

*Village of Windham, Ohio*  
**Minutes of Special Council Meeting**  
**Regular Council Meeting held at other than normal date**  
Held October 24, 2013

At 7:06 PM Mayor Donham 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 – absent,  
                 Sheryl Prem – present,      Phil Snyder – present

Also present were Atty. Tom Reitz, solicitor, Officer Eric Breiding, C James Moore, Village Administrator Mike Iwanyckyj, Linda Rininger, Mike Mikulski, Cecilia Swanson, Greg Trask, Charity Showalter, JoAnn Hoffman, Kathy Allen and Denise Bly.

Mayor Donham said Jena Miranda was excused because she is on mandatory overtime.

Mr. Snyder made a motion to add Resolution R-2013-35 which was seconded by Mr. Garrett and carried by a 5 – 0 vote.

**The minutes of September 24, 2013 Council Meeting** were reviewed and upon a motion by Mr. Snyder 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 September 30, 2013 year to date was \$357,659.24 with \$30,950.92 of this total for declarations of estimated tax.

The expenditures for the month of September 2013 were \$113,061.50 in checks and charges. Check numbers 29405 through 29487 were paid from the primary checking account during September 2013 with no checks voided during the month. Direct Deposit Vouchers 375-2013 through 381-2013, 383-2013 through 392-2013 and 395-2013 through 406-2013 were also paid during the month of September 2013.

The September 2013 Bank Reconciliation all funds reconciled balance was \$1,224,952.46.

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

**Dispatchers, Police, Fire and Rescue Squad (EMS) reports for September 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.

**Mayor's Communication and Correspondence** Mayor Donham said he spoke with the Portage County District Library and would call upon Cecilia Swanson to address Council.

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**Prior requests of guests to speak.** Kathy Allen was recognized and asked why she pays more for just sewer service. She lives at 9919 E. Center and pays \$30 more each month than her neighbor and has only sewer service as she has a well. Mayor Donham said when we know how much water is used, we base the sewer charges upon that. When there is only sewer without water service, they base it upon the average household which is 5500 gallons. Ms. Allen said she is the only person in the house. Ms. Blewitt said somehow that doesn't seem fair to her. Couldn't we take a closer look at this. Mr. Donham said you can take this to the nth degree. Ms. Allen then questioned the \$1.00 charge for meter replacement since she doesn't have a meter. Mayor Donham said I think we can get that waived. He then said if well users want to get private meters put on, we might be able to use that data (to charge for sewer usage).

Cecilia Swanson said she would like to introduce Greg Trask who is the new manager effective July 1, 2013 at the Windham and Garrettsville Branches of the Portage County Library. Mr. Trask was recognized. She then asked about the library signs which were in the front of this building and were taken down and never were put back up after the Library moved. Mayor Donham said he would have David Fall look into doing that. Ms. Swanson said the Village has been paing a portion of the rent and a couple of years have gone by and she wondered if the Village would consider paying a percentage of the rent rather than a set amount. Currently it is about a 70% / 30% split for about \$9600 per year. Mayor Donham said we should put on a localized levy for our library. If we put on a nominal levy, it would cost the homeowner about \$10 per hosedhold. Mr. Snyder said we should support the library though we should certainly consider a levy.

Mayor Donham said we are talking about ¼ mil. The schools are 60 mils, the Fire Department is 4 mils. Let us work toward the first of the year and approaching some kind of levy.

Ms. Swanson said her rent increased \$25 per month the first year and \$10 per month the second year. They have no definite plans to have a Library Levy go on the ballot, but there should be some mechanism to not have Windham charged twice if they do.

### **Finance by Scott Garrett**

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of September 2013 in the amount of \$113,061.50 in checks, direct deposit and charges with check numbers 29405 through 29487 paid from primary checking during September 2013 and no checks voided during the month. Direct Deposit Vouchers 375-2013 through 381-2013, 383-2013 through 392-2013 and 395-2013 through 406-2013 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 September 2013 in the amount of \$1,224,952.46 and the following monthly reports distributed to Council for the month ending September 30, 2013: Fund Summary, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through September 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-2013-28 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET**

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**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-2013-27 which was seconded by Mrs. Prem and carried by unanimous vote.

Mr. Garrett read Resolution R-2013-34 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY HAASZ AUTOMALL, OHIO EDISON, LOVE INSURANCE, RJ FIVE PAVING, 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-2013-34 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Resolution R-2013-33 **A RESOLUTION TO AUTHORIZE A CONTRACT WITH PORTAGE COUNTY FOR RECYCLING** as a second reading.

Mr. Garrett moved to enter into executive session for purposes of discussion an acquisition of real estate which was seconded by Mr. Snyder. Mr. Billman was invited in as well. The vote was taken which passed unanimously and Council at 7:33 PM.

Mr. Snyder made a motion to return to regular session which was seconded by Ms. Blewitt and by a 5 – 0 vote the Council returned at 7:43 PM.

Mr. Garrett made a motion to amend Resolution R-2013-30 to change from 30 day closing to 45 day closing. Mr. Snyder seconded the motion which carried by a 5 – 0 vote.

Mr. Garrett read Resolution R-2013-30 **A RESOLUTION TO PURCHASE THE PROPERTY LOCATED AT 9083 NORTH MAIN STREET IN THE VILLAGE OF WINDHAM FROM MJM INVESTMENTS HOLDING FIRST TRUST** as a third reading.

Mr. Garrett made a motion to adopt R-2013-30 as amended. Mr. Snyder seconded the motion and the roll call vote was taken. Mr. Garrett yes, Mr. Snyder yes, Mrs. Prem yes, Mrs. Barrett no, Ms. Blewitt yes so the motion was carried.

Mayor Donham said he is extremely excited about this. He has been in a lot of similar size communities and this would be at the very top of the community centers he has seen. It is second to none and he is very proud of this.

Mr. Garrett read Resolution R-2013-31 **A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH CORTLAND BANK FOR THE PURCHASE OF THE BUILDING AT 9083 NORTH MAIN STREET** and then made a motion to approve the legislation to reflect the present working which was seconded by Mr. Snyder and carried unanimously. Mr. Garrett then made a motion to table the legislation as the proper documents were not supplied with the legislation. Mr. Snyder seconded the motion and the motion carried by unanimous vote.

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

Mr. Snyder made a motion to accept Mayor Donham's appointment of Eric Breiding as Acting Chief of Police effective immediately which was seconded by Mr. Garrett. The roll call vote was taken.

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Mr. Snyder yes, Mr. Garrett yes, Ms. Blewitt yes, Mrs. Barrett no, Mrs. Prem yes so the motion carried.

Mayor Donham said Dale (Lt. Korman) has not expressed an interest in taking over. Mayor Donham then swore in Eric Briding as Acting Chief of Police.

#### **Utilities by Rachel Barrett**

Mrs. Barrett read Resolution R-2013-35 **A RESOLUTION AUTHORIZING THE APPLICATION FOR AND SUBSEQUENT ACCEPTANCE OF GRANT FUNDS 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. Mrs. Barrett then made a motion to adopt Resolution R-2013-35 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Jim Moore questioned the scope of this project and Mayor Donham enumerated the items in this Water Plant Improvement Project approved by Resolution R-2013-35.

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

Ms. Blewitt made a motion to recognize that Resolution R-2013-25 which was passed by unanimous vote on August 27, 2013 and was an assessment for mowing of lots had an incorrect total of \$3,975.00 which should have been \$3,550.00 since a property in the original had been removed and the total had not been changed. The motion was seconded by Mr. Snyder and carried by unanimous vote.

Ms. Blewitt read Ordinance O-2013-29 **AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1341 OF THE WINDHAM HOUSING MAINTENANCE AND OCCUPANCY CODE IN ORDER TO REDEFINE THOSE STRUCTURES TO WHICH THE CODE IS APPLICABLE** as a first reading.

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

Mr. Snyder said there was no quorum and hence no meeting.

**Planning and Zoning by Phil Snyder** Mr. Snyder said there was no quorum for this meeting as well.

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

Mayor Donham gave a brief update about the properties for demolition. The Holmes properties, the lender foreclosed and would not file appropriate documents so we have moved forward on the lawsuit. They have agreed to give permission for demolition but did not sign anything. The land bank can waive liens on properties and will waive liens on NDS properties. Windham is getting 30% of the benefit from the Land Bank. The county recognizes we have a great blight. We are on schedule to demo twelve buildings and one other which was burned out on Green Meadow.

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Linda Rininger inquired about the one across from her which has been burned out and the owner is deceased. Mr. Donham said the one next to Joe Lutz is a bankruptcy case and the owner is still the owner on record so we can do nothing. Mrs. Rininger said she will see what she can do. Mr. Donham said the job of the directors is to spend money and remove blight. He has filled out the grant at no cost to the village. He pointed out that Council has never officially confirmed the fact that Mayor Donham appointed himself as acting as the municipal engineer and ratified his actions to date. Mr. Snyder moved that Council officially confirm this which was seconded by Ms. Blewitt and carried by unanimous vote of Council.

### **Guest Recognition**

Charity Showalter and JoAnn Hoffman spoke about a program entitled Community in Action. They held a fall festival and 80 to 90 people showed up. They will pass out hot dogs and hot chocolate during Halloween and are planning a free dinner in November. Plans are underway for a parade of lights from the Renaissance Center to the Gazebo. They need a date to coordinate with the lighting of the greens. Their goal is to bring everyone together. They have planned to hold a cash mob at Sparkle Market this Saturday. Their ultimate goal is to get the community center back up and running. Mayor Donham said Larry Kuhlman and Katie Swearingen will help coordinate the dates. They plan a hayride and to decorate the park.

Mr. Snyder moved to approve a parade of lights with date pending. Ms. Blewitt seconded the motion which passed by unanimous vote of Council.

Linda Rininger asked how you can approve a purchase (for the building at 9083 N. Main) without the financing (being approved). Mayor Donham explained that there is still additional steps to be taken like getting the building inspected title work, etc. We will not be able to close without financing. Mrs. Rininger asked what are you going to do to maintain this building? Mr. Donham said \$4,924.08 of the cost would come from non-general fund money.

Mrs. Rininger said last month when Eric (Breiding) was promoted to full time, you hired him without the approval of Council. Mayor Donham explained that all of my appointments are with the approval of Council at least in the police department.

Atty. Reitz was asked to look into a joint library district with the Village and Township.

Mr. Snyder asked about any changes to the Village Calendar and after discussion some changes were made.

Mr. Snyder moved to adjourn the meeting which was seconded by Ms. Blewitt and by unanimous vote the Council meeting was adjourned at 8:38 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,

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Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor

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