Village of Windham,Ohio

Minutes of Regular Council Meeting

Held on April 24, 2024

Note: Clerk of Council Katrina Washington was not present during the Regular Council Meeting held on April 24, 2024. The following Minutes are based on the audio recording on the Village of Windham’s recording device.

At 6:00 pm Mayor Lawrence Cunningham called the Regular Council Meeting to order and led in the Pledge of Allegiance.

Roll Call: Scott Garrett – Present Sherri Pennington – Present Cheryl Belknap – Present Terrie Altiere – Present Marilyn Gage – Present David Belknap – Present

Also present were Village Solicitor Charles Gasio, Zoning Inspector Chris Stier, Police Chief Rick Garinger, Housing Inspector Damel Walker and other residents.

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Mayor Lawrence Cunningham opens the floor to prior guests to speak.

None

Mayor Lawrence Cunningham requests a motion to approve the March 28, 2024 Regular Council Minutes.

David Belknap asks Council if all Council Members can say, in all honesty, have read the minutes. Council President Sherri Pennington and Terrie Altiere confirm that they skim them. David Belknap further explains that it says Council President and Mayor for the same name, at the bottom it says Scott Garrett as the Mayor, and other errors. David Belknap wanted to make sure that people are actually reading through the minutes.

Mayor Lawrence Cunningham requests a motion to approve the March 28, 2024 Regular Council Minutes with the amendments. Council President Sherri Pennington makes a motion to amend the March 28, 2024 Minutes. Mayor Lawrence Cunningham asks David Belknap if he has a copy with the corrections. David Belknap confirms and says that he will give it to Clerk of Council Katrina Washington. David Belknap seconded the motion and it carried by a 6-0 Roll Call Vote.

David Belknap makes a motion to approve the March 28, 2024 Regular Council Meeting Minutes with amendments. Council President Sherri Cunningham seconded the motion and it carried by a 6-0 Roll Call Vote.

Mayor Lawrence Cunningham opens floor for Fiscal Officer’s Financial Reports by Katrina Washington

Income Tax collected Year to date March 2024: $184,529.45

The Expenditures for the month of March 2024: $226,665.23 in checks and charges. Check numbers 38881, 38917, 38921, 38929 through 38936, 38943 through 38966, 38968 through 38998, 39001, 39003, 39005, 39013, 39019 March 2024 with 2 checks voided during the month. Direct Deposit Vouchers 158-2024 through 160-2024, 164-2024 through 166-2024, 168-2024 through 170-2024, 172-2024 through 183-2024, 188-2024 through 194-2024, 196-2024, 198-2024 through 229-2024, 231-2024 through 236-2024, 238-2024, 241-2024, 243-2024, 244-2024, 2046-2024, 2048-2024 through 255-2024, were also paid during the month of March 2024. The all funds balance for March 2024 was $2,265,245.22.

Mayor Lawrence Cunningham opens the floor for old business

Police Chief Rick Garinger informs Council the upstairs is done and everything is out of there. It is ready to be inspected and get the lockbox on the door. Council President Sherri Pennington asks if that is the last thing that needed to be done. Village Administrator Ryan Wagner confirmed.

Mayor Lawrence Cunningham opens floor for Council President’s Report

Council President Sherri Pennington does a Third Read of ORDINANCE O-2024-3 AN ORDINANCE AMENDING SECTION 123.01-POSTING OF ORDINANCES. Opening the floor to discuss ORDINANCE O-2024-3.

Council President Sherri Pennington makes a motion to accept ORDINANCE O-2024-3. David Belknap seconded the motion and it carried by 6-0 Roll Call Vote.

Council President Sherri Pennington does a Third Read of ORDINANCE NO. 2024-4 AN ORDINANCE TO ADD THE NAME OF THE STREET CURRENTLY KNOWN AS BAUER AVENUE TO MARTY HILL DRIVE. David Belknap says that we are not changing the name, we are just adding Marty Hill Drive. Council President Sherri Pennington makes a motion to Approve ORDINANCE NO. 2024-4 as amended. Marilyn Gage seconded the motion and it carried by a 6-0 Roll Call Vote.

Council President Sherri Pennington does a Second Read of ORDINANCE NO. 2024-6 **AN ORDINANCE AMENDING SECTION 555.02, NOTICE TO CUT GRASS OR WEEDS, OF THE CODIFICED ORDINANCES OF THE VILLAGE OF WINDHAM.** Opening the floor for discussion on ORDINANCE NO. 2024-6.

Village Solicitor Charles Gasior asks for clarification on if Council wanted the length changed as well as the number of days. Council President Sherri Pennington confirms it was just the number of days. David Belknap thought Council was also changing the posting. Village Solicitor Charles Gasior says that is something new and asks for clarification on if that was being changed also. David Belknap further explains that he thought there was discussion about not having to send a certified letter. Mayor Lawrence Cunningham asks for clarification on an email Fiscal Officer Katrina Washington sent him. That said Village Solicitor Charles Gasior advised her that the Village can’t just go cut properties without some kind of notification first. Village Solicitor Charles Gasior confirms that a separate notice has to be sent prior to each individual mow. There is discussion about how Newton Falls notifies their residents, Council agrees they would like to do something similar. David Belknap says that in Exhibit A it says that a single notice servant under this section shall be sufficient and effective for enforcement action under this section until December 31st. Asking if that means once the Village cuts it one time, is it ok to just cut when needed after. Mayor Lawrence Cunningham explains that is what he mentioned earlier. That a notice has to be given each time the property needs cut. Village Solicitor Charles Gasior explains that people will be very leery of only having one posting, because how the owners know how many times the Village came out to cut the property. Further explaining that is the nice thing about the certified mailing, there is evidence of the letter being mailed. If the Village wanted to do a posting, there would have to be a picture taken every time. David Belknap asks if the timestamp for the picture would be sufficient. Village Solicitor Charles Gasior confirms saying that would be the Village’s evidence.

Council President Sherri Pennington informs Council that she is still encouraging people to take advantage of the septic upgrade grants that are currently available.

Council President Sherri Pennington has also continued to network and attempt to convince people to bring their businesses to Windham.

Village Solicitor Charles Gasior asks Council for clarification on if they would like to changed the posting options to posting a sign on vacant lots rather than sending by certified mail. Also asking if that would only be for vacant lots or would that also be for residents.

Mayor Lawrence Cunningham opens the floor to Terrie Altiere who makes a motion to accept the Fire and Rescue reports for March 2024. David Belknap seconded and it carried by a 6-0 Roll Call Vote.

Mayor Lawrence Cunningham opens the floor for Mayor’s Communication.

Mayor Lawrence Cunningham speaks on the tragedy and unexpected events from the tornado touching down in Windham Township. Further explaining that everyone from the Township Officials to Village residents, employees, officers, EMA, churches and more have stepped up to help those effected. All in a very timely manner to where cleanup is very minimal at this point. Mayor Lawrence Cunningham is very proud of everyone in our area. Scott Garrett asks is the tornado siren malfunctioned. Mayor Lawrence Cunningham informs Council that was an issue and it has been looked into. There are more discussions needed to decide how to move forward. Mayor Lawrence Cunningham would like to go back to the 9:30pm whistle everyday once everything is sorted out.

Mayor Lawrence Cunningham opens the floor for Finance

Terrie Altiere makes a motion to approve the Fiscal Officer’s expenditures for the month of March 2024 as reported. Council President Sherri Pennington seconded the motion and it carried by a 6-0 Roll Call Vote.

Terrie Altiere makes a motion to approve the all Funds Bank Balance for March 2024 as reported. Council President Sherri Pennington seconded the motion and it carried by a 6-0 Roll Call Vote.

Terri Altiere reads RESOLUTION NO. R-2024-10 **A RESOLUTION AUTHORIZING THE PURCHASE OF POLICE LOCKERS WITH ARPA FUNDS AND DECLARING AN EMERGENCY.** Opening the floor to discuss RESOLUTION NO. R-2024-10.

David Belknap has a question about the ARPA funds. Saying when the Village bought the building, it was agreed that the ARPA funds would be used to pay the salaries to offset the cost of the building. Because the ARPA funds couldn’t be used to buy the building. They were used for salaries instead. David Belknap is wondering how we have ARPA funds left over. Police Chief Rick Garinger explains that the original allotment was not the $125,000 to purchase the building. Further explaining that the Village had more money in the funds that have not been allocated to anything. Police Chief Rick Garinger believes there is $63,000 in the ARPA funds still that has to be spent by the end of this year. Terrie Altiere says that the money has to be allocated. Police Chief Rick Garinger confirms, saying that is the word he was looking for. David Belknap asks if the ARPA funds could be used for the construction stuff that currently needs done. Police Chief Rick Garinger confirms. Saying that anything that is involved with the locker room and the shower can be paid for by the ARPA funds. Police Chief Rick Garinger explains what still needs to be done at the new building before they can move in and the quotes he has received from electricians and plumbers to do the work. David Belknap says that $20,000 is a lot for lockers. Police Chief Rick Garinger agrees. David Belknap says his only question is. The Village has used $125,000 for salaries so far, which is confirmed. Police Chief Rick Garinger confirms saying that was used to purchased the building, we used the income from the salaries to buy the building. And used the ARPA money to pay the salaries. David Belknap wanted to make sure that was done. Further explaining that the Village spent a lot out of the money for the police department. Wondering if there is anything that we can use that money for in the other three departments that we have before Council approves this. Police Rick Garinger says that he is not sure. Further explaining that this is part of phase two of the building, he was only moving forward with this because the money was there. If it could be used elsewhere, that is ok. Saying using it for other departments would be something Village Solicitor Charles Gasior or Fiscal Officer Katrina Washington would have to look into to see if it’s feasible to use somewhere else. David Belknap says that he just wants to make sure we aren’t just spending it to spend it by the end of the year and would rather wait a month to make sure we can’t use the money somewhere else. Police Chief Rick Garinger and Council President Sherri Pennington agree. Council President Sherri Pennington says they will have to talk to Fiscal Officer Katrina Washington about it to find out. Terri Altiere says we will table this Resolution. Council President Sherri Pennington confirms that it will be tabled for the next meeting.

Mayor Lawrence Cunningham opens the floor for Utilities

Scott Garrett reads RESOLUTION NO. R-2024-9 **A RESOLUTION AUTHORIZING THE PURCHASE OF AN ALARM/CAMERA SECURITY SYSTEM AND DECLARING AN EMERGENCY.** Opening the floor for discussion on Resolution No. R-2024-9. David Belknap references the Fiscal Officer’s note on the agenda saying that the Village should just buy a monitor for $60-$80. David Belknap doesn’t know where the Village would be able to go and find a monitor that is sufficient to watch these cameras for $60-$80. Further explaining that the whole point of cameras is so you can look at a screen and see what’s going on outside your building without having to go outside. David Belknap thinks that TVs big enough; not monitor’s; to see what’s going on is what the Village should do. Further explaining that if you put a TV up on the wall that is 32 inches and you have six cameras on there, you can at least see what is on those cameras rather than a little computer screen that’s 20 inches. Council thinks they should get four TVs rather than getting them as part of the original quote. Terrie Altiere asks what is in the quote. David Belknap says that we have the option of buying them ourselves.

Scott Garrett makes a motion to Suspend the Rules. David Belknap seconded the motion and it carried by a 6-0 Roll Call Vote.

Scott Garrett makes a motion to approve RESOLUTION NO. R-2024-9. David Belknap seconded the motion and it carried by a 6-0 Roll Call Vote.

Village Administrator Ryan Wagner discusses buying the new meters with Council. He spoke with Mayor Lawrence Cunningham and thinks that we should take the money we get from the meter fund. Village Administrator Ryan Wagner spoke with the EPA, they won’t help us. He also spoke with OWDA and we can get a 3.73% interest rate on $230,000. He thinks that we should get the loan and pay it back out of the meter fund money. Terrie Altiere asks how many meters. Village Administrator Ryan Wagner answers, but can’t understand what number is said. David Belknap reminds Council that if they get a loan to buy more meters this year, it would have to go out to bid because we just bought the other meters earlier this year. Village Administrator Ryan Wagner asks Village Solicitor Charles Gasior how that works when you are buying something that is a specialty item. Village Solicitor Charles Gasior informs Council that they would advertise the posting. When only one bid comes in, that’s all you have. The requirement is just to go out and ask for bids. The purpose is to ensure no inside bids. If only one bid comes in, that is fine. Marilyn Gage asks what the loan estimate is. Village Administrator Ryan Wagner says it would be $220,000 for 670 meters.

Mayor Lawrence Cunningham opens the floor for Service

Cheryl Belknap reads RESOLUTION NO. R-2024-8 **A RESOLUTION AUTHORIZING THE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER FOR THE PURCHASE OF TWO 2024 DODGE DURANGO PERSUIT VEHICLES WITH UPFIT EQUIPMENT AND DECLARING AN EMERGENCY.** Opening the floor fordiscussion on Resolution No. R-2024-8.

David Belknap asks if there were prices from a shop to say exactly how much it was going to cost to repair the cars. Police Chief Rick Garinger says that he can get those numbers if Council would like. Scott Garrett asks how old the cars are. Police Chief Rick Garinger says the cars are 10 years old. David Belknap says that the issue he has is that there is not a professional opinion on what the cars actually need. David Belknap explains that he is not against getting the new cars, he is against the process we went about doing it to be upfront. Police Chief Rick Garinger says that the emergency was in an effort to ensure we could get the cars because of supply and demand. David Belknap says that it just bothers him that Council is going around the $50,000 thing. Not going through the three reads or whatever. It’s just bam, here it is. We already bought them, approve it. They are coming anyways. Police Chief Rick Garinger informs David Belknap that it was also to hold the percentage rate where it was for the cars. Terrie Altiere says that she thought this was all discussed at the Committee Meeting. Reminding Council and David Belknap that Council recommended for it to be put on the agenda as a Then and Now. Because he had the quotes and everything right there.

Cheryl Belknap motions to suspend the rules. Scott Garrett seconded the motion and it carried by a 6-0 Roll Call Vote.

Cheryl Belknap motioned to approve RESOLUTION NO. R-2024-8. Terrie Altiere seconded the motion and it carried by a 5-1 Roll Call Vote with David Belknap voting no.

Mayor Lawrence Cunningham opens the floor for Economic Development

David Belknap informs Council that he has received questions about what is going into Mandy’s old building. Saying that he has not heard so was wondering if any Council Members knew what the plans were for the building. Further explaining that he was asked today if it was going to be a methanol clinic, a recovery clinic, a clinic at all. Mayor Lawrence Cunningham knows for sure that is it not a methanol clinic. Further explaining that he can’t speak for them because that is their business. It is his understanding that they are moving their offices into one location rather than be spread out all over the place. Police Chief Rick Garinger informs Council that the owner is planning on doing a press release. David Belknap asks if there is anything that will need to be done for zoning. Mayor Lawrence Cunningham says no.

David Belknap asks for an update on the Sparkle building because he saw people in there. Mayor Lawrence Cunningham says that they are working on fixing it.

Mayor Lawrence Cunningham opened the floor for Parks and Recreation

Council President Sherri Pennington shares that the Girls Gone Wild Event was a couple weeks ago. There wasn’t as many people as she thought were attending, but it went well. Thinking more advertising would help.

Council President Sherri Pennington asks for updates for Fun In The Sun. Marilyn Gage asks how many kids games she needs to have planned. Council President Sherri Pennington said she had a meeting with Lisa from Middlefield Bank. Lisa recommended putting together a sponsor sheet to have businesses sponsor a specific event. Council President Sherri Pennington suggested looking more into carnival style games. Council President Sherri Pennington informs Council that she is working on a flyer and she should have that ready by the Committee of The Whole Meeting. Marilyn Gage asks if we need a prize for the car show. Mayor Lawrence Cunningham says that we are running out of time to advertise for the school. Scott Garrett said in the past the cheerleaders would have face paintings. Mayor Lawrence Cunningham suggests a dunk booth. David Belknap suggests doing a K9 demonstration. David Belknap will reach out to a department to see if they would be interested in doing that.

Mayor Lawrence Cunningham opens the floor for Planning Commission

None

Mayor Lawrence Cunningham opens floor to Zoning

Zoning Inspector Chris Stier has issued two permits.

Zoning Inspector Chris Stier goes over the rules for signs being placed on properties and the rules for putting a manufactured home on a property.

Mayor Lawrence Cunningham opens floor to Housing Inspector

Housing Inspector Damel Walker informs Council a few properties have passed inspections twice. Mayor Lawrence Cunningham asks for an update on the repairs on the building where Ms. Pat lives. Housing Inspector Damel Walker says that those repairs are being done. He will continue to be in touch with the maintenance company.

David Belknap asks for an update on the water running through one meter for three apartments. Village Administrator Ryan Wagner has talked with the property owner, telling him that needs to get handled. The property owner is aware that they need to be separated out. Village Administrator Ryan Wagner said he will follow up with the owner of the property.

Mayor Lawrence Cunningham opens floor to Village Administrator Ryan Wagner

Village Administrator Ryan Wagner has nothing to discuss.

Mayor Lawrence Cunningham thanks Village Administrator Ryan Wagner for getting the guys out there and organized over the past week. Thanking him for the dedication he showed in the past few because he could have just said he didn’t have time. Or sent only one person out there. Mayor Lawrence Cunningham also mentions that Water Superintendent Tony Blewitt is also pretty beat up right now and has put in a lot of hours on the machines.

Marilyn Gage asks for an update on the Wastewater filters. Village Administrator Ryan Wagner says that we are still looking for financing.

Mayor Lawrence Cunningham opens floor last chance for members of Council to speak upon any subject at this meeting

David Belknap asks if Council can get their packets and paperwork not only printed for meetings, if they are getting emailed to them. Like the contracts and stuff so he’s not constantly looking through on the email to try and find things. But can Council also get it earlier like it has been talked about in the past. Further explaining this whole coming in the day of or the day before is hard for the people that work. Realizing first of all that it came through, and then looking at it trying to read through the minutes, contracts and everything with only 24-48 hours’ time. While also living life. Council President Sherri Pennington informs David Belknap that Clerk of Council Katrina Washington was waiting on information that she wasn’t able to get until yesterday. Mayor Lawrence Cunningham shares that with some of those things, he thinks he has kind of honed in on what the issue is. Clerk of Council Katrina Washington will have it, but because Village Solicitor Charles Gasior gets something late that he has to finish, or a Council Member can’t get her something needed. Rather than printing everything four or five times, and you keep rereading it. Clerk of Council Katrina Washington figures lets just get everything out at one time. Mayor Lawrence Cunningham understands that it is rough, he does it too. But he doesn’t know how it can really be fixed. Unless nobody adds anything in before she sends out the final thing in. If everything is given to Clerk of Council Katrina Washington and Village Solicitor Charles Gasior beforehand, everything can get sent out by Saturday or Sunday. But unfortunately, that is not the case with this kind of stuff. Something is going to be added every single time. David Belknap was just wondering if it is possible to get things sooner.

Terri Altiere informs Council that the Lions Club has two benches that were originally going to the Community Building. Mayor Lawrence Cunningham said somebody mentioned to have them put at the park. Council is ok with the benches going to the park. Terrie Altiere is going to see if the plastic in the office can get to the Lions Club. Village Administrator Ryan Wagner says that he will get the guys to drop it off.

Mayor Lawrence Cunningham opens floor to Village Solicitor Charles Gasior

Village Solicitor Charles Gasior does not have anything to share.

Mayor Lawrence Cunningham goes over March Calendar

Committee Meeting Tuesday May 14, 2024 at 6:00 p.m.

Council Meeting Tuesday May 28, 2024 at 6:00 p.m.

David Belknap will not be available May 28th.

Mayor Lawrence Cunningham opens the floor to Safety and Personnel

None

Terrie Altiere makes a motion to enter into Executive Session for Personnel, Compensation, Discipline, Contracts. Inviting only Council Members. David Belknap seconded the motion and it carried by a 6-0 Roll Call Vote.

Executive Session is entered at 7:46pm.

David Belknap makes a motion to end Executive Session at 7:52pm. Council President Sherri Pennington seconded the motion and it carried by a 6-0 Roll Call Vote.

Council Exits Executive Session and reenters into Regular Council Meeting at 7:52pm

Marilyn Gage makes a motion to approve the following Employee Raises retroactive to January 1, 2024. Terrie Altiere seconded the motion. Raises given were not actually read while making the motion. David Belknap mentions to make sure those are put into the meeting minutes so there is not confusion in the future.

Roll Call:

Scott Garrett: Yes Sherri Pennington: Abstain Cheryl Belknap: Yes

Terrie Altiere: Yes Marilyn Gage: Yes David Belknap: Yes

Motion carried with a 5-0 Roll Call Vote with Council President Sherri Pennington abstaining.

With no further business to discuss Council President Sherri Pennington makes a motion to adjourn the Regular Council Meeting. David Belknap seconded the motion. Recording ended before a Roll Call Vote.

Regular Council Meeting Adjourned at 7:53pm.

Respectfully Submitted, Attest,

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Katrina Washington Lawrence Cunningham

Clerk of Council Mayor

**\*NOTE: THESE MINUTES ARE A SUMMARY BY DIRECTION OF COUNCIL\***

**All Council and Committee Meetings will be held in Windham Council Chambers,**

**unless otherwise noted**