

Village of Windham, Ohio

Minutes of Council Meeting

Held September 25, 2012

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.

Mr. Donham announced that Sheryl Prem's brother had passed away and excused her from attending the meeting tonight.

Roll Call: Rachel Barrett – present, Deb Blewitt – present,
 Scott Garrett – present, Jena Miranda – present,
 Sheryl Prem – excused, Phil Snyder – present

Also present Atty. Tom Reitz, solicitor, Police Lieutenant Dale Korman, David Fall, Neil Hilbruner and Mrs. Hilbruner.

Mr. Snyder made a motion to amend the agenda by adding 12.1 Ordinance O-2012-34, 12.2 Ordinance O-2012-35 and the wording on Resolution R02012-33 (by the addition of Ohio Police and Fire Pension Fund). Mr. Garrett seconded the motion and the vote was unanimous in favor.

The minutes of August 29, 2012 Council Meeting were reviewed and Mrs. Barrett made a motion to approve them which was seconded by Mr. Snyder. The roll call vote was taken and by unanimous vote the minutes were approved.

The Fiscal Officer's Financial Reports by Lloyd Billman

The Income Tax collected year to date August 31, 2012 were \$381,219.58 with \$38,575.91 of the total for declarations of estimated tax.

The expenditures for the month of August 2012 were \$196,044.67 in checks, direct deposits and charges. Check numbers 28094 through 28113 and 28125 through 28222 were paid from the primary checking account during the month with check number 28101 voided during the month. Direct Deposit vouchers E228 through E276 were also issued during the month.

The all funds reconciled bank balance for August 2012 was \$1,398,392.75.

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

Dispatchers Police, Fire and Rescue Squad (EMS) reports for August by Phil Snyder Mr. Snyder moved to accept the report as given by Chief Fixler which was seconded by Mr. Garrett and the vote of Council was unanimously to support the motion.

Mayor's Communication and Correspondence Mayor Donham gave an update on the Portage County Land Bank Move Ohio Forward initiative. There is \$500,000 approved with an additional \$318,000 available if they find matching funds. They are reaching out to school boards which receive inside millage and asking the County to reduce the tax base by 5%. There

Minutes of September 25, 2012 Council Meeting

were 17 properties submitted by the Village of which 8 were approved on the first round. The next 9 are first on the second round. Mr. Snyder said we would need \$55,000 to get all of it. Mr. Donham said yes, but we only need to get \$8,000 at a time.

Prior requests of guests to speak. None.

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of August 2012 in the amount of \$196,044.67 in checks, direct deposits and charges with check numbers 28094 through 28113 and 28125 through 28222 paid from primary checking account during August 2012 and check number 28101 voided during the month. Direct Deposit vouchers E228 through E276 were also issued during the month. Mr. Snyder seconded the motion which passed by unanimous vote of Council.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for August 2012 in the amount of \$1,398.392.75 and the following monthly reports distributed to Council for month ending August 31, 2012: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through August 31, 2012: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances which was seconded by Mr. Snyder and carried by 5 – 0 vote.

Mr. Garrett read Resolution R-2012-33 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY CORTLAND BANKS, COSE / MEDICAL MUTUAL OF OHIO, OHIO POLICE & FIRE PENSION FUND AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, seconded by Mr. Snyder and carried by unanimous vote. Mr. Garrett then made a motion to adopt Resolution R-2012-33 which was seconded by Mr. Snyder and again carried by unanimous vote.

Mr. Garrett read Ordinance O-2012-33 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made motion to suspend the rules which was seconded by Mr. Snyder and passed by a 5 –0 vote. Mr. Garrett then made a motion to adopt Ordinance O-2012-33 which was seconded by Mr. Snyder and passed by a 5 – 0 vote.

Mr. Garrett read Ordinance O-2012-32 **AN ORDINANCE TO REVISE AND AMEND CHAPTER 707, AMUSEMENT DEVICES OF THE VILLAGE OF WINDHAM CODIFIED ORDINANCES** as a first reading.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder stated that Ordinance O-2011-42 **AN ORDINANCE ESTABLISHING THE VILLAGE OF WINDHAM EMPLOYEE HANDBOOK** is to remain tabled since the committee is still working on it. After Mayor Donham suggested that this legislation be removed from the agenda so that new legislation could be considered in three reads for the last three months of the year, Mr. Snyder made a motion to remove the Ordinance from the agenda which was seconded by Mr. Garrett and carried by unanimous vote.

Minutes of September 25, 2012 Council Meeting

Mr. Snyder made a motion to approve moving Neil Hilbruner from unpaid Civilian Auxiliary to unpaid Sworn Auxiliary. Ms. Blewitt seconded the motion which passed by unanimous vote.

Mayor Donham then swore in Neil Hilbruner as a Sworn Auxiliary Police Officer which was followed by applause by all in attendance.

Mr. Snyder read Resolution R-2012-34 **A RESOLUTION APPROVING A RELEASE AND SETTLEMENT AGREEMENT BETWEEN ROBERT CAETTA AND THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett. Atty Reitz explained that the exhibit is not finalized. He convinced the Village Insurance Company to pay all except for the deductible. They have not agreed to pay OPERS, FICA etc and Atty Reitz said the Village doesn't have the money to pay those items. The vote was taken and passed unanimously. Mr. Snyder then made a motion to adopt Resolution R-2012-34 which was seconded by Mr. Garrett and passed by unanimous vote.

Utilities by Rachel Barrett

Mrs. Barrett read Ordinance O-2012-34 **AN ORDINANCE TO REVISE AND AMEND SECTION 921.01 OF THE VILLAGE OF WINDHAM UTILITY CODE TO ADJUST THE SEWER RATES FOR SEWER DISCHARGE TO THE VILLAGE 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 made a motion to adopt Ordinance O-2012-34 which was seconded by Mr. Snyder. Mayor Donham explained how the rates were derived and a user who paid a certain total amount with the old meter would pay the same amount with the new meter because of the adjustment of the rates. The vote was taken as follows: Mrs. Barrett no, Mr. Garrett yes, Ms. Blewitt yes, Mrs. Miranda yes, Mr. Snyder so the motion passed. Ms. Blewitt asked about the non-metered rate and was told that it was equivalent to 12,000 gallons of usage.

Mrs. Barrett read Ordinance O-2012-35 **AN ORDINANCE TO REVISE AND AMEND SECTION 923.03 OF THE VILLAGE OF WINDHAM UTILITY CODE TO ADJUST WATER RATES FOR THE PURCHASE OF WATER FROM THE VILLAGE AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Snyder and carried unanimously. Mrs. Barrett then made a motion to adopt Ordinance O-2012-35 which was seconded by Mr. Snyder and carried by a 4 – 1 vote with Mrs. Barrett being the only no vote.

Streets and Sidewalks by Deborah Blewitt

Ms. Blewitt said Mr. Fall had informed her that the Dump Truck had broken down.

Housing Rental License Code by Deborah Blewitt Ms. Blewitt said she had nothing at this time.

Village Building and Properties by Deborah Blewitt Ms. Blewitt read Resolution R-2012-24 **A RESOLUTION GRANTING A LICENSE TO THE WINDHAM HISTORICAL SOCIETY TO ERECT A FLAG POLE AND ASSOCIATED MONUMENT REFLECTING THE HISTORICAL CHARACTER OF THE VILLAGE OF WINDHAM**
Minutes of September 25, 2012 Council Meeting

AND DECLARING AN EMERGENCY as a third reading and made a motion to adopt which was seconded by Mr. Garrett and carried unanimously.

Parks and Recreation by Phil Snyder Mr. Snyder said he had nothing.

Planning and Zoning by Phil Snyder Mr. Snyder said he has nothing at this time.

Solicitor's Report by Tom Reitz Mr. Reitz said he had no report.

Guest Recognition

Denise Bly asked for clarification between an Unpaid Civilian and an Unpaid Sworn Auxiliary. She was told an unpaid civilian has no arrest power and does not carry a gun. An unpaid Sworn Auxiliary is an officer who has gone thru the Police Academy and this is a training period after which he is given a test to be made part-time.

Mrs. Bly then questioned the utility rate adjustments and Mayor Donham explained that this is a reduction in the rate but not the total bill. This more accurately reflects the jobs the water and sewer superintendents are doing. They are able to produce one million gallons of water per day and the saved man hours would be offset by a Capital Improvements.

Last Chance by members of Council to speak

Mrs. Miranda questioned a hybrid cat report. Lt. Korman explained they have been on the lookout but have not seen such an animal. There are several known bobcats and bears in the county.

Mr. Snyder asked if the October calendar would work for everybody and after some discussion the Planning & Zoning, Utilities and Service Committee meetings were moved to Monday, October 1, 2012. The Finance & SPR Committee meetings were moved to Tuesday, October 16, 2012.

There being nothing more to come before Council, Mr. Snyder made a motion to adjourn which was seconded by Ms. Blewitt and carried by unanimous vote at 8:12 PM.

Respectfully submitted,

Attest,

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor

**** NOTE: THESE MINUTES ARE SUMMARY BY DIRECTION OF COUNCIL ****
All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.