reading of Ordinance O-2009-10 AN ORDINANCE REVISING SECTION 121.01(i) ENTITLED Reading of Legislation OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM.

Mr. Snyder made a motion to suspend the rules on Ordinance O-2009-14 AN ORDINANCE AUTHORIZING THE MAYOR AND THE VILLAGE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH THOMAS REITZ AUTHORIZING HIM TO SERVE AS VILLAGE SOLICITOR FOR THE VILLAGE OF WINDHAM COMMENCING ON JUNE 1, 2009, SETTING THE TERMS OF HIS COMPENSATION AND DECLARING AN EMERGENCY. The motion was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mr. Slusher. Nays: Mrs. Meszaros, Mrs. Rininger. Motion defeated.

A motion to enter into executive session to discuss personnel issues in hiring of a solicitor and invite Tom Reitz was made by Mr. Snyder and seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried and Council left to go into executive session at 7:40 PM.

A motion to return to regular session was made by Mr. Snyder and seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried and Council resumed regular session at 8:26 PM.

Mr. Snyder made a motion to suspend the rules on Ordinance O-2009-14 AN ORDINANCE AUTHORIZING THE MAYOR AND THE VILLAGE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH THOMAS REITZ AUTHORIZING HIM TO SERVE AS VILLAGE SOLICITOR FOR THE VILLAGE OF WINDHAM COMMENCING ON JUNE 1, 2009, SETTING THE TERMS OF HIS COMPENSATION AND DECLARING AN

EMERGENCY. The motion was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Motion carried.

Mr. Snyder then made a motion to adopt Ordinance O-2009-14 which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mr. Slusher. Nays: Mrs. Rininger. Motion carried. Mrs. Barrett stated that her affirmative vote carried the stipulation that the solicitor bills should be made available to the Safety Committee monthly.

Mr. Snyder made a motion to suspend the rules on Ordinance O-2009-15 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 which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder then made a motion to adopt Ordinance O-2009-15 which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to suspend the rules on Ordinance O-2009-16 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 which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder then made a motion to adopt Ordinance O-2009-16 which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to suspend the rules on Resolution R-2009-14 A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF WINDHAM AND THE WINDHAM EXEMPTED VILLAGE SCHOOL DISTRICT TO PROVIDE FOR A SCHOOL RESOURCE OFFICER, AUTHORIZING ACCEPTANCE OF PAYMENT FROM THE WINDHAM EXEMPTED VILLAGE SCHOOL DISTRICT AND DECLARING AN EMERGENCY. The motion was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder then made a motion to adopt Resolution R-2009-14 which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to suspend the rules on Ordinance O-2009-17 AN ORDINANCE AUTHORIZING THE SALE OF A 2000 FORD CROWN VICTORIA OWNED BY THE VILLAGE AND NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE. The motion was seconded by Mr. Slusher. Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to adopt Ordinance O-2009-17 which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger,

Mr. Slusher. Nays: None. Motion carried with the provision that the tires be exchanged for unusable tires before the vehicle is advertised for sale.

Mr. Snyder made a motion to suspend the rules on Resolution R-2009-17 A RESOLUTION APPOINTING ERIC BREIDING AS FULL-TIME SERGEANT FOR THE VILLAGE OF WINDHAM EFFECTIVE JUNE 1, 2009 AT THE RATE AS SET FORTH IN THE PAY ORDINANCE AND DECLARING AN EMERGENCY. The motion was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to adopt Resolution R-2009-17 which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to suspend the rules on Resolution R-2009-18 A RESOLUTION APPROVING THE HIRING OF CHRISTINA RIGGS AS PART-TIME POLICE DISPATCHER FOR THE VILLAGE OF WINDHAM AT A RATE AS SET FORTH IN THE VILLAGE PAY ORDINANCE EFFECTIVE JUNE 1, 2009 AND DECLARING AN EMERGENCY. The motion was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder then made a motion to adopt Resolution R-2009-18 which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mr. Slusher. Nays: Mrs. Rininger. Motion carried.

Service Committees: (Utilities, Street & Sidewalks, Housing Code, Buildings & Properties)

Utilities

Utilities report by Randy Slusher. Mr. Slusher asked Mr. Hankins to report on the Badger Meters which are required to be purchased by the Water Department. Mr. Hankins said the Badger Meters are necessary to monitor the hardness of the water at the water plant. They are \$4,236 total cost. Mr. Slusher made a motion to purchase the Meters at a cost not to exceed \$4,500 which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Streets and Sidewalks by Randy Slusher. Mr. Slusher said he wanted to acknowledge those who donated for the flags in the Village. He read a list of those who contributed as follows: Windham Bible Church, Church of the Nazarene, Windham Sparkle Market, Cortland Bank, Stoney's Pizza, Windham Hardware, American Legion (two flags), Windham Dirt Daubers (two flags), Windham Lions Club (four flags), Kraftmaid, Randy and Brenda Slusher, Tom and Joan M. Reitz, Mr. and Mrs. Gary Mizner, Loray Enterprises, Lloyd and Andee Billman, Maurice and Susan Hankins, Royal and Sandra Barnes, George Bengston, Butch and Terrie Altieri, Robert and Deann Donham, Ed and Sandra Perdian.

Mr. Slusher read Ordinance O-2009-18 AN ORDINANCE AMENDING THE GENERAL OFFENSES CODE OF THE VILLAGE OF WINDHAM BY CHANGING THE RESTRICTION ON THE HEIGHT OF NOXIOUS, POISONOUS AND HARMFUL WEED OR VINES. Mr. Snyder made a motion to suspend the rules on the same which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Mr. Snyder made a motion to adopt Ordinance O-2009-18 which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Mr. Slusher made a motion to permit the library to allow chalk art on village sidewalks around Windham Library on June 9, 2009 which was seconded by Mrs. Meszaros. Ayes: Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Housing Rental License Code by Randy Slusher. No report.

Village Buildings and Properties by Randy Slusher. No report.

Planning and Zoning Commission by Randy Slusher No report..

Parks and Recreations by Phil Snyder. No report.

Economic Development and Long Range Planning by Phil Snyder – No report.

Solicitor's Report. Attorney Thomas Reitz said he had nothing except to thank council for their approval allowing Chad to attend Utility and Planning and Zoning meetings and for passing the ordinance to hire him as the Windham Village Solicitor.

Mr. Snyder made a motion to allow Chad Murdoch to attend meetings when legal representation is necessary and Tom Reitz is not available. Mr. Slusher seconded the motion. Vote of Council: Ayes: Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros. Nays: Mrs. Rininger. Motion carried.

Guest Recognition. None.

Mr. Snyder then made a motion to enter into executive session which was seconded by Mr. Slusher in order to discuss an update upon the lawsuit against the Windham Township Trustees. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried and Council left to go into executive session at 9:08 PM.

Mr. Snyder moved to return from executive session which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder, Mr. Garrett. Nays: None. Motion carried and Council returned to regular session at 9:47 PM.

Mr. Snyder made a motion to adjourn which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried and Council was adjourned at 9:48 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor