

# Village of Windham, Ohio

## Minutes of Regular Council Meeting

Held February 28, 2012

At 7:06 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, Housing Inspector Tom Brett, Village Administrator Mike Iwanyckyj, Denise Bly, Joseph Ferenczy, Jeffrey Harris, C. James Moore, Patty Moore

Mayor Donham asked that all present observe a moment of silence for those who lost their lives at the Chardon High School shooting.

**The minutes of January 24, 2012 Council Meeting** were reviewed and upon a motion by Mrs. Barrett and second by Mr. Garrett and unanimous vote of Council were approved.

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

The Income Tax total for January 31, 2012 year to date was \$59,556.97 with \$3,131.79 of this total for declarations of estimated tax.

The expenditures for the month of January 2012 were \$151,678.89 in checks and charges. Check numbers 27259 through 27431 were paid from the primary checking account during January 2012 with checks numbered 27307 and 27362 voided during the month.

The all funds January 2012 Bank Reconciliation all funds reconciled balance was \$1,531,617.89.

Fiscal Officer Billman respectfully requested a vote of Council approving his attendance at the Local Government Conference in Columbus, OH March 7 – 9, 2012 to reimburse mileage, uncovered meal expenses and approve accommodations at Crowne Plaza Hotel @ \$69.00 per night (two nights) and registration for conference in the amount of \$175.00. Mr. Snyder made a motion to that effect which was seconded by Mr. Scott and approved by unanimous vote of Council.

**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 2011 by Phil Snyder.** Mr. Snyder made a motion to accept the report which was seconded by Mr. Scott and carried by a 6 – 0 vote of Council.

**Mayor's Communication and Correspondence** Mayor Donham said he had two appointments as sworn auxiliary officers as state approved officers for Jeffrey Harris and Joseph Ferenczy. Mr. Garrett made a motion to approve the appointments which was seconded by Mr. Snyder and carried by unanimous vote of Council. Mr. Snyder said he has known Jeff since he was a little kid and he is

a good fellow. Mayor Donham then proceeded to swear in Joseph Ferenczy and Jeffrey Harris as sworn auxiliary officers.

**Prior requests of guests to speak.** Mr. Donham recognized Kristina Port who is a republican candidate for State Representative to the 76<sup>th</sup> House District. Mrs. Port spoke about being accessible to any questions and eagerly solicited support for her candidacy.

### **Finance by Scott Garrett**

Mr. Garrett read Ordinance O-2012-3 **AN ORDINANCE ESTABLISHING THE AMOUNT OF RENT TO BE PAID BY THE WATER REVENUE FUND AND THE SEWER REVENUE FUND TO THE GENERAL FUND FOR USE OF MUNICIPAL PROPERTY ON WHICH THE WATER AND SEWER PLANTS ARE LOCATED** as a second reading.

Mr. Garrett read Resolution R-2012-8 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY OHIO EDISON, COSE / MEDICAL MUTUAL, A+ ROOFING AND SIDING, 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 of Council. Mr. Garrett then made a motion to adopt Resolution R-2012-8 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett began to read Ordinance O-2012-8 but before he was able to do so Mrs. Barrett asked if she could interrupt to which Mr. Garrett said sure. Mrs. Barrett then made a motion to table the legislation until forms C, E, R and 2106 can be provided to Council for their review. Ms. Blewitt seconded the motion. Mayor Donham asked what the reason was for tabling the legislation and Mrs. Barrett said she just wanted to be able to review all of the required forms. Mayor Donham said he didn't believe that it was a reason to table the legislation, and the forms could be provided prior to the third read or it could be tabled at that time. The roll call vote was taken as follows: Mr. Garrett no, Mr. Snyder no, Ms. Blewitt yes, Mrs. Barrett yes, Mrs. Miranda yes and Mrs. Prem no. The vote was tied and Mayor Donham cast a no vote so the motion was defeated. Mayor Donham said that makes it in effect a second read and if Mrs. Barrett doesn't have everything she wants by next month, he would support tabling it. The text of the heading of Ordinance O-2012-8 is **AN ORDINANCE TO REVISE AND AMEND SECTION 181.07(b) OF THE VILLAGE OF WINDHAM INCOME TAX CODE TO ADD FILING REQUIREMENTS.**

Mr. Garrett read Resolution R-2012-6 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE THE FOLLOWING TRANSFERS BETWEEN THE WATER AND SEWER OPERATING FUNDS TO THE GENERAL FUND DURING 2012 IN ACCORDANCE WITH ORDINANCE O-2012-3 AND DECLARING AN EMERGENCY** as a second reading.

Mr. Garrett read Resolution R-2011-65 **A RESOLUTION BY THE COUNCIL OF THE VILLAGE OF WINDHAM ESTABLISHING A POLICY FOR ROUTINE AND NON-ROUTINE TRANSACTIONS TO PURCHASE GOODS AND ENTER INTO CONSULTING CONTRACTS WHICH DO NOT EXCEED \$2,000 AND DECLARING AN EMERGENCY** and made a motion to remove it from the table which was seconded by Ms. Blewitt and the roll call vote was taken with all yes except for Mrs. Barrett. Mr. Snyder said the only thing this does is decrease the existing legislation from \$3000 to \$2000 and he saw no need to do that. We need to trust our department heads. Mr. Garrett then made a motion to return it to the table so it could be

further reviewed by Committee. The motion was seconded by Mr. Snyder and all ayes except for Mrs. Miranda so the Resolution is returned to the table.

The next item was to be Mike Iwanycky explaining the Insurance Claim projected payments and requesting Council to approve a purchase order to Triple Diamond. Mayor Donham said that Mike and he have to discuss this more fully before bringing it to Council.

Mr. Garrett read Ordinance O-2012-6 **AN ORDINANCE APPROVING AND ADOPTING THE TEMPORARY APPROPRIATIONS FOR 2012 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET 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-2012-6 which was seconded by Mr. Snyder and carried by unanimous vote.

Mr. Garrett read Ordinance O-2012-11 **AN ORDINANCE TO REVISE AND AMEND SECTION 155.06 ENTITLED "HEALTH INSURANCE" OF THE VILLAGE OF WINDHAM CODIFIED ORDINANCES** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried by a 6-0 vote of Council. After discussion it was decided that the legislation needed to be declared an emergency so it would take effect immediately upon passage and signature by the Mayor. Mr. Garrett made a motion to add the words **AND DECLARING AN EMERGENCY** which was seconded by Mr. Snyder and carried by unanimous vote of Council. Mr. Garrett then made a motion to adopt Ordinance O-2012-11 as amended which was seconded by Mr. Snyder and carried by unanimous vote of Council.

Mr. Garrett read Ordinance O-2012-12 **AN ORDINANCE TO REVISE AND AMEND SECTIONS 181.02(t) OF THE VILLAGE OF WINDHAM INCOME TAX CODE TO CHANGE THE DEFINITION OF TAXABLE INCOME AND TO ADD FILING REQUIREMENTS** as a first reading.

Mr. Garrett called upon Fiscal Officer Billman to explain the changes to Ordinance O-2012-15 which occurred since distribution last Friday. Mr. Garrett then read Ordinance O-2012-15 **AN ORDINANCE APPROVING AND ADOPTING THE PERMANENT APPROPRIATIONS FOR 2012 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET** 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-2012-15 which was seconded by Mr. Snyder and carried by unanimous vote.

Before the next two Resolutions were read Fiscal Officer Billman was called upon and he explained that last year Council voted upon a Resolution with Glacial Energy which was likely the same contract as Resolution R-2012-9 and it passed but the Fiscal Officer did not follow through and enter into the agreement with Glacial Energy. The Resolution R-2012-10 with Duke Energy of Ohio, Inc. is much more attractive wherein the billing is a part of the Ohio Edison bill rather than a separate invoice and is also less expensive. Atty. Reitz then said he had reviewed the contracts, the one from Duke Energy is only a sample contract and he would like to review the official contract but Council could go ahead and vote upon the legislation.

Mr. Garrett read Resolution R-2012-9 **A RESOLUTION AUTHORIZING A COMMERCIAL/INDUSTRIAL ELECTRICITY AGREEMENT WITH GLACIAL ENERGY OF OHIO, INC., AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder. The roll call vote was taken as follows: Mr. Garrett no, Mr.

Snyder no, Ms. Blewitt no, Mrs. Barrett abstain, Mrs. Miranda no, Mrs. Prem no so the motion was defeated.

Mr. Garrett read Resolution R-2012-10 **A RESOLUTION AUTHORIZING A COMMERCIAL/INDUSTRIAL ELECTRICITY AGREEMENT WITH DUKE ENERGY OF OHIO, INC., AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried unanimously by Council vote.

Mr. Garrett then made a motion to adopt Resolution R-2012-10 which was seconded by Mr. Snyder and the vote was unanimous in favor of the motion.

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

Mr. Snyder said the Village Administrator Mike Iwanyckyj recommends the hiring of Sherry L. Greene as Full-Time Utility Clerk effective March 1, 2012 at a rate of \$11.00/hour. The recommendation was approved by Mayor Donham and needs confirmation of Council. Mrs. Miranda questioned whether all the applicants went before the SPR Committee for consideration. Mayor Donham explained that the Committee was involved in the selection process and also Council President Snyder, Village Administrator Iwanyckyj and he interviewed the applicants. A roll call vote of Council was taken with unanimous approval.

Mr. Snyder read Ordinance O-2011-42 **AN ORDINANCE ESTABLISHING THE VILLAGE OF WINDHAM EMPLOYEE HANDBOOK** and said we should leave this on the table as it needs to have additional time in committee. It was requested that the corrected version of the Handbook be provided to Council members when this is being brought for final vote. Mr. Snyder said that would be done.

Mr. Snyder read Ordinance O-2012-10 **AN ORDINANCE REVISING SECTION 155.05 OF THE CODIFIED ORDINANCES BY ADDING A PARAGRAPH (e)** as a first reading.

Mr. Snyder read Ordinance O-2012-14 **AN ORDINANCE REVISING SECTION 155.05 OF THE CODIFIED ORDINANCES BY ADDING A PARAGRAPH (f)** as a first reading.

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

Mrs. Barrett said she had nothing at this time.

**Streets and Sidewalks by Deb Blewitt** Ms. Blewitt said the only thing she has is she did get back with Sandy Patti concerning the sidewalks and told her it is owned by the property owner and is the responsibility of the property owner. Ms. Patti questioned what if the property is in foreclosure. The answer is that it is still the property owner who is responsible in that case.

#### **Housing Rental License Code by Jena Miranda**

Mrs. Miranda read Ordinance O-2012-9 **AN ORDINANCE ESTABLISHING CHAPTER 1505 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM ENTITLED "FIRE DAMAGED STRUCTURE"** as a first reading.

Mrs. Miranda read Ordinance O-2012-13 **AN ORDINANCE AMENDING SECTION 1341.08(c) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM TO INCREASE LICENSING FEES FOR HOUSING LICENSES AND INSPECTION EFFECTIVE JUNE 1,**

**2012 REPEALING ALL PRIOR INCONSISTENT ORDINANCES** as a first reading. Mrs. Miranda said this legislation was not recommended by the committee.

### **Village Buildings and Properties by Sheryl Prem**

Mrs. Prem said she gave everyone (on Council) a little flier to give people a little more incentive to take care of their properties. She said she wasn't sure what Committee it would fall under. Mayor Donham said it probably goes under Housing Rental License and Zoning or our Building Code. Ms. Blewitt said this week we had a problem at Dollar General and Animal Control was needed for skunks. Corporate Office had to send a person from Georgia to take care of the problem. Mrs. Miranda said the Animal Protective League offered to go half way on our cat control problem but Council made no decision. Mrs. Prem asked if there isn't a baiting they can do.

Mrs. Barrett said she had spoken to NDS and according to Stacy Brown, the Portage County Commissioners have \$9000 available to demo buildings. Mayor Donham said he had something to report in a little bit in executive session.

Mrs. Miranda asked Mike Iwanyckyj about the junk letters which were mailed out to individuals. Mike said he received no response so her turned it over to the Police Department. Chief Fixler said he sent out 8 letters last Friday and had started to see some responses because no one wants to be cited.

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

Mr. Snyder spoke about the Texas Holdem which was very successful and he will have a full report at the Committee meeting.

He then spoke about the Committee working on a 5K race for the Saturday before Mothers Day to hopefully run through the Arsenal – all of the details have not been finalized as yet.

**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**

Jim Moore asked about the status of the Trailer at Wilverne Drive. Mike Iwanyckyj reported it is currently on its way down.

He then asked Mrs. Miranda what the problem was with Ordinance O-2012-13 not being recommended by the Committee. She felt that an owner of a duplex would be carrying a greater burden than the owner of a larger rental unit. Mayor Donham said we are getting to the point where we are encountering the real stubborn offenders. The Housing Code needs to be a self-sustaining fund.

Pat Moore asked why is it taking so long for the building across from the hardware to be dealt with? It is a safety issue and a danger to little children.

Jim Moore asked about what Ordinance O-2012-10 consisted of and what Ordinance O-2012-14 consisted of. He was told that Ordinance O-2012-10 dealt with bundling of holidays for the Police Department and Ordinance O-2012-14 dealt with elimination of sick time for Part-Time Police Officers and Dispatch and in return allowing time and a half for working a recognized holiday.

Chief Fixler said he had been in touch with Greg Isler at Windham High School and talked about the tragedy at Chardon High School. Chief Fixler feels we should implement the policy of Hear something, see something, say something. Ms. Blewitt asked if there were grants available and was told that there was money which the School had applied for and obtained so a School Resource Officer and Crossing Guards could be provided and paid from our General Fund but it was nearly depleted.

Denise Bly asked if Council would be making any decisions after the executive session and was told no there would be none.

Mr. Snyder made a motion to enter into executive session to discuss purchase of property and the motion was seconded by Mr. Snyder and carried by unanimous vote, the Council entered executive session at 8:40 PM.

Mrs. Barrett made a motion to return from executive session which was seconded by Mr. Snyder and by unanimous vote the Council returned to regular session at 9:00 PM

Mrs. Barrett made a motion for adjournment which was seconded by Mr. Snyder and all concurring the Council was adjourned at 9:00 PM.

Respectfully submitted,

Attest,

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor