

Village of Windham, Ohio

Minutes of the Regular Council Meeting

Held November 20, 2006

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, Jason DeBolt – absent,
 Sonya Edwards – present, Marian Garrett – present,
 Scott Garrett – present, Jodi Minotti – present

Also present, Village Solicitor Mark Manlove and Income Tax Administrator Lori Lee.

The minutes of the October 16, 2006 Regular Council Meeting were reviewed. Marian Garrett made a motion to accept. Seconded by Rachel Barrett. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: None. Motion carried.

Village Fiscal Officer, Lloyd Billman, asked that Council read the distributed report of Lori Lee on the Income Tax progress report. Lloyd stated that Lori is doing a thorough and complete job with the report and called on Lori for an update. Lori stated that we have collected so far this year \$500,221.51 in individual and business Income Tax. This was followed by a round of applause, and the Mayor said that he believes this is a record by probably more than \$80,000 for a year, and that this is an excellent job. Marian stated that this means Lori is looking forward to her Pizza Party on the Mayor. Bank Reconciliation for October was presented by Lloyd with an all funds balance of \$782,542.39. Expenditures for October were \$434,478.33 with \$130,230.48 in checks and \$304,247.85 in charges.

Village Council President Scott Garrett had nothing to report as President of Council.

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

Mayor Moore presented the Mayor's communications. The resignation of Street Superintendent and Village Administrator, Kevin Knight effective November 11, 2006 was announced. Rachel moved and Marian seconded with regrets the motion to accept the resignation. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

A letter dated November 6, 2006 to George Basista, Housing Code Inspector was presented, as well as a letter from George Basista dated November 14, 2006 responding to the Mayor's September 27th and November 6th letters.

Letters dated November 10th and November 16th to the American Legion Commander Howard Furl about the Legions offer to donate to the Police Department and explaining the Village procedure on receiving donations.

A letter from Marilyn John, Dirt Daubers President, who encouraged us to advertise for the Hometown Christmas Tree Lighting at the Gazebo on December 3, 2006 at 5:00 P.M. and asked that we and others decorate for the Holiday Season.

A letter from Mayor and Council expressing our appreciation to former Police Chief Jack DeSalvo was presented.

There was a donation of four (4) tires for Cruiser Number 3 from Kepich Ford was announced. Mike Dye called the mayor about this donation. Scott moved and Rachel seconded accepting this donation. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Rachel moved and Scott seconded the motion that Council go into executive session to discuss the appointment of the Police Chief, Council personnel and EPA legislation. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: None. Motion carried and Council entered executive session at 7:14PM. At 7:33PM, Sonya moved and Rachel seconded that Council return from executive session. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: None. Motion carried.

The Mayor mentioned there is an insert for the Codified Ordinance relating to the Housing Maintenance and Occupancy Code.

Mayor Moore announced the appointment of Edward M. Perdian from Garrettsville who, if approved by Council, will serve as Interim Chief from November 20, 2006 to February 15, 2007, and will serve without pay until that time by his choice, when he terminates his employment with Mooreland Hills as Police Officer. Effective February 15, 2007 he will become the full time Chief of Police of the Village of Windham. Resolution # R-2006-11 was read to authorize the appointment. Rachel moved adoption of Resolution R-2006-11 and Scott seconded. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Edward M. Perdian was sworn in as Interim Chief of Police by Mayor Moore. Chief Perdian thanked the Council for their approval.

Mayor Moore announced his recommendation that Jason DeBolt be removed as Chair of the Planning and Zoning Committee. Rachel moved and Sonya seconded in support of the recommendation. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

The Mayor then announced his recommendation that Sonya Edwards replace Jason DeBolt on the Planning and Zoning Committee. Scott moved and Rachel seconded assent to this recommendation. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

A letter of recognition of Jody Schroath was read by Marian Garrett thanking her for her faithful attendance at our meetings and accurate reporting of our proceedings. Jody was given a round of applause.

Finance Committee Report by Marian Garrett. Marian moved to suspend the rules on the Ordinance O-2006-20 approving the re-codification, editing and inclusion of certain ordinances. Rachel seconded the motion. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried. Ordinance O-2006-20 was moved for adoption by Marian and seconded by Sonya. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Marian moved for approval of Fiscal Officer's expenditures for October in the amount of \$434,478.33 with \$130,230.48 in checks and \$304,247.85 in charges. Rachel seconded the motion. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Marian then moved for approval of the October Bank reconciliation with a reconciled all funds balance of \$782,542.39. Sonya seconded the motion. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Marian stated that we were contacted by Direct Energy and had a conference call with Lloyd. It was determined that there would be a savings by electing Direct Energy as our Natural Gas provider instead of Dominion East Ohio for the next twelve months. Marian moved and Sonya seconded the change. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Marian moved and Sonya seconded that we pay the expenses of Lori Lee, Income Tax Administrator, to travel to Columbus for an Administrative Hearing which will have direct impact on the Village of Windham. The trip will be November 29, 2006. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Marian stated that we are very pleased that the American Legion Post # 674 has agreed to donate \$1500 for Police Officers Bullet Proof Vests at such time when vests are needed. Marian moved and Sonya seconded approval for the donation when it is made. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Marian reported that the Finance Committee had met and covered several issues. They have reviewed Lloyd's reports and are pleased with the stability that is present. They are delighted with Lori's efforts. They talked about the Housing Code Ordinance and coordinating it with the fee inspection schedule. The EPA negotiations continue on. The February ballot will not be considered for Income Tax Levy or Property Tax Levy, but they will take this time to assess the issues and the recommended path to get there.

Safety / Personnel / Rules (SPR) Committee Report was given by Rachel Barrett. A meeting was held on October 26, 2006 with some of the officers, and some of the issues discussed were:

There is interest by a couple of officers in starting up a K9 unit again

Concerns on the condition of the police cruisers

Need for new equipment

Seven resumes were received for the Housing Code Inspector's position

Thirteen resumes were received for the Police Chief's position

Personnel - Council Rules revisions as Ordinance No. O-2006-21 amending Article XI Council Committee. Marian moved to suspend the rules on this ordinance and Scott seconded. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Rachel moved to adopt the Ordinance and Sonya seconded. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Resolution No. R-2006-10 to hire Jack Murphy as Rental Housing Code Inspector to begin on December 1, 2006 and Council's approval for the Mayor and Fiscal Officer to enter into the service agreement with the Village and Jack Murphy. Rachel moved and Scott seconded

approving the resolution. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti.
Nays: none. Motion carried.

Jack Murphy was introduced and welcomed.

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

Utilities report by Scott Garrett. Minutes were passed out. A recommendation by Mayor Moore and the services committee to hire David Fall as a part time laborer employee at an hourly rate of \$9.50 to begin on November 20, 2006 for 32 to 38 hours per week. The motion was made by Scott and seconded by Sonya. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

A recommendation by Mayor Moore and the services committee to reclassify Bill Pennington as Streets Superintendent / Commissioner at a beginning annual salary of \$27,000 effective November 20, 2006. Motion by Scott and second by Sonya. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Recommendation of the Mayor and services committee to reduce the two current Utility Clerk positions to one part time Utility Clerk position. Carol Wilson will remain as the part-time Utility Clerk and full time employee Alicia McCauley will be laid off effective November 22, 2006. This is a cost saving measure and Scott moved with Sonya seconding the motion. Ayes: R. Barrett, S. Edwards, M. Garrett, S. Garrett, J. Minotti. Nays: none. Motion carried.

Buildings and properties report by Jodi Minotti. They discussed moving council chambers into the community building. The porch on the community building needs repairs – it is warping and rotting out. The mayor expressed his views on the pole building as not being a real good idea nor is it an inexpensive solution. Jodi stated that the committee wishes that council consider all recommendations put forth on the matter.

Streets and Sidewalks report by Sonya Edwards. Jodi expressed that there are three girls walking in a circle in the street and will not let cars pass. Others congregate with them and this causes a considerable safety issue. They congregate near the Katherine Thomas school.

Housing and Maintenance Code. No report.

Mayor Moore passed out a notice that the Ohio Department of Transportation is putting in a culvert near Jim's Fuel and Deli. There is no need for urgent action on this and it can wait until next month.

Planning and Zoning Commission. Mayor Moore stated that Michael Archon is buying three feet of property from the Church next to his property and the Zoning Commission approved the Mylars for the parcels showing the three feet change in parcels.

Tom Denvir has submitted a change of use application for the Beauty Parlor to become a carry out Pizza Shop. The application was approved.

Parks and Recreations by Jodi Minotti. Jodi stated that there was meeting set up on November 13, 2006 but it conflicted with a sports banquet and the meeting had to be cancelled.

Bicentennial Committee by Sonya Edwards. They have approved some icons they will be using which are very nice. She needs some help with a poster which represents Windham.

Economic Development and Long Range Planning – Scott Garrett, Chair – No report.

Tax Incentive Review Board – Marian Garrett, Chair – No report.

Records Commission – Marian Garrett, Chair – No report.

Solicitor – Mark Manlove – No report.

Guest recognition – none.

Remarks by those wishing to address Council. Judy Burkett asked why the Safety Committee would not back her up over the issue with the burn barrel and keeping the buildings clean and neat. She stated that Officer Hood lied against her in court and she is being sentenced next month. Mayor Moore asked Chief Perdian to look into this and the Chief agreed.

Marion Quiggle and Judy Burkett discussed the fire pit which was reported to be twenty-five feet from a home. They had discussed this with Chief Jack DeSalvo and Fire Chief Clair Simpson and were told since they are apartment managers they should do what they felt was appropriate. Mayor Moore said that this is an issue which should be discussed with the new Chief Ed Perdian.

Marion Quiggle asked about his Ordinance Book updates. Mayor Moore stated there would be a cost.

Chief Ed Perdian thanked Council for the confidence they showed in appointing him.

Jack Murphy stated that he is looking forward to coming on board.

Bill Pennington thanked Council also for their vote of confidence.

Lori Lee said that everyone was invited to the Pizza Party on Friday December 8th at 12 noon which is on Mayor Moore.

Marian moved and Sonya seconded and by unanimous vote the meeting was adjourned at 8:20 PM.

Respectfully submitted,

Lloyd C. Billman,
Clerk of Council