

*Village of Windham, Ohio*  
**Minutes of Special Council Meeting**  
Held November 19, 2015

At 6:30 PM Honorable Mayor Robert W. Donham II called the meeting to order.

Roll Call:	Rachel Barrett – present	Deborah Blewitt – present
	Scott Garrett – absent	Cheryl Taylor – present
	Linda Rininger – present	Phil Snyder – absent

Also present were: None

Mayor Donham read Resolution R-2015-27 **A RESOLUTION AUTHORIZING A CONTRACT WITH SHELLY & SANDS, INC. FOR THE WINDHAM STREET RESURFACING PROJECT / OHIO PUBLIC WORKS COMMISSION PROJECTS NOS. CG23S/CG24S WITHIN THE VILLAGE OF WINDHAM, PORTAGE COUNTY, OHIO AND DECLARING AN EMERGENCY** (See Attachment). This was a first read.

Mayor Donham read Ordinance O-2015-13 **AN ORDINANCE TO ENACT CHAPTER 182 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM REGARDING MUNICIPAL INCOME TAX** (See Attachment). This was a second read. Mayor Donham asked if there were any questions about this ordinance from council. He said the Mrs. Barrett had a question for Tom Rietz, that would be answered at the November 24, 2015 council meeting on the third read. Mrs. Rininger said that she thought it may be misused. Mayor Donham said if he is mistaken on how it reads, then council will have to put it off until December. Mrs. Barrett asked even if Tom Reitz says it is okay, is he willing to give us something in writing, stating that it is okay. Mayor Donham said that Tom will clarify everything at the November 24, 2015 meeting and that clarification will be in writing. Mrs. Barrett said even if Tom clarifies it, and she still doesn't think it means what he says, she is not voting for it. Mayor Donham said if Tom gives his opinion at the meeting it will be in writing because it becomes part of the minutes. Mrs. Barrett said someone may come along and misinterpret the amended part. Mayor Donham said when we read the ordinance it needs to say you get reciprocity. Mrs. Barrett then asked about the sections that were left blank. Mayor Donham explained if it was left blank, we have another section of our code that covers that and remains in effect. The amendment is just additions to what is already in place. The income tax code will be a combination of the two sections. So where the new section says "left blank", our income tax code fills in the blank. Mrs. Barrett said she was under the impression that if we have an ordinance in place and we pass another one, the new ordinance supercedes the old one. The way she interprets the new amendment, it would take away the half percent credit. Mayor Donham said usually that is correct, but this one does not say in repealing all prior inconsistent ordinances, that part was intentionally left out. We are not repealing our code, we just enacting this new amendment in addition to our code. Mrs. Rininger asked if we had to leave those sections blank or could we put some kind of wording in there to clarify it. Mayor Donham said that would be a question for Tom Reitz. Mrs. Barrett said what happens if it's not right and an auditor comes in and says that people are not supposed to get that credit, and then we would have to bill them for it. Mayor Donham said if we don't adopt this ordinance, our income tax

Minutes of November 19, 2015 Special Council Meeting

will be abolished January 1, 2015. Mayor Donham said if it needs tweaked, we need to do it quickly so this is in effect come January 1, 2015. Cheree Taylor said she talked to Tom Reitz and he is working on a new amendment and it will be in the council packet for Tuesday, November 24, 2015 council meeting. Mrs. Barrett asked if it could be passed after the first of the year. Mayor Donham said no, because the State says you have to have it on the books by January 1, 2015.

Mrs. Barrett made a motion to adjourn the meeting. The motion was seconded by Mrs. Rininger and carried by unanimous vote at 6:36 P.M.

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.