

Village of Windham, Ohio
Minutes of Council Meeting

Held January 27, 2015

At 7:03 PM Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of allegiance to the flag of our country.

Roll Call:	Sandy Patti – present	Deborah Blewitt – present
	Scott Garrett – present	Phil Snyder – present
	Linda Rininger – present	Cheryl Taylor – present

Also present were: Larry Kulhman, Bill Pennington, Sheila Moore, and Eric Breiding

Mr. Snyder made a motion to approve the minutes of the December 16, 2015 Council Meeting, which was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Mr. Snyder made a motion to approve the minutes of the January 13, 2016 Organizational Meeting, which was seconded by Ms. Blewitt and carried by a 5 – 0 vote, with Mrs. Rininger abstaining.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date December 31, 2015 was \$458,178.89. The expenditures for the month of December 2015 were \$170,134.69 in checks and charges. Check numbers 31787 through 31881 were paid from the primary checking account during December 2015 with three checks, numbers 31586, 31794 and 31826, voided during the month. Direct Deposit Vouchers 560-2015 through 584-2015 and 590-2015 through 645-2015 were also paid during the month of December 2015. The all funds reconciled balance for December 2015 was \$1,266,194.25.

Village Council President's report by Deborah Blewitt – Ms. Blewitt had nothing at this time.

Dispatchers Police, Fire and Rescue Report for December 2015 by Deborah Blewitt. Ms. Blewitt made a motion to accept the reports which was seconded by Mr. Snyder. This passed by a 5 – 0 vote, with Ms. Patti abstaining.

Mayor's Communication by Rob Donham – The Mayor will save his comments throughout the agenda.

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 December 2015 in the amount of \$170,134.69 in checks and charges with check numbers 31787 through 31881 paid from primary checking during December 2015 with three checks, numbers 31586, 31794, and 31826, voided during the month. Direct Deposit Vouchers 560-2015 through 584-2015 and 590-2015 through 645-2015 were also paid during the month of December 2015. Mr. Snyder seconded the motion which carried by a 6 – 0 vote.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for December 2015 in the amount of \$1,266,194.25 and the following monthly reports distributed to Council for the month ending December 31, 2015: Fund Summary, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through December 2015: Cash Summary by Fund, Comparison of Budget and Appropriated. Mr. Snyder seconded the motion which carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2016-1 **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 a 5 – 0 vote, with Ms. Pattie abstaining. Mr. Garrett made a motion to adopt Ordinance O-2016-1, which was seconded by Mr. Snyder and carried by a 5 – 0 vote, with Ms. Patti abstaining.

Mr. Snyder then addressed the council and wanted to know why Ms. Patti was abstaining from the vote. Mr. Snyder said that a council person cannot abstain from a vote, unless there is a

conflict of interest. Ms. Patti explained that the reason she was abstaining is because she did not understand what she was voting for. The Mayor explained that he understands why she feels that way because these are things that were done before she was serving on council; however that is not a legitimate reason. He explained that you can only abstain if you have a conflict of interest or for example, or abstaining from approving the prior month's minutes because you were not present at the meeting. The Mayor also explained that you can ask questions or get clarification after the motion and second.

Mr. Garrett read Resolution R-2015-29 **A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AGREEMENT FOR TELEPHONE SERVICES WITH TIME WARNER CABLE, INC.** The Mayor said that this Resolution should be tabled at this time because the Police Chief had some logistical questions about this pertaining to dispatch. The Mayor explained that if the current dispatch situation with Garrettsville changes, then Time Warner will not be able to be used. The Police Chief explained that he is looking into Trumbull County and Streetsboro for dispatch, if Garrettsville decides to no longer provide dispatch. Mrs. Rininger made a motion to table Resolution R-2015-29, which was seconded by Ms. Blewitt and carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2016-2 **AN ORDINANCE APPROVING THE CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES AVAILABLE FOR EXPENDITURES, AND BALANCES FOR DECEMBER 31, 2015 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. Mr. Garrett made a motion to adopt Ordinance O-2016-2, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Mr. Garrett read Resolution R-2016-1 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER TO MAKE THE FOLLOWING TRANSFERS BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, AND THE RESPECTIVE DEBT SERVICE AND DEBT SERVICE RESERVE FUNDS TO MEET CALENDAR 2016 DEBT SERVICE REQUIREMENTS 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. Solicitor Reitz explained to Ms. Patti and Mrs. Taylor, who are fairly new Council Members as to why the council suspends the rules. Windham is a Statutory Village which means that the Villages rules and regulations are governed by the Ohio Revised Code. There are two significant things in the code. The first is that so the public can be fully informed about legislation, it must be read on three separate occasions. The second is an emergency measure, which the Council determines must be acted on in less than three readings, then the Council can suspend that three reading rule. The motion to suspend the rules must be passed by three quarters of the entire governing body. There are six Council members, so in order to suspend the rules, there has to be five affirmative votes. Solicitor Reitz then explained the emergency wording in the legislation. When a piece of legislation is passed by the normal three reads it does not take effect until 30 days later. This gives the citizens of the Village an opportunity to bring it to the electorate in the form of a referendum. The citizens have thirty days to obtain a petition, get a certified copy of the legislation, circulate the petition and have more than ten percent of the voters that voted in the last general election sign the petition, and then the legislation does not take effect until the voters have their say on it in the next election. Solicitor Reitz explained that if legislation is truly an emergency, such as amending appropriations, then Council will suspend the rules and if the legislation passes it takes effect immediately. Ms. Patti asked why we were making all of these transfers, instead of just putting the money in the fund it needs to be taken out of in the first place. The Mayor explained that when you take out debt service on your water and sewer plants, the lending agency makes you set up a fund, sort of like escrow, those funds have to be transferred throughout the year. Solicitor Reitz explained that this is an accounting standard that is set up through the Ohio Revised Code and is enforced through the State Auditor. Mr. Garrett made a motion to adopt Resolution R-2016-1, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Mr. Garrett read Resolution R-2016-2 **A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO A CONTRACT WITH COMDOC TO PROVIDE FOR THE LEASE AND SERVICE OF A PHOTO COPIER FOR USE BY THE VILLAGE AND DECLARING AN EMERGENCY.** and made a motion to suspend the rules. This was seconded by Ms. Blewitt and carried by a 6 – 0 vote. Fiscal Officer Taylor explained to Council that ComDoc was not the first choice; however the administration was given false information as to when the current contract was up for renewal and so therefore it just automatically renewed, increasing our payment, and still having the old machines. This new contract gets the Village two new machines at a \$300 per month savings for the next five

years. Mr. Garrett made a motion to adopt Resolution R-2016-2, which was seconded by Ms. Blewitt and carried by a 6 – 0 vote.

Safety, Personnel, Rules (SPR) by Deborah Blewitt

Ms. Blewitt made a motion to approve the Village to pay a Health reimbursement of the Village Healthcare deductible in excess of \$2,000 for individual and family plan beginning March 1, 2016 and a \$100 per month payment to full-time employees who opt out during the renewal period. This was seconded by Mr. Snyder. The Mayor explained that this will have to be followed up with legislation, however he did want the direction of Council, so that this can all be discussed when the policy is up for renewal next month. This passed by a 6 – 0 vote.

Utilities by Scott Garrett – Mr. Garrett said that Council needs to take a look at how the utilities are structured on a Committee level, as far as maybe reinstating a minimum usage.

Service Committee by Scott Garrett – Mr. Garrett had nothing at this time.

Economic Development by Linda Rininger – Mrs. Rininger said that the people that wanted to put in the assisted living facility is still interested, so that is still on the board.

Parks and Recreation by Mr. Snyder – Mr. Snyder said that he is very happy to see new members on the Parks and Recreation Committee. The Mayor said that the Village brought in over \$1300 in revenue for the Community Building rentals in six months.

Planning and Zoning by Deborah Blewitt – Ms. Blewitt said that Cliff McGuire finished the consolidation plat for the new Administration Building. The Mayor said that as soon as we approve the architect's plans we can submit them to the building department. The Mayor said it should be between 3 and 6 weeks for the building department to review everything and then we can start the bidding process.

Solicitor's Report by Tom Reitz—Mr. Reitz has nothing at this time.

Guest Recognition – Larry Kulhman said that the Joint Fire District appointed Rich Gano as the new fire chief. Larry also said that the new website was very nice. Ms. Blewitt said we have some kinks that need worked out still, however the website designer is aware of them and is working on them. Mrs. Taylor asked if we could thank the organization PawsAbilities for their donations of the Christmas decorations to the Community Center. The Mayor said that can be put on the Facebook link. The Mayor also said that we need to get a social media policy in place. This policy should reflect what the procedures are for inappropriate comments and such. Also, we need to find out if this is considered public record. Solicitor Reitz said that it is not necessarily a public record because public record is a document that reflects the operation of the Village and someone's opinion does not reflect the operation of the Village and you should be able to delete those comments. Solicitor Reitz said a social media policy is a great idea because it lets the public know in advance what the Village expects. Larry Kulhman asked if the Village would put other community activities on the calendar on the website. Ms. Blewitt said that the Village can do this, however these organizations have to be responsible for getting the Village this information. Mr. Snyder talked about the benefit at the American Legion for Maruf. Ms. Blewitt talked about the benefit at the Community Building that is being put on by Quentin Coontz. Ms. Patti asked if the Council was permitted to give Maruf a token of their gratitude for everything he has done for the community over the years. Mr. Garrett said that Council could not do that because it would be with public funds and that is illegal, Solicitor Reitz also confirmed. Mayor Donham then went on to commend Maruf for all of his selfless acts throughout his time in Windham. Larry Kulhman suggested that maybe the Council write a letter or card just thanking Maruf for all he has done for the community. Larry Kulhman asked when we would be moving into the New Administration Building. The Mayor said it is all permit related, but his best guess would be three to six months, pending no major problems with the bidding. The Mayor said that there is someone else buying the grocery store, so the Village will continue to have a grocery store. The Mayor said Council will have to discuss the refuse/recycling referendum to decide how they want to handle that before the election in November, 2016. The Council can put out some prospective information, since they cannot legally get bids yet or they can hold a public meeting for those that opposed the ordinance and discuss the process and what Council is trying to accomplish and in the end get out accurate information. Ms. Blewitt said the Council also needs to get out the information about the natural gas and electric aggregate so that can be voted on again and people will have the information before they go to the polls.

Council then looked at the calendar for February. They decided to have all the Committee Meetings on Tuesday, February 2, 2016 starting at 6:00 p.m. The Council Meeting will be Tuesday, February 23, 2016 at 7:00 p.m.

Mr. Snyder made a motion to adjourn the meeting which was seconded by Mrs. Rininger and by unanimous vote the meeting was adjourned at 8:17 PM.

Respectfully submitted,

Attest,

Cheree M. Taylor, 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.