

Village of Windham, Ohio

Minutes of Regular Council Meeting

Held June 25, 2013

A public hearing was called to order at 6:50 PM by Mayor Donham for purposes of discussion of the 2014 budget with Mrs. Barrett, Ms. Blewitt, Mr. Garrett, Mrs. Miranda and Mr. Snyder in attendance. There were no questions and no discussion about the 2014 budget.

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, Phil Snyder – present

Mayor Donham said Mrs. Prem had called him and said she would be out of town and not able to attend the meeting tonight. He excused her from the meeting.

Also present were Atty. Tom Reitz, solicitor, Police Chief Gene Fixler, Mike Iwanyckyj, Virgalene Hall, Jodi Woolf, Trisha Peterson, Julie Kelley, Cindy Cale, Stacy Wilmington, Mary Geraci, Jim Moore, Meghann Price, Kim Hearn, and Fred Brock.

Mr. Snyder made a motion to amend the minutes by adding some additional wording on the hiring of the Operator in Training and the addition of Resolution R-2013-22. The motion was seconded by Mr. Garrett and passed by a 5 – 0 vote.

The minutes of May 28, 2013 Council Meeting were reviewed and upon a motion by Mrs. Barrett and a second by Mr. Garrett and by a 5 – 0 vote the motion passed.

The Fiscal Officer's Financial Reports by Lloyd Billman

The Income Tax total for May 31, 2013 year to date was \$271,224.31 with \$22,775.77 of this total for declarations of estimated tax.

The expenditures for the month of May 2013 were \$134,623.27 in checks and charges. Check numbers 29018 through 29110 were paid from the primary checking account during May 2013 with check numbers 29093, 29104 and 29109 voided during the month. Direct Deposit Vouchers 209-2013 through 228-2013 and 231-2013 through 247-2013 were also paid during the month of May 2013.

The May 2013 Bank Reconciliation all funds reconciled balance was \$1,388,042.19.

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

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for May 2013 by Phil Snyder. Mr. Snyder made a motion to approve the report which was seconded by Mr. Garrett and carried by a 5 – 0 vote of Council.

Minutes of June 25, 2013 Regular Council Meeting

Mayor's Communication and Correspondence Mayor Donham said he would save his comments for the rest of the meeting.

Prior requests of guests to speak. There were no prior requests.

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of May 2013 in the amount of \$134,623.27 in checks, direct deposit and charges with check numbers 29018 through 29110 paid from primary checking during May 2013 and check numbers 29093, 29104 and 29109 voided during the month. Direct Deposit Vouchers 209-2013 through 228-2013 and 231-2013 through 247-2013 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 May 2013 in the amount of \$1,388,042.19 and the following monthly reports distributed to Council for the month ending May 31, 2013: Fund Summary, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through May 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 Ordinance O-2013-19 **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 and carried by unanimous vote. Mr. Garrett then made a motion to adopt Ordinance O-2013-19 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Resolution R-2013-18 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY UNITED STATES DEPARTMENT OF AGRICULTURE, INDEPENDENCE COMMUNICATIONS, OHIO EDISON, COSE / MEDICAL MUTUAL OF OHIO 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-2013-18 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Resolution R-2013-19 **A RESOLUTION APPROVING THE 2014 PROPOSED BUDGET AND AUTHORIZING THE FISCAL OFFICER TO SUBMIT THE BUDGET TO THE PORTAGE COUNTY AUDITOR AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by a 5 – 0 vote. Mr. Garrett then made a motion to adopt Resolution R-2013-19 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett made a motion to pay the \$10,500 which is owed to the WVFD Joint Fire District which was seconded by Ms. Blewitt. The roll call vote was taken as follows: Mr. Garrett yes, Mr. Snyder no, Mrs. Barrett yes, Ms. Blewitt yes and Mrs. Miranda yes so the motion passed.

Safety, Personnel, Rules (SPR) by Phil Snyder

Minutes of June 25, 2013 Regular Council Meeting

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 third reading and made a motion to adopt which was seconded by Mrs. Miranda and carried by unanimous vote.

Mr. Snyder 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 third reading and made a motion to adopt which was seconded by Mr. Garrett. The roll call vote was taken as follows: Mr. Snyder yes, Mr. Garrett YES, Ms. Blewitt yes, Mrs. Barrett yes and Mrs. Miranda no so the Ordinance was adopted.

Mr. Snyder read Ordinance O-2013-18 **AN ORDINANCE AMENDING THE EMPLOYEE HANDBOOK PREVIOUSLY ENACTED BY THE VILLAGE COUNCIL** as a second reading.

Mr. Snyder made a motion to enter into executive session for the hiring and promotion of employees which was seconded by Mr. Garrett and all voting in the affirmative they entered executive session at 7:17 PM. Mike Iwanyckyj was invited to join them.

Mr. Snyder made a motion to return from executive session which was seconded by Mr. Garrett and all voting in the affirmative they returned from executive session at 8:06 PM.

Mr. Snyder then announced we are making a small adjustment to the agenda by adding a second hiring in the Sewer Plant after the one for the Water Plant.

Mr. Snyder made a motion to recognize the hiring of Ryan S. Wagner as Operator in Training for the Water Plant at the lowest hourly rate in effect for the position effective July 1, 2013. The motion was seconded by Mr. Garrett and passed by unanimous vote.

Mr. Snyder then made a motion to hire Paul Carter as Operator in Training for the Sewer Plant at the lowest hourly rate in effect for the position effective July 1, 2013. The motion was seconded by Mr. Garrett and passed by unanimous vote.

Mr. Snyder then made a motion to approve Lori Lee to attend on behalf of the Mayor and all members of Council for public records meeting training. The motion was seconded by Mr. Garrett and passed by unanimous vote.

Mr. Snyder made a motion to approve the appointment of Bill Pennington as Acting Water Superintendent and pay him retroactively as such for 10 hours per week at the higher rate retroactively to May 25, 2013. The motion was seconded by Mr. Garrett and carried by a 5 – 0 vote.

Mr. Snyder read Resolution R-2013-20 **A RESOLUTION AUTHORIZING A REVISED AGREEMENT WITH THE VILLAGE OF GARRETTSVILLE FOR DISPATCH SERVICES, REPEALING THE ACTION TAKEN IN RESOLUTION 2013-4 AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Miranda and carried unanimously. Mr. Snyder then made a motion to adopt Resolution R-2013-20 which was seconded by Mr. Garrett. Mrs. Miranda asked for clarification from Atty. Reitz on why some of the

Minutes of June 25, 2013 Regular Council Meeting

language had been stricken out and not just removed. It was explained that it is done that way in order to provide tracking of the legislation. The roll call vote was taken and passed unanimously.

Mr. Snyder made a motion to approve the creation of the position of Safety Force Clerk in the Police Department not to exceed 32 hours per week which was seconded by Mr. Garrett and passed by unanimous vote.

Mr. Snyder read Ordinance O-2013-23 **AN ORDINANCE AMENDING THE CURRENT PAY ORDINANCE TO ESTABLISH THE POSITION AND WAGE FOR A SAFETY FORCE CLERK IN 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 unanimous vote. Mr. Snyder made a motion for the adoption of Ordinance O-2013-23 which was seconded by Mr. Garrett. Mrs. Miranda questioned why the dispatching was not removed from this legislation and was told that each piece of legislation should be as singular as possible to avoid confusion later and that there could be additional legislation at a later time to remove the positions of full time and part time dispatch. The roll call vote was taken which passed unanimously.

Mr. Snyder read Ordinance O-2013-21 **AN ORDINANCE AMENDING THE CURRENT PAY ORDINANCE TO ESTABLISH THE WAGE FOR AN OPERATOR IN TRAINING WITH LICENSE BY THE VILLAGE OF WINDHAM, COUNTY OF PORTAGE AND STATE OF OHIO, REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY** and made a motion for the suspension of the rules which was seconded by Mr. Garrett and carried unanimously. Mr. Snyder then made a motion to adopt Ordinance O-2013-21 which was seconded by Mr. Garrett and carried by unanimous vote.

Mr. Snyder read Ordinance O-2013-20 **AN ORDINANCE AMENDING THE CURRENT PAY ORDINANCE TO ESTABLISH AND REVISE THE SALARIES AND WAGES OF ALL 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 unanimously. Mr. Garrett questioned whether this was an across the board 2% increase and was told yes. Mrs. Miranda then made a motion to table Ordinance O-2013-20 for which motion there was not a second. Atty. Reitz explained that he took the current pay ordinance and increased all rates by 2%. Mayor Donham said his recommendation would be to table this for at least a month and then consider it. Mr. Snyder said he was tired of going year after year without giving raises. He said if he doesn't have the votes, he doesn't have the votes but said he was embarrassed that we were not able to do this sooner. Mr. Garrett asked how soon Mayor Donham would be ready to do this. Mayor Donham said he could be ready by the next safety meeting and give recommendations to Council. He said we would have to figure out what we are not spending money on and he understands the frustration Phil (Snyder) has had. Mrs. Miranda said we were trying to get (employee) evaluations done and thought the increases could come after that. Mr. Snyder said he was not looking at just merit raises but this would be across the board. He said he has trouble with merit raises because they could be given unfavorable treatment. Mrs. Miranda said a supervisor could not favor one over another because he only has so much money in the pot. Mr. Snyder said sure he could if we were talking about merit raises. Ms. Blewitt said her idea about evaluations is that people need to know what they are doing great at and what needs improvement. Mayor Donham said I think what all of you guys are talking about has merit and needs to be explored but what you have in front of you is a 2% cost of living increase

recommended by the finance committee. If it is across the board it is a cost of living increase. Mrs. Miranda then withdrew her motion. Mr. Snyder said the cost of this is less than \$700 per month, it is about \$8,700 per year is the total cost and we can find that kind of money, we are not talking about a lot of money, and it is way past due. Mr. Snyder made a motion to amend Ordinance O-2013-20 by changing the annual salary of Income Tax Administrator (part time) from \$6,120 to \$6,000 and eliminating the position of Income Tax Clerk. Ms. Blewitt seconded the motion. The motion was carried unanimously. Mr. Snyder then made a motion to adopt O-2013-20 as amended which was seconded by Ms. Blewitt. Mr. Garrett said he agreed with Phil the raises are long overdue, but was a little uncomfortable knowing for sure we can financially get through it. I'd hate to go through and find that we have to cut somewhere to make sure we can do it. Mayor Donham said we will have to re-appropriate the budget for this year and it is a midyear raise. It's not that big a deal but it's something that would have to be done. My recommendation is to at least wait a month. I think it is bad fiscal and precedent policy to do massive cuts and pay increases at the same time. It sends a mixed message. I don't support it. I don't think it is a good idea. I certainly understand the validity and passion that Phil has with this and I understand the logic behind it but I think it is a bad idea. Ms. Blewitt said are you sure your figures are correct? Mayor Donham said yes. Mrs. Miranda said we are only looking at half a year. Mr. Snyder said I am really sorry that we are in the position we are in where we have to lay people off. I was working with what we had at the time of the Finance Committee Meeting. The roll call vote was taken as follows: Mr. Snyder yes, Mr. Garrett no, Ms. Blewitt yes, Mrs. Barrett yes, Mrs. Miranda yes so the motion carried and Ordinance O-2013-20 was adopted.

Mr. Snyder read Resolution R-2013-21 **A RESOLUTION AUTHORIZING THE USE OF VILLAGE EMPLOYEES, AS DIRECTED BY THE VILLAGE ADMINISTRATOR, TO COMPLY WITH THE CULVERT REPLACEMENT POLICY ESTABLISHED BY THE VILLAGE ADMINISTRATOR** 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 R-2013-21 which was seconded by Mrs. Miranda and carried by unanimous vote of council.

Solicitor Reitz said before you move away from Personnel you have Ordinance O-2013-22 which is on your agenda and was not considered. This is the one which talks about the range of pay for an operator in training. Mr. Snyder said we are going to remove that from the agenda. Mr. Reitz said you should do that by a motion. Mr. Snyder said I make a motion to remove Ordinance O-2013-22 **AN ORDINANCE AMENDING THE CURRENT PAY ORDINANCE TO ESTABLISH A RANGE OF PAY FOR AN OPERATOR IN TRAINING FOR THE VILLAGE OF WINDHAM, COUNTY OF PORTAGE AND STATE OF OHIO, REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY** from the agenda. Mr. Garrett seconded the motion which was unanimously approved by council roll call vote.

Utilities by Rachel Barrett

Mrs. Barrett made a motion at the committee's recommendation to purchase three hydrants at a cost of \$1800 each. Mr. Snyder said I second the motion. Mayor Donham asked Mike if he would like to withdraw that, you said something the other day about not doing that and doing some other repairs. Mayor Donham asked Mike if he had the money to buy those and stockpile them at the water plant and then go ahead and do the other repairs. Mike Iwanyckyj said I'll check with Lloyd. Mrs. Barrett said if we don't have the money I'll withdraw the motion. Mr. Snyder withdrew the second.

Mrs. Barrett then made a motion authorizing the water department to disposing of the piping that is laying around up there. Mr. Snyder said I'll second that. Atty. Reitz inquired as to the value of the piping. Mike Iwanyckyj said it was more than \$100 and when asked responded that it was no longer needed for any municipal purpose. Atty. Reitz said you should amend your motion to state that it is no longer needed for any municipal purpose. Mrs. Barrett amended her motion and Mr. Snyder amended the second. The vote was 5 – 0 in favor of the motion. Mr. Iwanyckyj reported that the dehumidifiers we intended to purchase for the water plant are no longer in stock and the company is trying to help us find a replacement.

Service Committee by Deb Blewitt

Ms. Blewitt read Resolution R-2013-22 **A RESOLUTION AUTHORIZING A CONTRACT WITH PERRIN ASPHALT COMPANY, INC. FOR THE VARIOUS ROAD RESURFACING PROJECT WITHIN THE VILLAGE OF WINDHAM, PORTAGE COUNTY, OHIO, 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. Ms. Blewitt then made a motion to adopt Resolution R-2013-22 which was seconded by Mr. Snyder and carried by unanimous vote of Council.

Parks and Recreation by Phil Snyder

Mr. Snyder made a motion to pay \$1000.00 to Windham Hot Stove Organization for maintenance of ball fields at the Village Park. Mayor Donham instructed Mr. Snyder to have Brian submit an invoice so Lloyd would have something from which to pay. Mr. Garrett seconded the motion which was passed by a 5 – 0 vote of Council.

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

Solicitor's Report by Atty. Tom Reitz Solicitor Reitz said he had nothing.

Guest Recognition

Stacy Wilmington, wife of Officer Tim Wilmington, spoke about concerns of safety of patrolmen with one police officer per shift and the elimination of dispatch. Mayor Donham called upon Chief Fixler. Chief Fixler said the Sheriff's Department checks on people once per hour and he will request Garrettsville Dispatch to check every half hour if there has been no radio contact with a Windham Police Officer.

Stacy then asked if the guys will get a procedure? Chief Fixler said it has not changed.

Stacy said she works for rape crisis and all funding there is obtained through grants and fund raising and inquired if that had been tried here. Chief Fixler said the cops grant has tried. There are grants available for staffing but they have a payback of 50% to 70% over a five year period. If you see something in the form of a grant, let's talk. Mayor Donham said at the end of the day on these budgets we are talking about shedding hundreds of thousands of dollars. That's what the Village budget adjustments are. We need to start building up rainy day funds like we did three or four years ago. You get the representation you vote for and when state legislatures and state governors cut our funds this is what happens. It is not unique and is happening in every community. Most people say we want lower taxes. Ms. Blewitt said 15 people voted yes on the Income Tax increase. What do you do. I don't know how many people don't even pay any taxes. Mayor Donham said we are trying to get through a transition year so we can dedicate more money to public safety which is putting more officers on the street. I certainly do not like not having dispatch in our building but it is better than

the alternative which is having less officers on the street. Our priority in a small community is public safety. Your second priority is finding money for priority number one. Nobody cares if your street is paved if people are burglarizing your house. Nobody cares about your tax rates and those things if things aren't safe. Safety is number one and in my opinion paying for it is number two and we are trying to keep as many police officers as much in the actual officer budget as possible and that has been kicked around here at nauseam. Seventy-five percent of our budget goes to police and it is not enough.

Diane Price, wife of Corporal Jamie Price, asked some basic safety questions about an officer and what is he supposed to do with his prisoner after he makes an arrest - while the officer is doing paperwork? And what is to keep that prisoner from claiming that the officer molested them. Mayor Donham said the camera system would pick that up. Mrs. Price said the camera system isn't everywhere. If safety is the number one priority then one officer on a shift is unacceptable. You entered into a contract with Perrin Asphalt. Mayor Donham said that is paid for with grant money. I appreciate your concerns ladies and empathize with your worries about your husbands. Chief Fixler said when we went to one officer per shift, I instituted the policy that no officer is to go into a building alone and without backup. Mayor Donham said my goal is to have two or three officers per shift. Ms. Blewitt said I'd rather have two officers on duty on a bar night. Mr. Garrett said the public has spoken and said we want less services.

Cindy Cale said I am tapped out. Some (people) don't pay taxes and I pay triple. She said she understands that personnel is overhead (expense). If you don't have the money, you don't have the money. Prior to my losing my job there have been increases and if you are going to take my job away, give the increase to the officers. If you want to pass a levy put it on for officers as a police levy.

Mayor Donham said 1997 was the last time we had any increase in the general fund through a levy, etc.

Diane Price said I would rather you not give the raise and have two people per shift especiall Friday and Saturday nights from 7PM to 3AM.

Chief Fixler said the kids in school, the factory, the bank all need officers.

Stacy Wilmington asked could you not have increased to two per shift instead of a raise?

Mr. Snyder said it costs \$8000 per year (for the raise) and you can't put in a part timer for that amount. This is the first raise our employee have seen in 4 ½ years. Perhaps we should increase the number of auxiliary officers we have.

Virgalene Hall said somebody might be able to bring in more businesses. She has a concern for the officers safety as well. We have a cad system here and use it to look back at previous years.

Garrettsville doesn't have a cad system. Chief Fixler said Garrettsville will have our cad system. Garrettsville will have a split screen.

Virgalene Hall said she applied for the safety clerk position but wasn't sure about the hours and rate of pay. She was told it would be for 32 hours maximum and range from \$9.21 to \$11.95 per hour. Mayor Donham said the Chief will hire and the Mayor confirm and bring it to council. Those who currently work here or who have worked here will be considered. Mrs. Hall asked who will do the job? Mayor Donham said we will get on it immediately.

Minutes of June 25, 2013 Regular Council Meeting

Julie Kelly said she is proud to be a part of this community and very distressed over this situation. She is also distressed because if there is no money we should not be giving out raises. She has heard several times we have done everything we can, but she also heard from her father that you get back on the horse when you fall off. Just because you fell off the horse with the police levy years ago, you get back on. This is very concerning to me. There are three wives worrying about their husbands safety. She does not feel this council has gone to the community. They need to work together in unity. She inquired as to the Council salaries and Mayor's salary. Mayor Donham said he has lived here his whole life. He is a Windhamite and the last levy he was not able to get out and campaign.

Mr. Garrett said we had fliers and public forums. He is in his 16th year here and never saw one go down this badly. Mayor Donham said when you put a levy on it goes to the Police Department. Julie Kelly said put it on again. People do not have the respect for council. You need to get face to face with these people out in the community. Mr. Snyder said he has lived in this community for 60 years and was a council person in 1973 which was 40 years ago. This situation is not unique to now. Julie asked why don't you post the resolutions before they pass. Mr. Garrett explained how the committees work and that is where the discussions take place. Julie said she wanted to state again her concerns for police officers and that people want to bring a business to Windham and be safe. Mr. Garrett said I appreciate your comments and police safety is very important. He asked if there are other ways we can engage the public.

Chief Fixler said he wanted to thank the dispatchers for their service. We are doing what we can when people come on board they are here often and not paid. We are trying to get people and call in clerks to do paperwork.

Jodi Woolf spoke about the Historical Society and the Circus to be held on July 20th. Mr. Snyder made a motion to permit the use of the field for the Circus. Mr. Garrett seconded the motion which carried by unanimous vote.

Mr. Garrett said Chief Fixler fought hard to keep dispatching because he realized what a good service we have.

Mr. Brock spoke up and said he would have to miss work to sign a waiver for the culvert work. Mayor Donham said your yard is your yard and your ditch is your ditch. Any damage on your property the Village will not be liable for.

Mr. Snyder asked if there were any changes on the calendar for July and after some changes were decided upon he made a motion for adjournment which was seconded by Ms. Blewitt and by unanimous vote Council was adjourned at 10:00 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