

# *Village of Windham, Ohio*

## Minutes of the Special Council Meeting Regular Council Meeting held at different than usual date

Held April 28, 2010

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 – present,  
                      Kelly Meszaros – present,                Jena Miranda – present,  
                      Linda Rininger – present,                    Phil Snyder – present

Also present, Village Solicitor Tom Reitz, Bruce Rininger, C. James Moore, Denise Bly, Tom Brett, Maurice Hankins, Mike Iwanyckyj Village Administrator, Terri Gunnoe Utilities Clerk, Pat Schaefer, Joyce Crozier, Rella Hoskin

Mayor Donham said before we move on to the minutes of the meeting the first thing I want to do is recognize Maurice Hankins the current Village Administrator who is retiring this week and trying to sneak out. I noticed he moved from the front of the room to the back. I've got to say with all honesty, I can't say I worked with anyone in any position anywhere be it in school, going to college, worked at a consulting firm I haven't known a better individual than Maurice. I don't know anyone who has a bigger heart, who has worked harder for the Village and I certainly know we would be in much worse shape than we are today if it wasn't for the leadership and commitment from Maurice Hankins so I wanted to give Maurice a round of applause and I would like to invite Maurice up and give him a proclamation. Maurice said, "I almost stayed home". Mrs. Meszaros said, Maurice, you're all red

Mayor Donham read the following proclamation:

**WHEREAS**, Maurice Hankins was born in Soddy-Daisy, Tennessee on February 16, 1947, and to Ohio with his family in 1959; and

**WHEREAS**, he attended Windham schools and graduated in 1965 and joined the US Army in 1966 and was stationed in Germany until 1968; and

**WHEREAS**, he married Susan Flitcraft, a Windham resident, in 1966 and had one daughter Maurina; and

**WHEREAS**, in 1969, joined the Windham Volunteer Fire Department and maintained the office of Assistant Fire Chief for several years; and

**WHEREAS**, from 1981 to 1984 was on the Board of Public Affairs and was Chairman of the Board of Public Affairs from 1982-1984; and

**WHEREAS**, member of Hot Stove League in 1984 and on the Planning and Zoning Committee in 1984; and

**WHEREAS**, became Mayor of the Village of Windham from 1985-1989, worked at Packard Electric for 42 years, retired in 2007; and

**WHEREAS**, was hired as Street Superintendent for the Village in 2007 and Village Administrator in 2006; and

**WHEREAS**, responsible for the renovation and moving of Village Offices and renovation of Council Chambers; and

**NOW THEREFORE, IT IS PROCLAIMED**, that the Village of Windham Council and Mayor hereby recognize Maurice Hankins. Maurice has been a Windham icon for 51 years and will be sorely missed by his fellow workers, staff, Mayor and all Members of Council.

**SIGNED BY THE MAYOR, OF THE VILLAGE OF WINDHAM, THIS 28TH DAY OF APRIL 2010.**

Robert W. Donham II  
Mayor, Village of Windham

After reading the Proclamation, Maurice received a standing ovation and Mrs. Rininger said, Hey Maurice, you're still red. Mayor Donham said we will certainly miss you Maurice.

**The minutes of March 23, 2010 were reviewed** Mrs. Barrett made a motion to approve which was seconded by Mrs. Miranda. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Miranda, Mrs. Rininger, Mr. Snyder. Nays: None. Motion carried.

**Village Fiscal Officer's Financial Report by Lloyd Billman**

The Income Tax total for March year end was \$136,047.07 of which \$6,329.24 is declarations for estimated tax.

The expenditures for the month of March 2010 in checks, charges, etc were \$188,831.66 with check numbers 24042 through 24236 being paid from the Primary Checking Account during the month. Check numbers 24045, 24053, 24064, 24065, 24071, 24074 and 24078 were voided during March 2010.

The March 2010 Bank Reconciliation all funds reconciled balance was \$681,569.62.

State Auditor Ed Rance has started his 2009 Audit and we will need to approve \$10,000 as a then and now purchase order during May 2010 meeting.

**Village Council President's Report by Rachel Barrett**

Mrs. Barrett said the only thing she had was we need to change the Finance, and Safety Personnel & Rules Committee meetings from May 4<sup>th</sup> to May 3<sup>rd</sup> 2010 due to the Primary Election. After considerable discussion, it was agreed to move Planning and Zoning to the first Wednesday of the month (May 5) at 6:00 PM followed by the service committee meetings at 6:30 PM. The Finance and Safety Personnel & Rules Committee meetings will be held the second Wednesday of the month (May 12) beginning at 6:30PM and the Council Meeting will be held on the fourth Wednesday of the month (May 26) at 7:00PM. This will continue during the summer months due to Hot Stove, Little League, etc.

**Dispatchers, Police, Fire and Rescue Squad (EMS) reports for March 2010 by Mrs. Meszaros.**

Mrs. Meszaros read the reports for March 2010.

**Mayor's Communication and Correspondence**

Mayor Donham said there are a couple of small items I just want to make everybody aware obviously we will have a busy construction season in the Village this year and we are all pretty excited about that. We are looking at July for the demolition of 21 apartment buildings and we should be able to have our advertisements done for the North Main Street paving project so we can award that in July also. Mrs. Meszaros questioned the number of buildings and Mayor Donham said we got Jason's and the IBP should be 21 buildings. It is still tentative, if everything falls right we might be able to add six more buildings onto that. We have verbal permission from the owners, and it is still the same lender; if Stacy can work out those arrangements and the County Commissioners come through with the CDBG funding, we may be able to get them under the same bid. If not, then perhaps the first quarter next year. Our staff will be real busy, so we will have to bear with them on some of the complaints and those things but we are going to have inspect a lot of these projects and get all these bids out ourselves. A lot of good things happening and I want to make everybody aware of those. Just be patient because we will be pretty busy this summer.

Jim Moore asked about the Arsenal receiving water and sewer services from the Village.

Mayor Donham said that is still a work in progress. If everything goes well we could break ground on that in ninety days but there are still a lot of big details we have to hammer out that we are not eye to eye with the county. As soon as we get those things ironed out we will discuss those with the Council tonight. The Arsenal project is ready to go, the plan design is ready, there is just some upgrades and things that need to be discussed between the County and the Village and make sure everything is covered on that. But that is also ready to go. Between those three if everything goes off at once we will see a lot of major improvements; we will continue to add to the infrastructure. That's all I had for the updates. I didn't have any prior requests to speak, but we do have an executive session, and if Council has no objections I will allow anyone to speak for three minutes.

Pat Schaeffer inquired if the Mayor received her request, and he said that he had sent letters out to all of the addresses we have for the landlord.

She then asked about the painting of the roads. The Mayor said we have to hire that done and it probably won't be this year. He said he will be bringing to Council a lighting and street project next year. We can get rid of the mercury vapor lights which don't put out a lot of light and replace them with leds and do some painting marking for the cross walks.

She asked if there was going to be an apartment complex on Maple Grove.

Mayor Donham said that is a rumor at this time. We have discussed with NDS the redevelopment of Brook Court, but there is nothing definite at this time.

**Finance by Scott Garrett**

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of March 2010 of \$188,831.66 in checks, charges, etc with check numbers 24042 through 24236 being paid from the Primary Checking Account during March 2010. Check numbers 24045, 24053, 24064, 24071, 24074 and 24078 were voided during March 2010. The motion was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None. Motion carried.

Mr. Garrett made a motion to approve the March 2010 Bank Reconciliation with an all funds reconciled balance of \$681,569.62 and the following monthly reports for the month ending March 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 March 31, 2010: Cash Summary by Fund, Comparison of Budget versus Actual receipts, Comparison of Disbursements and Encumbrances which was seconded by Mrs. Barrett. Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None. Motion carried.

Mr. Garrett read Resolution R-2010-17 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE THE FOLLOWING THEN AND NOW PURCHASE ORDERS AS LISTED BELOW**

after which he made a motion to suspend the rules which was seconded by Mr. Snyder. Mrs. Rininger asked the Solicitor if she should abstain on the suspending the rules since this involves the Joint Fire District. Solicitor Reitz said she should. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mr. Garrett then made a motion to adopt Resolution R-2010-17 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mr. Garrett read Ordinance O-2010-3 **AN ORDINANCE REVISING SECTION 181.07 WITH THE VILLAGE OF WINDHAM INCOME TAX CODE WITH RESPECT TO THE REQUIREMENTS OF REGISTRATION OF CONTRACTORS AND SUBCONTRACTORS WITH THE INCOME TAX OFFICE**

which was the third reading and made a motion to remove the Ordinance from the table. The motion was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Miranda, Mr. Snyder. Nays: Mrs. Meszaros. Motion carried.

Mr. Garrett then made a motion to adopt Ordinance O-2010-3 which was seconded by Mr. Snyder. Mrs. Miranda said she thought we were going to change some things but it didn't come back as changed. Mayor Donham said I believe on this one and anyone feel free to correct me if I'm wrong, I think we tabled this one because Rachel had a question and wanted to put a dollar limit in, but I think she cleared it up with Lori and has didn't have that objection any more so she removed her request to change it. Mrs. Meszaros said I just think that us shutting down work for somebody because they haven't filed or they haven't paid is ridiculous. If we are going to go after people for non-filing and non-paying it should be through other means rather than cutting off their source of income. How do we expect them to get the money to pay is if we stop the projects from going forward? Mayor Donham said it only takes a couple minutes, it's a form, it's a one page. Mrs. Meszaros said no it says in here if they haven't paid, if they are delinquent I just think that is way too much. We aren't going to be able to get anyone to come to this Village to do anything if we keep slapping more and more restrictions on workers. Mr. Snyder said if people come into the Village and work and have gainful employment, they should pay income tax to the Village. Mrs. Meszaros said absolutely, I'm not disputing that fact. What I'm disputing is we are trying to shut down jobs where people with income that could possible pay us because they owe us money. It's a bad economy, there are a lot of self employed contractors out there who are having a really hard time paying all of their bills and sometimes you have to make payment plans. But to shut down a job because they owe us money is a bit too restrictive. Mayor Donham asked the cost of registering with the Village. It is a nominal fee, isn't it? Atty. Reitz said there is no fee. He said if there is a delinquency from another matter, it allows the Village Administrator to stop the work. This is not a new change, he explained that the changes were noted in italics. So the ability to stop the job is only in the event the contractor is delinquent in either filing or paying. Mrs. Rininger said it states that the registration shall be required before any permit is issued, so it does restrict that if they are delinquent on anything that they cannot go forward with their contract. Atty. Reitz said if they are delinquent and they didn't register then yes they can be stopped. If they are not

skirting their obligations, if they have gone to the Tax Department and registered, if they have made arrangements to pay if they aren't in a position to pay in full, they can go forward with the job. Mrs. Meszaros said it specifically states that the Village of Windham Income Tax Department shall also have the authority to stop any project where the contractor or contractors are registered but one or more is delinquent in filing Village Income Tax or paying Village Income Tax to the Village of Windham. Mayor Donham said no matter what happens here tonight that authority is already granted, that is already part of the Ordinance. Mrs. Meszaros said that is extremely restrictive. Mayor Donham said that is the law of the land right now, that's not what we are voting on, what we are voting on is giving the Administrator, the Water Superintendent, members of council. Mr. Snyder said, I have to pay taxes, you have to pay taxes. Mrs. Meszaros said, yes but they aren't stopping you from working if your taxes aren't paid. Mr. Garrett said I think what we are looking at is if someone comes in and makes Lori aware of it on day one, we don't bring them to court as long as they are paying. Mrs. Meszaros said the way it reads to me she has the authority to shut down a job if somebody's taxes are in arrears. Mr. Garrett said she has the authority, but it doesn't mean that she will use it. Mrs. Meszaros said wouldn't this be like the IRS saying if your taxes aren't 100% paid you can't go to work? Mrs. Miranda said right and if we have debt that is past due they are not going to shut us down. Mayor Donham said we have promissory notes for people who owe taxes and we work with dozens and dozens of contractors and we have hired contractors who owe us taxes and are on promissory notes to do the work for us. Mrs. Meszaros said I would just like to see language in there that says something to that effect where it's not just a cut and dried she is going to shut you down if you owe taxes. Mayor Donham said that is already in the language, it is part of the code as it's written. If we want to talk about that at the next committee meeting or bring some additional legislation so there is more leniency in there, change some mays or put something else in there. He said it doesn't do us any good to stop projects, we want to keep money coming in as long as people aren't getting further and further behind. Mr. Snyder said from what I understand what this is intended to do is to stop people who have come into town in the past and worked jobs and not registered and not paid taxes and if we catch them on another job doing exactly the same thing cause they owe us these back taxes we can shut them down till they follow the rules. Mrs. Rininger said that is already in place, according to what I'm hearing tonight that is already in place and if that isn't being enforced now, that's our error. This being addressed tonight isn't the fact that we haven't enforced it in the past, that's our situation. What is being brought up now is the thing with the registration shall be required and that she can just stop the work if they are working for someone else. Mrs. Meszaros said I understand now that this is already in place, but I would like to see us address some changes at a later date. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mr. Snyder. Nays: Mrs. Rininger, Mrs. Meszaros, Mrs. Miranda. Tie vote and Mayor Donham voted Yea to break the tie. Motion carried.

Mr. Garrett read Ordinance O-2010-11 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS 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. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mr. Garrett then made a motion to adopt Ordinance O-2010-11 which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Miranda, Mr. Snyder. Nays: None. Abstain: Mrs. Rininger. Motion carried.

### **Safety / Personnel / Rules by Kelly Meszaros**

Mrs. Meszaros read Resolution R-2010-15 **A RESOLUTION AUTHORIZING A FIRE PROTECTION, AMBULANCE AND EMERGENCY MEDICAL SERVICE**

**AGREEMENT BETWEEN THE VILLAGE OF WINDHAM AND WVFD JOINT FIRE DISTRICT AND DECLARING AN EMERGENCY** and made a motion to remove it from the table which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mrs. Meszaros then made a motion to suspend the rules which was seconded by Mrs. Miranda. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mrs. Meszaros made a motion to adopt Resolution R-2010-15 which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Abstain: Mrs. Rininger. Motion carried.

Mrs. Meszaros made a motion to accept the donation of \$83.00 to the Windham Police Department from Barb Edder which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried and Mrs. Meszaros said thank you very much to Mrs. Edder for her donation.

Mrs. Meszaros made a motion to accept the donation of \$100.00 to the Windham Police Department from the Ravenna American Legion Post # 331 for bicycle patrol units which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried and Mrs. Meszaros said thank you very much to the Legion for their donation. Mrs. Barrett asked if this was for repairing what we have, or do we still have them. Mrs. Meszaros said I assume we still have the bicycles, but she didn't know if we had an officer assigned to do bike patrol. Mr. Garrett said he believes that we have the bicycles and those trex bikes run about \$1200 each. Mrs. Meszaros said that is for tire repair, etc.

#### **Service Committees**

**Utilities by Phil Snyder** - Mr. Snyder made a motion to enter into executive session to discuss the sale of property and invited in the Fiscal Officer. Mr. Garrett seconded the motion. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Miranda, Mrs. Rininger, Mr. Snyder. Nays: None. Motion carried and council entered into executive session at 7:54 PM

Mrs. Rininger made a motion to return from executive session which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Miranda, Mrs. Rininger, Mr. Snyder. Nays: None. Motion carried and council returned from executive session at 8:28 PM

**Streets and Sidewalks by Linda Rininger** - Mrs. Rininger made a motion to approve Burgess & Niple put the specs together for the North Main Street Resurfacing project which was seconded by Mrs. Miranda. Vote of Council: Ayes: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Miranda. Nays: None. Motion carried.

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

#### **Village Buildings and Properties by Phil Snyder**

Mr. Snyder read Ordinance O-2010-9 **AN ORDINANCE AMENDING SECTION 1341.08(b) OF THE WINDHAM CODIFIED ORDINANCES TO REMOVE THE REQUIREMENT THAT ALL RENTAL UNITS WITHIN A DESIGNATED STRUCTURE MUST MEET THE MINIMUM REQUIREMENTS OF THE WINDHAM BUILDING CODE PRIOR TO OBTAINING A HOUSING LICENSE AND DECLARING AN EMERGENCY** which was

seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Miranda, Mr. Garrett, Mrs. Rininger. Nays: None. Abstain: Mrs. Meszaros. Motion carried.

Mr. Snyder then made a motion to remove Ordinance O-2010-9 from the agenda which was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Miranda, Mr. Garrett, Mrs. Rininger. Nays: None. Abstain: Mrs. Meszaros. Motion carried.

#### **Parks and Recreation by Phil Snyder**

Mr. Snyder said we didn't have a Parks and Recreation meeting and are having a very difficult time getting the School Board members to attend. This has been the case for the last year and the Ohio Revised Code requires the School Board members to attend.

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

Mrs. Meszaros asked about the Hot Stove usage of a Village Building. The building is in serious disrepair and is suppose to be maintained by the Hot Stove. This is used to store their equipment.

#### **Planning and Zoning Commission by Phil Snyder**

Mr. Snyder said on the recommendation of the planning and zoning commission he made a motion to approve the applications for agricultural use for the properties at 9276 N. Main Street, 10666 E. Center Street and 9400 Edgewood Drive. The motion was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Snyder, Mrs. Barrett, Mrs. Miranda, Mr. Garrett, Mrs. Meszaros. Nays: Mrs. Rininger. Motion carried.

#### **Tax Incentive Review Committee by Linda Rininger**

Mrs. Rininger made a motion to approve the Enterprise Zone agreement with RHI America Refractories which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

#### **Solicitor's Report by Tom Reitz**

Mr. Reitz had nothing at this time.

#### **Guest Recognition**

Mr. Hankins said he would like to thank the Council for the proclamation and he said he appreciated it very much.

He also wanted to say that Council needed to approve scrapping out of 4 or 5 fire hydrants, clamps, etc which were 99% attributable to the Water Department.

The cost is approximately \$200 to \$400 and is no longer needed for any municipal purpose.

Mr. Snyder made a motion to approve which was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda. Nays: None. Motion carried.

Mrs. Meszaros wanted to state to Chief Perdian to convey to his officers a job well done on the drug arrests.

Mrs. Barrett encouraged everyone to get out and vote Tuesday and support our Joint Fire District Tax Levy.

Mrs. Barrett made a motion to adjourn which was seconded by Mrs. Rininger. Vote of Council:  
Ayes: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Snyder, Mrs. Miranda.  
Nays: None. Motion carried and Council was adjourned at 8:40 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor