

# Village of Windham, Ohio

## Minutes of Regular Council Meeting

Held January 22, 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 – present, Phil Snyder – present

Also present Atty. Tom Reitz, solicitor, Police Chief Gene Fixler, Village Administrator Mike Iwanyckyj, Denise Bly, Virginia Hall and C. James Moore.

**The minutes of December 18, 2012 Special Council Meeting** were reviewed and upon a motion by Mr. Snyder and second by Mr. Garrett and unanimous vote of Council were approved.

**The minutes of January 2, 2013 Special Organizational Council Meeting** were reviewed and upon a motion by Mr. Snyder and second by Mrs. Prem and a 5 – 0 vote with Mrs. Miranda abstaining were approved.

### **The Fiscal Officer's Financial Reports** by Lloyd Billman

The Income Tax total for December 31, 2012 year to date was \$478,146.63 with \$61,092.10 of this total for declarations of estimated tax.

The expenditures for the month of December 2012 were \$377,115.29 in checks and charges. Check numbers 28493 through 28604 were paid from the primary checking account during December 2012 with no checks voided during the month. Direct Deposit Vouchers E376 through E408 were also paid during the month of December 2012.

The all funds December 2012 Bank Reconciliation all funds reconciled balance was \$1,340,686.68.

**Council President's report by Phil Snyder.** Mr. Snyder said he had nothing at this time.

**Dispatchers, Police, Fire and Rescue Squad (EMS) reports for December 2012 by Phil Snyder.** Mr. Snyder made a motion to accept the report which was seconded by Mrs. Prem and carried by a 6 – 0 vote of Council.

**Mayor's Communication and Correspondence** Mayor Donham said he had nothing.

**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 December 2012 in the amount of \$377,115.29 in checks, direct deposit and charges with check numbers 28493

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through 28604 paid from primary checking during December 2012 and no checks voided during the month. Direct Deposit Vouchers E376 through E408 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 December 2012 in the amount of \$1,340,686.68 and the following monthly reports distributed to Council for the month ending December 31, 2012: Fund Summary, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through December 2012: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mr. Snyder and carried by unanimous vote of council.

Mr. Garrett read Ordinance O-2013-1 **AN ORDINANCE APPROVING THE CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES AVAILABLE FOR EXPENDITURES, AND BALANCES FOR DECEMBER 31, 2012 FOR THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by a 6 – 0 vote of council. Mr. Garrett then made a motion to adopt Ordinance O-2013-1 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Ordinance O-2013-2 **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 of Council. Mr. Garrett then made a motion to adopt Ordinance O-2013-2 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Resolution R-2013-1 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE THE FOLLOWING TRANSFERS BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, TO THEIR RESPECTIVE DEBT SERVICE, DEBT SERVICE RESERVE FUNDS, AND THE GENERAL FUND TO MEET CALENDAR 2013 DEBT SERVICE REQUIREMENTS DURING 2013 AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by unanimous vote. Mrs. Barrett questioned the statement in the text of the legislation which alluded to the payment of debts during the year. Mrs. Barrett made a motion to amend the legislation by striking that statement which was seconded by Mr. Garrett. The vote to amend was unanimous. Mr. Snyder then made a motion to adopt Resolution R-2013-1 as amended which was seconded by Mr. Garrett and carried by unanimous vote.

Mr. Garrett read Resolution R-2013-2 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY OHIO POLICE & FIRE PENSION FUND, GENCON EMERGENCY POWER SYSTEMS, STREETSBORO SALES & SERVICE, INC 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-2013-2 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 first reading. Mayor Donham explained that this is a first reading as he had just gotten the equipment pricing this afternoon. There will not be a need for

additional tower, only repeaters in vehicles and the total cost of equipment is under \$15,000. Ms. Blewitt asked how we can enter into a contract with Garrettsville when there was a contract with the Joint Fire District to provide dispatching services to them. Mayor Donham explained there was a joint resolution signed by the Windham Township Trustees and Windham Village to form the Joint Fire District but no contract was ever signed. Considerable discussion followed about the agreement.

#### **Safety, Personnel, Rules (SPR) by Phil Snyder**

Mr. Snyder read Ordinance O-2013-3 **AN ORDINANCE REPLACING ORDINANCE O-2012-37 DATED DECEMBER 18, 2012 AND ESTABLISHING A REVISED VILLAGE OF WINDHAM EMPLOYEE HANDBOOK** and Mr. Garrett made a motion to suspend the rules which was seconded by Mr. Snyder which resulted in unanimous support by Council. Mr. Snyder then made a motion to adopt Ordinance O-2013-3 which was seconded by Mrs. Miranda and carried by unanimous vote of Council. Mrs. Miranda requested a summary of changes be prepared.

Mr. Snyder read Resolution R-2013-3 **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 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-2013-3 which was seconded by Mr. Garrett and carried by unanimous vote. Ms. Blewitt asked what changed (from last year). Atty. Reitz explained that we have to pass this every year and he wanted to get it out of the way early. Mrs. Barrett noted that the third whereas should be 2013 rather than 2012. Atty. Reitz said that if the value of the item was greater than \$1000 there would also need to be legislation.

Mr. Snyder read Ordinance O-2013-4 **AN ORDINANCE AMENDING PORTIONS OF CHAPTER 155 OF THE WINDHAM CODIFIED ORDINANCES SO THAT THE WINDHAM CODIFIED ORDINANCES AND THE WINDHAM EMPLOYEE HANDBOOK ARE CONSISTENT 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 Ordinance O-2013-4 which was seconded by Mrs. Prem and carried by unanimous vote.

Mayor Donham asked Corporal Jamie Price to come forward with his K-9 Unit Recon. Recon is an 8 month old German Shepard who was certified two months ago to do narcotics and was donated by the Smith family from Macedonia. Mayor Donham swore in Recon with the assistance of Corporal Price.

**Utilities by Rachel Barrett** Mrs. Barrett had nothing for Utilities.

#### **Service Committee by Deb Blewitt**

Ms. Blewitt read Resolution R-2013-5 **A RESOLUTION AUTHORIZING THE ACCEPTANCE OF 9124 MAPLE GROVE, 9140 MAPLE GROVE, 9514 COMMUNITY, 9545 COMMUNITY WITHIN THE VILLAGE OF WINDHAM 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-2013-5 which was seconded by Mr. Snyder and carried by unanimous vote.

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**Parks and Recreation by Phil Snyder**

Mr. Snyder spoke of the donation to the parks of a swing set from the Windham Park Restoration Committee and Mr. Garrett made a motion to accept the donation which was seconded by Mr. Snyder and carried by unanimous vote of Council.

**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**

Virgalene Hall wants to know where we are at (as regards the outsourcing of Dispatch). Mayor Donham said he would meet with her privately.

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

Mr. Snyder said he had received a letter of resignation from Karen Barnard effective February 1, 2013. She has accepted a position with Job and Family Services of Portage County. Mr. Snyder then made a motion to accept her resignation which was seconded by Mr. Garrett and carried by unanimous vote.

Ms. Blewitt questioned the referendum and asked if it would be on the ballot. Mayor Donham said maybe, it is a stopgap measure. If the Income Tax Increase passes in May he doesn’t see it staying on past 2013. Atty Reitz explained that within thirty days of the passage of legislation which repealed the Income Tax credit, a petition was initiated and the repealing of the tax credit was stopped or stayed by that petition. Mayor Donham has asked Atty Reitz to prepare legislation to revoke the original legislation which rescinded the tax credit. Ms. Blewitt then had additional comments about the Windham schools and the tax credit.

Mrs. Miranda said she had good feedback on the water bills. It was mentioned there is a traffic light bulb out on Main and Center.

Ms. Blewitt thanked council for the flower and prayers at the passing of her mother.

Mr. Snyder made a motion for adjournment which was seconded by Mrs. Prem and without opposition Council was adjourned at 9:18 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