

Village of Windham, Ohio

Minutes of Special Council Meeting (Regular Council Meeting held at different than usual date)

Held April 27, 2011

At 7:31 PM, the Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of allegiance to the Flag of our Nation..

Roll Call: Rachel Barrett – present, Scott Garrett – present,
Kelly Meszaros – absent, Jena Miranda – present,
Linda Rininger – present, Phil Snyder – present

Also present were Atty. Tom Reitz Solicitor, Police Chief Eugene Fixler, Denise Bly, Bruce Rininger, Mike Iwanyckyj, and Pat Burns

Mr. Snyder made a motion to accept the revised agenda with the following additions:

Ordinances O-2011-15, O-2011-16, O-2011-17, O-2011-18

Resolutions R-2011-23, R-2011-24, R-2011-25

And the Agreement for Legal Services which is to accompany and supersede previous agreement with Ordinance O-2011-13. Mrs. Miranda seconded the motion which was passed unanimously by those present.

The minutes of the March 22, 2011 Regular Council Meeting were reviewed and on a motion to approve by Mrs. Barrett and second by Mr. Garrett and a vote of Council which unanimously affirmed the motion.

The minutes of the March 28, 2011 Special Council Meeting were reviewed and on a motion to approve by Mrs. Barrett and second by Mr. Garrett and a 5 – 0 vote of Council were approved.

The Fiscal Officer's Financial Reports were presented by Mr. Billman as follows:

The Income Tax total for March 2011 year to date is \$152,955.69 of which \$21,158.19 is due to declarations for estimated tax.

The expenditures for the month of March 2011 of \$163,818.82 in checks, charges, etc. Check numbers 25800 through 25952 were paid from the Primary Checking Account during March. Check number 25537 which was issued in December 2010 was voided during March 2011.

The all funds March 2011 Bank Reconciliation all funds reconciled balance was \$580,545.58.

Village Council President's Report by Mrs. Rininger – Mrs. Rininger said I wanted to thank Chief Fixler who joined me on April 21st for the Local Government Day at the Head Start. He was the star attraction among the little five year olds. Mayor Donham said I tried to upstage him by passing out suckers. Also Mrs. Rininger attended a meeting yesterday hosted by Kathleen Clyde with Village Officials. Mrs. Rininger said she is happy to say that we are fiscally in very good shape listening to the other Villages. Our conservative spending has probably saved us. Others are looking at staff cuts and safety cuts. We were also commended by one of the members for the fact that Chief Fixler in lieu of buying two new cruisers we now have four and we now have a decent fleet. And they were very interested in the HRA and the medical program we have in place. They thought that was ingenious so I gave Brian (Feliciano)

kudos for that. She was a little disappointed that Mantua was not there nor were Nelson or Freedom. There were about five or six Vilages there. Mrs. Cline was there to get information from us and wants to meet regularly. Mr. Donham said I spoke with Mrs. Cline afterward and she was very impressed with Linda (Rininger). She is awesome was Mrs. Cline's quote. So you represented us well, Linda.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for March 2011 were given by Mrs. Rininger. Mrs. Rininger then made a motion to accept the report which was seconded by Mrs. Miranda and carried unanimously by the vote of Council.

Mayor's Communication and Correspondence Mayor Donham presented Pat Burns who is commander of Portage County Drug Task Force and who was invited by Chief Gene Fixler. Mr. Burns spoke about the Task Force and how they have doubled their expenditures and their assets since he took over. There are currently ten police departments in the Task Force and he feels that it would benefit Windham immensely to belong. He has as many officers from Youngstown as he needs at his disposal as well as the Northeastern United States. The number one priority is taking the drug dealer off the streets. Mayor Donham said one of the issues we had last time was the responsiveness versus the cost. We don't have a full-time guy to give to the Task Force. Mr. Burns said we can accept 24 hour people (part-time people) without buy-ins. It costs \$10,000 to belong, but that can come out of your share of the forfeitures.

Mr. C. James Moore, former Mayor, was invited to speak and he solicited support for a movement within Portage County to repeal Senate Bill 5. There is an informational meeting being held in Ravenna.

Prior requests of guests to speak. None.

Finance by Linda Rininger

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of March 2011 of \$163,818.82 in checks, charges, etc with check numbers 25800 through 25952 being paid from the Primary Checking Account during March. Check number 25537 which was issued in December 2010 was voided during March 2011. The motion was seconded by Mrs. Miranda and carried by a 5 – 0 vote of Council.

Mrs. Barrett made a motion to approve the Fiscal Officers March 2011 Bank Reconciliation with an all funds reconciled balance of \$580,545.58 and the following monthly reports for the month ending March 31, 2011: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund. Approval of the following Year to Date Reports through March 31, 2011: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mrs. Miranda and carried by a 5 – 0 vote of Council.

Mrs. Rininger read Resolution R-2011-13 **A RESOLUTION AUTHORIZING A COMMERCIAL/INDUSTRIAL ELECTRICITY AGREEMENT WITH GLACIAL ENERGY OF OHIO, INC** as a third reading. Atty. Reitz said he spoke with Glacial Energy the net 10 has been approved to be net 20. They also agreed to the change in the text about arbitration. Mr. Snyder made a motion to approve Resolution R-2011-13 which was seconded by Mrs. Rininger and carried unanimously by those present.

Mr. Snyder made a motion to pay Portage County Hazardous Materials Response Team \$571.83 for years 2008 and 2009 with the 2010 billing being submitted to WVFD Joint Fire District. The motion was seconded by Mr. Garrett and carried by a unanimous vote.

Mrs. Rininger read Ordinance O-2011-14 **BEING AN ORDINANCE AUTHORIZING THE AMENDING AND/OR SUPPLEMENTING OF THE PERMANENT APPROPRIATIONS SET FORTH IN ORDINANCE O-2011-5 ON MARCH 1, 2011 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. Garrett and carried by a 5 – 0 vote of Council. Mrs. Barrett then made a motion to adopt Ordinance O-2011-14 which was seconded by Mrs. Rininger and carried by a 5 – 0 vote of Council.

Mrs. Rininger read Resolution R-2011-21 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY MEDICAL MUTUAL, COSE / MEDICAL MUTUAL OF OHIO, RONYAK PAVING INC, OHIO BUREAU OF WORKERS' COMPENSATION AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and carried unanimously by those present. Mrs. Rininger then made a motion to adopt Resolution R-2011-21 which was seconded by Mrs. Miranda and carried unanimously by those present.

Mrs. Rininger then read Resolution R-2011-22 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF WINDHAM TO ADVANCE BACK FROM THE SEWER OPERATING FUND TO THE REVOLVING LOAN FUND IN A SINGLE PAYMENT OF \$14,867.11 IN ORDER TO PAY THE \$79,291.60 AMOUNT IN FULL AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Miranda and carried unanimously by Council. Mrs. Rininger then made a motion to adopt Resolution R-2011-22 which was seconded by Mr. Snyder and carried unanimously by Council.

Mrs. Rininger read Ordinance O-2011-18 **AN ORDINANCE ESTABLISHING THE RATE OF PAY FOR THE MAYOR OF THE VILLAGE OF WINDHAM** as a first reading.

Safety / Personnel / Rules by Linda Rininger in the absence of Kelly Meszaros

Mrs. Barrett made a motion to rehire Loretta Workman as a Part-Time Dispatcher effective 04/15/2011 at a pay rate of a new hire (zero months to six months) which was seconded by Mrs. Rininger and carried unanimously by Council.

Mrs. Rininger read Ordinance O-2011-7 **AN ORDINANCE AMENDING SECTION 155.14 OF THE VILLAGE ADMINISTRATIVE CODE** as a third reading and Mrs. Barrett made a motion to adopt the Ordinance which was seconded by Mrs. Rininger and carried by a 5 – 0 vote of Council..

Mrs. Rininger read Ordinance O-2011-13 **AN ORDINANCE AUTHORIZING THE MAYOR AND THE VILLAGE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH THOMAS REITZ AUTHORIZING HIM TO SERVE AS SOLICITOR FOR THE VILLAGE OF WINDHAM COMMENCING ON JUNE 1, 2011, SETTING THE TERMS OF HIS COMPENSATION AND DECLARING AN EMERGENCY** as a second reading.

Mrs. Rininger read Resolution R-2011-18 **A RESOLUTION ESTABLISHING A POLICY OF THE VILLAGE OF WINDHAM WITH RESPECT TO MUTUAL AID TO OTHER POLITICAL SUBDIVISION** and made a motion to suspend the rules which was seconded by Mrs. Miranda and carried unanimously by Council. Mrs. Rininger then made a motion to adopt Resolution R-2011-18 which was seconded by Mrs. Miranda a carried unanimously by Council.

Mrs. Rininger read Ordinance O-2011-15 **AN ORDINANCE AUTHORIZING THE ADVERTISING OF BIDS FOR THE SALE OF TWO CROWN VICTORIA POLICE CARS OWNED BY THE VILLAGE OF WINDHAM IN CONFORMITY WITH OHIO REVISED CODE 721.15 AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Barrett and carried by a 5 – 0 vote of Council. Mrs. Rininger made a motion to adopt Ordinance O-2011-15 which was seconded by Mrs. Miranda and carried by a 5 – 0 vote of Council.

Mrs. Rininger read Resolution R-2011-23 **A RESOLUTION ESTABLISHING A POLICY TO PURCHASE GASOLINE FOR MUNICIPAL VEHICLES AND TO ESTABLISH AN ACCOUNT AT CIRCLE K GAS STATION FOR THAT PURPOSE AND DECLARING AN EMERGENCY.** Mrs. Rininger then made a motion to suspend the rules which was seconded by Mrs. Miranda and carried by a 5 – 0 vote of Council. Atty. Reitz explained that the Resolution was for gasoline only and could be easily amended to include diesel. Mrs. Miranda made a motion to amend the Resolution so that for each occurrence of Gasoline the words Gasoline and Diesel Fuel be substituted. The motion was seconded by Mr. Snyder and carried by a 5 – 0 vote of Council. Mrs. Miranda then made a motion to adopt Resolution R-2011-23 as amended which was seconded by Mr. Snyder and carried by a 5 – 0 vote of Council.

Utilities by Scott Garrett

Mr. Garrett read Resolution R-2011-20 **A RESOLUTION AUTHORIZING AN AGREEMENT WITH PORTAGE COUNTY, OHIO FOR WATER PURCHASE AND SANITARY SEWER DISCHARGE AND DECLARING AN EMERGENCY** as a second reading. Atty Reitz said this agreement has met with the approval of the Portage County Commissioners. Mr. Garrett then made a motion to suspend the rules which was seconded by Mr. Snyder and carried unanimously by those present. Mr. Garrett then made a motion to adopt Resolution R-2011-20 which was seconded by Mr. Snyder and passed unanimously by those present.

Mr. Garrett read Ordinance O-2011-16 **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** and made a motion to suspend the rules which was seconded by Mr. Snyder. The roll call vote was taken as follows: Mr. Garrett yes, Mrs. Rininger no, Mrs. Barrett yes, Mr. Snyder yes, Mrs. Miranda yes. The motion was therefore defeated because it required five yes votes to suspend the rules. Mayor Donham inquired as to what the hangup was. Mrs. Rininger asked what was the additional legislation you are putting out there? Mayor Donham explained that Lloyd doesn't have a method of payment to do these transfers and that is why this isn't an emergency but given thirty days we can provide the additional legislation. Mrs. Rininger said I have reservations about this anyway but if you want to bring it up to suspend the rules again I will support that. I won't necessarily vote for it. Atty. Reitz explained the proper procedure and Mrs. Rininger made a motion to reconsider which was seconded by Mr. Snyder and carried by a 5 – 0 vote. Mr. Garrett then made a motion to suspend the rules which was seconded by Mr. Snyder and carried unanimously. Mr. Garrett then made a motion to adopt which was seconded by Mr. Snyder and the roll call vote was taken. Mr. Garrett yes, Mrs. Rininger no, Mrs. Barrett yes, Mr. Snyder yes, Mrs. Miranda yes and so the motion carried.

Mr. Garrett read Resolution R-2011-24 **A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO APPLY FOR CREDIT WITH TAX EXEMPT LEASING CORPORATION FOR THE REPLACEMENT OF WATER METERS THROUGHOUT THE WHOLE OF THE VILLAGE AND DECLARING AN EMERGENCY** a made a motion to suspend the rules which

was seconded by Mrs. Miranda and carried unanimously. Mr. Garrett made a motion to adopt Resolution R-2011-24 which was seconded by Mr. Snyder and carried unanimously.

Mr. Garrett read Resolution R-2011-25 **A RESOLUTION AUTHORIZING ADVERTISING FOR BIDS FOR THE REPLACEMENT OF WATER METERS THROUGHOUT THE WHOLE OF WINDHAM VILLAGE AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Rininger and carried unanimously. Mr. Garrett made a motion to adopt Resolution R-2011-25 which was seconded by Mrs. Rininger and carried unanimously.

Streets and Sidewalks by Rachel Barrett

Mrs. Barrett said she had nothing to bring before Council at this time.

Housing Rental License Code by Rachel Barrett

Mrs. Barrett said she had nothing to bring before Council at this time.

Village Buildings and Properties by Jena Miranda

Mrs. Miranda read Ordinance O-2011-17 **AN ORDINANCE AMENDING THE VILLAGE ORDINANCE 1317.05 NUMBER SYSTEM** as a first reading and then stated that the Committee had referred the legislation to the Zoning Committee.

Parks and Recreation by Phil Snyder

Mr. Snyder said no meeting was held due to lack of a quorum. Mrs. Barrett and Mrs. Rininger were in attendance. Mrs. Rininger said she would attend the school board meeting and speak with the School Board members who are representatives to the Parks and Recreation Committee..

Mr. Snyder made a motion to approve the acceptance of a donation of 8 cubic yards of double ground mulch from Doll Lumber Company which was seconded by Mr. Garrett and carried by a 5 – 0 vote of Council.

Planning and Zoning by Phil Snyder

Mr. Snyder said he had nothing to report as they took no official action.

Solicitor’s Report by Atty. Tom Reitz

Mr. Reitz said he had no report.

Guest Recognition

Mrs. Barrett made a motion to adjourn which was seconded by Mrs. Miranda and upon a unanimous vote the meeting was closed at 8:52 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor