

# *Village of Windham, Ohio*

## Minutes of the Regular Council Meeting

Held December 18, 2007

At 7:00 PM, the Honorable Mayor C. James Moore called the meeting to order and led in the Pledge of Allegiance.

Roll Call: Rachel Barrett – present, Scott Garrett – present,  
Robert Donham – present, Jodi Minotti – present,  
Marian Garrett – present, Phil Snyder – present

Also present, Village Solicitor Mark Manlove, Village Administrator Maurice Hankins, Police Chief Ed Perdian, Marsha Byich, Nancy Packard, Reporter Don Jovich, Ed Nutter, Matt McManus, Bruce Rininger, Linda Rininger, Ken Friend, Patti Moore.

**The minutes of the November 20, 2007 Regular Council Meeting** were reviewed. Rob Donham made a motion to approve the minutes. The motion was seconded by Phil Snyder. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

**Village Fiscal Officer reports, Lloyd Billman.** The Fiscal Officer presented the expenditures for the month of November including checks, charges, etc of \$191,819.61 and the November Bank Reconciliation with an all funds reconciled balance of \$462,763.66 for the month. Check numbers 19426 through 19439 and 19441 through 19610 were paid from the Primary Checking Account were paid during November. Check number 19440 was voided from the Primary Checking Account during November. The Fiscal Officer explained that we had adjustments from Local Government Services which took the all funds reconciled balance lower than previous months. He also said we would be voting upon Resolutions which would advance and transfer money from different funds during the Finance Section and requested permission to speak again at that time to further explain this

**Village Council President, Scott Garrett** Scott said on a personal and professional level what a pleasure it has been servicing with Jim Moore. Scott has been on council for ten years and he knows he speaks for Council Members when he says he appreciates Jim's leadership, his insight, his work ethic and his vision for Windham. He would also like to thank Jim for all the countless hours he knows Jim has spent on behalf of Windham.

Scott then made a motion to enter into executive session to review the resumes of those residents who have sought to fill the two four year terms on Council and also discuss the litigation against the township trustees. Phil seconded the motion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried. The Council entered into executive session at 7:13 PM.

At 7:52 PM Council returned and Phil made a motion to return to regular session which was seconded by Marion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

The motion was made by Scott to recommend Matt McManus to fill one position on Council which was seconded by Rachel. Ayes: R. Barrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Abstain: R. Donham, M. Garrett Motion carried.

The motion was made by Scott to recommend Linda Rininger to fill the second position on Council which was seconded by Phil. Ayes: R. Barrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Abstain: R. Donham, M. Garrett Motion carried.

Scott presented the January 8, 2008 date for Council Organizational Meeting at 7:00 PM. We will use this as a work session and set committee assignments as well as the swearing in of the new Council Members.

Scott then made a motion to adopt the letter sent by Atty. David Comstock to Dann Timmons and the Township Trustees announcing the termination of the ground lease to the Township Trustees of the land being used by the Fire Station and official notice from the Village Council to the Township Trustees. The motion was seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

**Rachel Barrett presented the Dispatchers, Police, Fire and Rescue Squad (EMS) report for the month of November 2007.**

**Mayor Moore presented the Mayor's report to Council.** Mayor Moore presented the November 28, 2007 Memo to Fiscal Officer Billman permitting reinstatement of Karen Bernard's 8 hours of vacation after review of Solicitor Mark Manlove's legal opinion which is attached to the memo.

Mayor Moore presented a Memo dated December 10, 2007 to all Full Time Village employees requesting them to fill out an application and change of use form (medical questionnaire) from Medical Mutual of Ohio Insurance Company. This is for the purpose of providing them to our Insurance Agents "Vantage Financial" and "Love Insurance" to provide premium quotes for Council decision on the annual renewal of March 1, 2008.

Mayor's letter dated December 11, 2007 to Dave Vaughn, Executive Director at N.D.S. concerning termination of N.D.S. administration of the Revolving Loan Funds due to all mortgage loans to borrowers having been paid off.

E-mail to Mayor Moore from Mort Webb at N.D.S. explaining why the four (4) apartment buildings will not be torn down or burned down until April 2008.

Four (4) articles on roads/streets repaving from the Record Courier written by Deborah Guziak in November 2007. Good information for future reference for the Village Council and its Streets and Sidewalks Committee.

The Mayor spent a lot of time working with Attorney Comstock on the preparation of the litigation on the Township Trustees and the Fire District and Fire Department issues.

The lawsuit against the Township Trustees was filed today, December 18, 2007.

Mayor Moore gathered information concerning the two Special Revenue Funds – EMS and Fire Operating that will need to be passed by Council and sent to the State Auditors Office of Local Government Services for approval. This information will be passed on to the Mayor-elect and the Council Finance Committee for passage in 2008.

The following comments were made by Mayor Moore who spoke about Village Administrator Maurice Hankins who also serves as Street Superintendent and chaired the Joint Fire District

Economic Advisory Committee. He renovated the maintenance area in the back into a new administration office and the Council Chambers with the assistance of his brother-in-law Butch Altieri and oversaw the re-roofing of the entire building along with obtaining additional parking lot space through leasing additional land. All the changes which were made this year in water and sewer employees with the retirement of our long time Water and Wastewater Superintendent Bill Szymanski, and recent retirement of Roger Stier. Maurice has people in place and things are moving along smoothly. He also helped to secure the \$60,000 grant for sidewalks. He's a very multi-task asset to the community.

Mayor Moore then spoke about Chief Perdian. He spoke about the need to hire a new Police Chief in 2006. He also said due to budget problems \$50,000 needed to be cut from the Police department budget. We had gang members coming into town and stirring up trouble. Chief Perdian came in and showed that he wanted the job, could do a good job and has done a very good job of running the Police Department and also with ideas to improve the community. Chief Perdian was the first to suggest the movement of the Administration Offices to the back of the building so the Police Department could expand and have the entire front of the building. Jim said Council is going to pass a Resolution here tonight to authorize the funds to get the front renovated and allow expansion of the Police Department. Mrs. Perdian painted the Police Department sign up front which helps the appearance of the front of the building. Chief Perdian instituted a maintenance program for the Police Cruisers which has saved the Village a lot of money. Also securing a newer cruiser from Moreland Hills which has greatly saved the Village money. Police presence on the streets this year has been very visible and has reduced crime. Overtime has been slashed by using the same number of officers and implementing a new scheduling program which has helped with saving money as well. The Chief has helped to form the Chamber of Commerce. He has proved that he was an excellent choice.

Fiscal Officer Lloyd Billman began as Fiscal Officer in April 2006. Lloyd was formerly the Income Tax Administrator and Mayor Moore had no problem offering the position of Fiscal Officer to Lloyd after the resignation of the previous Fiscal Officer. This is a very hard job especially if you haven't had a governmental accounting background or experience, but there is no doubt I felt that he had the ability to catch onto it and do it and he is doing it. Lloyd is continually improving in the position and the improvements in our financial accounting records and State Audits will show a lot of improvements for 2006 and 2007.

We couldn't have gotten any one better than Lori Lee for the position of Income Tax Administrator. Between Lori and Lloyd this is how much the collections of Income Tax have improved since they have taken over. In 2002 our yearly collections of Income Tax were \$361,387. In 2003 yearly collections of Income Tax were at \$370,225. In 2004 yearly collections went down (it was a bad year) and stood at \$350,398 which was \$20,000 less than 2003. In 2005 Lloyd became the Income Tax Administrator it jumped from \$350,398 to \$408,393. In 2006 Lloyd was the Income Tax Administrator for the first four month and Lori took over in late April it jumped from \$408,393 to \$520,744 for the year which represented a \$112,000 increase per year. During 2007 for eleven months collection through November, the sub-total is \$542,306 which is \$21,000 more than last year for twelve months. This is the reason no Income Tax issues have been put on the ballot by Council during the last year to year and a half. Lori has promissory notes owed to the Village of \$79,000 and total collections due is \$87,394 so adding those together there is still another \$166,000 to come into the Village if all of those are collected. Lori manages our Village website at no charge and also has become the Village manager of the records for the Village due to the new law which just passed. Carol Wilson continued on as our Utility Clerk and is the best Utility Clerk we have ever had work for the Village. She will be leaving us the spring of next year. Our staff has all worked together and that has meant a ton. I'm proud to have been a part of working with this Council, past members of Council and our Staff and employees during the last two

years as Mayor. I sincerely believe the Village overall is in the best shape I've seen it in my fifteen and a half years (we've had some better times) but I really think this is the best on Council and as Mayor I believe that. I feel good about leaving the Village Government in very good condition. I wish all of you here the residents of the Village the best for the future of our Village. There will be a smooth transition with your new Mayor, Rob Donham, which has already begun and I wish you all a Merry Christmas and Happy New Year and the best for the Village.

**Finance Committee Report by Scott Garrett.** Scott made a motion to approve the Fiscal Officers Expenditures for November of \$191,819.61 in checks and charges, etc. Check numbers 19426 through 19439 and 19441 through 19610 from the Primary Checking Account were paid during November. Check number 19440 from the Primary Checking Account was voided during November. The motion was seconded by Marian. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: none. Motion carried.

Scott then made a motion to approve the November 2007 Bank Reconciliation with an all funds reconciled balance of \$462,763.66. This was seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: none. Motion carried.

Scott made a motion to approve Marian Garrett as the Financial Consultant and Coordinator for the 2005 and 2006 State Audits. Phil seconded the motion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Scott gave the first reading of New Ordinance O-2007-17 to establish 157 Section 157.01 of the Codified Ordinance of the Village of Windham to establish the Village response for cremation of indigent decedents under Section 9.15 of the Ohio Revised Code.

Scott made a motion to adopt New Resolution No. R-2007-37 authorizing the Village of Windham to use RLF-CDBG Fund monies for the purchase of a new furnace for the Police Department Garage at a cost of \$2,450.00 and do repairs for the front of the building foundation at a cost of \$5,268.00. The motion was seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Scott made a motion to adopt New Resolution No. R-2007-38 authorizing the Village Fiscal Officer of the Village of Windham to employ Local Government Services of the State Auditor's Office to balance the Village's books through December 31, 2006 at a cost not to exceed \$3,700.00. The motion was seconded by Rachel. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Fiscal Officer Billman then explained the Resolutions R-2007-39 through R-2007-45 which were summarized on a summary sheet for the benefit of Council.

Scott made a motion to adopt New Resolution R-2007-39 authorizing the Village Fiscal Officer of the Village of Windham to transfer \$73,100.89 from the Enterprise Debt Service Fund to the Water Operating Fund. The motion was seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Scott made a motion to adopt New Resolution R-2007-40 authorizing the Village Fiscal Officer of the Village of Windham to stop the monthly advance of \$500.00 from the Water Operating Fund to the Revolving Loan Fund and to advance back the current balance of \$33,035.98 from the Water Operating Fund to the Revolving Loan Fund which would

eliminate the obligation in full. The motion was seconded by Rachel. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Scott made a motion to adopt New Resolution R-2007-41 authorizing the Village Fiscal Officer of the Village of Windham to advance \$79,291.60 from the Revolving Loan Fund to the Sewer Operating Fund with scheduled repayments of \$1,651.91 from January 2008 through December 2011. The motion was seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Scott made a motion to adopt New Resolution R-2007-42 authorizing the Village Fiscal Officer of the Village of Windham to transfer \$79,291.60 from the Sewer Operating Fund to the Enterprise Debt Service Fund. The motion was seconded by Rachel. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Scott made a motion to adopt New Resolution R-2007-43 authorizing the Village Fiscal Officer of the Village of Windham to transfer \$102.00 from the General Fund to the Income Tax Fund. The motion was seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Rachel made a motion to adopt New Resolution R-2007-44 authorizing the Village Fiscal Officer of the Village of Windham to advance \$1,186.64 from the Revolving Loan Fund to the State Highway Fund with repayments of \$98.89 per month until balance is repaid. Marian seconded the motion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Scott made a motion to adopt New Resolution R-2007-45 authorizing the Village Fiscal Officer of the Village of Windham to transfer \$5,047.52 from the General Fund to the Permanent Improvement Fund. Phil seconded the motion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Scott made a motion to suspend the rules on New Ordinance O-2007-20 which was seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Scott then presented New Ordinance O-2007-20 an ordinance amending the permanent anticipated revenue and appropriations for 2007 and declaring an emergency. The motion to adopt was made by Rachel and seconded by Scott. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Scott made a motion to suspend the rules on New Ordinance O-2007-21 which was seconded by Jodi. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

The New Ordinance O-2007-21 was read an ordinance adopting the temporary appropriations for 2008. The Motion to adopt was made by Scott and seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Finance minutes have been distributed.

**Safety / Personnel / Rules Committee by Rachel Barrett.** Rachel gave the committee report for the December safety meeting.

Chief Perdian indicated the need of two part time officers and one dispatcher and asked for authorization to place the ad. Rachel made a motion authorizing the Chief to place an ad for two part time officers and one part time dispatcher. Phil seconded the motion. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

Rachel reported on Fire Department unit number 2813 has had repairs to the tune of \$12,500 and additional expenses for the squad totaled \$3,013. Portable radios are in.

A first reading of New Ordinance O-2007-18 repealing Section 549.09(b) of the Codified Ordinance of the Village of Windham which allows Bow Hunting by permit in the Village of Windham in designated areas and under certain conditions.

A new Ordinance No. O-2007-19 to provide for the collection of User fees for Ambulance Services provided by the Village of Windham Fire Department. A motion to suspend the rules on this ordinance was made by Phil and seconded by Scott. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

A motion to adopt Ordinance No. O-2007-19 was made by Rachel and seconded by Phil. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

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

**Utilities report by Scott Garrett.** Meeting was held December 6, 2007 with Portage County Water Resources (P.C.W.R.) Harold Huff and Commissioner Chuck Keiper as a follow-up to the Council meeting report on November 20 to resume consideration of P.C.W.R. by action taken by Council in 2004. As a result of the May 6 meeting there were several areas of discussion that will need future meetings and follow-up discussion. Motion made by Scott and seconded by Phil to continue meeting in 2008 with P.C.W.R. to investigate the options and possible advantages for the Village and its residents including possibly stabilizing or lowering Water and Sewer Rates. Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

**Streets and Sidewalks report by Jodi Minotti.** Jodi reported that there is poor street lighting even on Horn Road. The Mayor said that Maurice is checking with Ohio Edison to replace burned out lights and asked that Maurice also check on the brightness of the lights. Jodi also said that the numbers on buildings are done in a dark color. Even if they were 6 inches large they could not be seen from the street. She was told that the ordinance only regulated the size not the color of the house numbers. Mayor Moore said that Council would have to revisit this if changes are to be made.

**Housing Rental License Code by Phil Snyder.** No report.

**Village Buildings and Properties by Marian Garrett.** Marian said library windows were replaced which were broken. There was 25 ton of salt stored for road salting. She said that she had been on Council for 8 years and met here when it was a real dump. Her only regret in leaving is that she has to leave such a beautiful Council Room which Maurice has made possible.

**Planning and Zoning Commission by Phil Snyder.** Phil said the Planning and Zoning Commission met and took no action but discussed the interest of Scott Smith who owns the

property including Sparkle, two vacant buildings as well as Circle K, D&A and is interested in splitting off the area being run by Bob Meszaros as a separate parcel. There needs to be a plat provided showing the surveyed information.

**Parks and Recreations by Phil Snyder.** No meeting was held due to lack of quorum.

**Economic Development and Long Range Planning by Jodi Minotti.** – Nothing at this time.

**Records Commission by Scott Garrett.** – Lori Lee has completed her training as a designee for public officials of the Village and we need a motion to approve her developing a plan for public records. Scott moved and Phil seconded the motion designating Lori Lee to be the records retention officer of the Village of Windham Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder. Nays: None. Motion carried.

**Village Solicitor report by Mark Manlove.** – No report.

**Bicentennial Committee.** No report.

**Guest Recognition.**

Marian said that as a token of expressing our appreciation to Jim for his many years of service to the Village we are all going to enjoy banana cake, so stick around and socialize and enjoy some cake.

Rob also requested permission to address Council and the room and said that Marian will be greatly missed as she has offered guidance and advice and offered complements and reprimands when appropriate and will be sorely missed

Rob said regarding Jim, that change is usually difficult but is inevitable. Mayor Moore couldn't have handled it with more class and Rob sure appreciated it. Jim has spent fifteen and a half years servicing the Village but the amount of time expended it has probably been closer to thirty years. Rob has never met anyone in his personal and professional life that dedicated more time and effort to his job. Jim has been tireless and there is no way to thank Jim and Patti for that type of dedication. Working with Jim, and I think I speak for the entire Council, we are all better at our jobs and better citizens because of the influence of Jim Moore.

Marian moved and Phil seconded the motion for adjournment and with no dissention the meeting was closed at 9:07 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Mayor