Village of Windham, Ohio

Minutes of Council Meeting

Held August 22, 2017

At 7:01 p.m. The Honorable Mayor Deborah Blewitt called the meeting to order and led in the pledge of allegiance to the flag of our country.

Roll Call:	Sandy Patti – absent	Cheryl Belknap – present
	Scott Garrett – present	Phil Snyder – present
	Cheryl Taylor – present	Stacy Brown – present

Also present were: Thomas Reitz, Ryan Wagner, Diane Smith, Eric Breiding, Sheila Moore, Kay Friend, Patty Moore, Cindy Cale, Tom Brett, Greg Trask, Nathaniel Garrett, and Jim Moore.

Mr. Snyder made a motion to approve the minutes of the July 25, 2017 Regular Council Meeting, which was seconded by Mr. Garrett and carried by a 5 – 0 vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date July 31, 2017 was $319,204.40. The expenditures for the month of July 2017 were $160,005.96 in checks and charges. Check numbers 33358 through 33431 were paid from the primary checking account during July 2017 with no checks voided during the month. Direct Deposit Vouchers 360-2017 through 386-2017 and 389-2017 through 409-2017 were also paid during the month of July 2017. The all funds reconciled balance for July 2017 was $1,432,107.61.

Village Council President's report by Scott Garrett – Mr. Garrett had nothing at the time.

Dispatchers Police, Fire and Rescue Reports for July 2017 by Mrs. Taylor – Mrs. Taylor made a motion to accept the Police, Fire and Rescue Reports for June 2017, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mayor's Communication by Deborah Blewitt – The Mayor said she spoke with Tom Reitz about the liability of AA using the old Council Chambers for their meetings. The Mayor said AA is going to give the Village a letter stating that they release us from any liability while they are in the old Administration Building. The Mayor said that tomorrow, August 23, 2017 is the pre-bid meeting for the contractors that are bidding on the Community Center grant project. The interested contractors will be able to view the building and go up in the attic. The Mayor said on August 17, 2017 she called Todd Peetz from Regional Planning about the Land Use Plan. The Mayor said the community survey will be removed from the scope of work, which is almost $1,000 and the Mayor is also going to meet with Todd Peetz and go through the maps that the Village already has to see if maybe they can be used for the Land Use Plan and that will save the Village even more money. The Mayor asked Tom Brett to please be a part of that meeting in case he has any additional maps that could possibly be used in the Land Use Plan. Mr. Garrett said that we should also bounce some marketing ideas off of Todd Peetz once the Land Use Plan is complete. The Mayor said she has already spoke to Mr. Peetz about this and he said he does have some ideas. The Mayor asked Council to decide on a date for the Open

House for the New Administration Building, so that the residents can see where there tax dollars were used. Mr. Snyder suggested that Council holds the Open House on a weekend because he believes more people will attend. Council decided to hold the Open House on Saturday, September 9, 2017 from 3 – 5 p.m. There will be cookies and coffee served.

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 July 2017 as reported. Mr. Snyder seconded this motion and it carried by a 5 – 0 vote.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for July 2017 in the amount of $1,432,107.61 as reported. Mr. Snyder seconded the motion which carried by a 5 – 0 vote.

Mr. Garrett read Ordinance O-2017-17 **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. Mr. Garrett made a motion to adopt Ordinance O-2017-17, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mr. Garrett made a motion to approve the Mayor buying a laptop, which was seconded by Mr. Snyder. Mr. Snyder wanted to amend the motion to include that the cost does not exceed $1,000. Mr. Garrett made a motion to amend the previous motion, which was seconded by Mr. Snyder. This amended motion carried by a 5 – 0 vote.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder read Ordinance O-2017-19 **AN ORDINANCE AMENDING SECTION 521.11 STORAGE OF JUNK AND JUNK CARS.** This was a first read.

Chief Breiding said he had a meeting with Superintendent Greg Isler about the school crossing guard and the school had agreed to pay half of the school crossing guard's salary this year.

Utilities by Cheryl Taylor

Mrs. Taylor read Resolution R-2017-17 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM UNDER SECTION 735.29 OF THE OHIO REVISED CODE TO CERTIFY THE FOLLOWING SUMS TO THE PORTAGE COUNTY AUDITOR TO BE ASSESSED AND COLLECTED AS DELINQUENT WATER/SEWER RENTS TOTALING $5,970.57 AS SET FORTH HEREIN 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. Mrs. Taylor made a motion to adopt Resolution R-2017-17, which was seconded by Mr. Snyder. Mr. Garrett questioned why there were a couple of water assessments that were $1,000. The Mayor explained that these were old accounts that were either on a promissory note or the occupant skipped out on the final bill. The Mayor assured Council that there are currently no bills that are over 30 days old that

have not been shut off. The Mayor also said that there are only two promissory notes left and we are not doing that anymore. The motion to adopt Resolution R-2017-17 carried by a 5 – 0 vote.

Service Committee by Scott Garrett

Mr. Garrett read Resolution R-2017-16 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM UNDER SECTION 715.261 OF THE OHIO REVISED CODE TO CERTIFY THE FOLLOWING SUMS TO THE PORTAGE COUNTY AUDITOR TO BE ASSESSED AND COLLECTED AS TAXES FOR THE MOWING OF LOTS CONTRACTED BY THE VILLAGE OF WINDHAM TOTALING $6,888.13 AS SET FORTH HEREIN 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. Mr. Garrett made a motion to adopt Resolution R-2017-16, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mr. Garrett read Ordinance O-2017-18 **AN ORDINANCE AUTHORIZING LEASE OF VILLAGE-OWNED PROPERTY TO HIGHEST BIDDER 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. Mr. Garrett made a motion to adopt Ordinance O-2017-18, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mr. Garrett made a motion to provide AA with a key to the old Council Chambers for their meetings. This motion was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Economic Development by Phil Snyder

Mr. Snyder made a motion to accept Regional Planning's Proposal for the Village's Land Use Plan. The Mayor said this was discussed in Economic Development Committee Meeting. Mr. Reitz suggested putting a not to exceed in the motion. The Mayor said right now the cost is at $6,400 before going over the maps, which may lower the cost also. Mr. Garrett suggested having a little lead way with the cost. Mr. Snyder thanked Sheila Moore for her input at the Economic Development Committee meeting in regards to suggesting that we could possibly use some of the information and maps from the Market Study to save money for the Village. Mr. Snyder amended his motion to include not exceeding $7,000. Mr. Garrett seconded the amended motion and it carried by a 5 – 0 vote.

Parks and Recreation by Mr. Snyder – Mr. Snyder had nothing at the time.

Planning and Zoning by Deborah Blewitt – Mayor Blewitt said she had a discussion with Mr. Reitz about the trailer on Snow Road. She said they discussed two options, with one of them being way less expensive than the other. The Mayor said that David Benjamin was the Village's Solicitor prior to Mark Manlove, when this issue first began. Mr. Reitz gave Council some background information on this issue. Mr. Reitz said the lot in question is zoned industrial. Mr. Reitz said it is his understanding, because this issue pre-dated him working as the Solicitor for the Village, that somewhere between 2005 and 2007 that a resident lived in a mobile home on that property, however there are no records that whether that was established legally. The Village's zoning code was enacted in 1999 and if this lot in question was established legally it would have been before 1999 and therefore the Village does not have any

records of this. The lot was purchased by the current owner from an estate in 2008. In 2008 or 2009 the current owner applied for a use variance, which is not permitted under the Village's zoning code. Mr. Reitz said apparently the owner appeared before the Planning Commission or the Board of Zoning Appeals; however there are no minutes from that meeting. Mr. Reitz said the owner didn't do anything for the next three years until he began to say that he was approved for this variance. Mr. Reitz said that is when he became involved because he started working for the Village. Mr. Reitz said there were no permits issued approving this variance. Mr. Reitz said in 2011 he wrote the owner a fairly comprehensive three page letter stating what the zoning code says, what the owner's options were, what the owner had to prove, and then invited him to come before the Board of Zoning Appeals to state his case. Mr. Reitz said the owner did not do this and wrote Mayor Rob Donham about a year later complaining that he did not get his variance (there is no record of the Mayor Rob Donham's response). Mr. Reitz said a year later the owner wrote him a letter stating that the Village had treated him badly and he should be approved for his variance (this was in 2013). Mr. Reitz said that earlier this year Tom Brett issued a citation to the owner because there is a mobile home on this lot. There was no response to the citation. Mr. Reitz said he wanted to give Council the history of this issue and that he does have an enforcement strategy for this issue, but it is not something to be discussed in an open meeting. Mr. Reitz is going to do some investigating and make a suggestion to the owner as how he can show he is legally entitled to use the property as he is using it now. Mr. Reitz said if the owner neglects or is unsuccessful in proving this, then the Village can take some action. Mr. Garrett asked if the owner should have a permit granting this variance. Mr. Reitz said yes, you would think so. Mr. Snyder said he had some input into this property. Mr. Snyder said the last resident that lived there, did not die, his name is Ted Bennett. Mr. Snyder said Mr. Bennett sold the property to the current owner, who has sold it to the current resident on a land contract. The current owner was told repeatedly that he could not put a mobile home there. The current owner came to a Zoning Board meeting and was told there would need to be an investigation and the investigation showed that there is not enough land to put a residence on. The owner applied for a variance and was turned down. The owner sold this property on a land contract and the current resident just went ahead and put a mobile home on this property, which is in direct violation of the Village's zoning code. Mr. Garrett said there is not enough land there to put in a proper septic system. Mr. Reitz said he does not want to discuss a prosecution case in an open meeting, however the Village is conducting a proper investigation and they are going to give the property owner another opportunity to prove that they are entitled to use the property as residential. If the owner fails to prove this, then there is a plan in place to correct this situation.

Solicitor's Report by Tom Reitz – Mr. Reitz had nothing further at the time.

Guest Recognition – Sheila Moore questioned the wording on 9.4 stating that is seems like the Mayor is buying the laptop, when in fact it is Council approving and buying the laptop and the laptop would belong to the Village. Ms. Moore said the wording sort of sounds like the laptop may be a gift. The Mayor said the laptop will belong to the Village and asked Mr. Reitz if the motion needed to be changed. Mr. Reitz said the comments make the record clear. Jim Moore asked about the recycle that was mentioned at the committee meeting. The Mayor said that she provided Portage Solid Waste District with addresses for everyone in the Village and they are sending out postcards to the Village residents to conduct a survey to see what the interest is for curbside recycling. The Mayor said that the Village and Township will be getting rid of the dumpster containers for recycling because neither the Village nor the Township has anywhere to put these containers. The Mayor said that they should never have been put at the Sewer Plant

because there is a liability with having someone possibly fall into one of the tanks. The Mayor said she believes the charge for curbside recycling is $2.50 per month. Portage County Solid Waste would provide each residence with a container and pick up recycling every two weeks. Jim Moore asked if this includes the Township as well and the Mayor said yes. Jim Moore asked if there was anything being done with garbage and the Mayor said this is just recycling. Mr. Garrett said at one point Council was looking to go with one garbage hauler in the Village, but right now we are just talking about recycling. Jim Moore said there are garbage haulers out there that also do recycle and he said he believes the EPA says that has to be put out for bid. Mr. Reitz said that Hiram just competitively bid both garbage and recycle. Mr. Reitz said Hiram went with the County for recycle and he believes Kimble for their garbage hauler. Mr. Garrett said that when you go with a single garbage hauler, you get cheaper rates. Mr. Reitz also pointed out that there is less traffic with the big trucks on the roads and everyone's garbage is picked up the same day. Jim Moore asked what happens after the postcards and interest is determined. The Mayor said the cost will be determined and then there will be public meetings on this topic. Mr. Reitz recommended that if Council is going to go with curbside recycle that is be competitively bid. Jim Moore asked if each parcel owner gets to decide whether they want curbside recycle or not. The Mayor said she believes that someone can choose not to recycle but they will still be charged for it. Mr. Garrett said he believes it is an all or nothing type deal. Mr. Reitz confirmed that every property owner will be charged if the Village decides to go with the County as a single recycler. Mr. Reitz said owners will also be charged even if their property vacant. Mr. Garrett asked if independent garbage and recycle haulers had the same rules. Mr. Reitz said he believes that Rumpke does not charge if the property is vacant. Mr. Garrett said he thinks that issue needs to be addressed before making any decisions. The Mayor said she likes the idea of competitively bidding this and the first step is to do the survey and see what the interest is. The Mayor also wants the residents to know that if we do not go to curbside recycle, there will be no recycle at all in the Village because we are getting rid of the dumpsters that we currently recycle in. Sheila Moore said she was concerned about giving people's addresses to a vendor without the resident knowing. The Mayor said that is all public record. Cindy Cale suggested that the Village could have got the survey cards from the County and the Village could have sent them out and provided the County with the results that way resident's information remained within the Village. Patty Moore asked if there is a dumpster for multi-family residences, how is that going to work. The Mayor said that the County is working on a solution for multi-family housing. The Mayor said this issue of curbside recycle is just in the start-up stages and she wants to have public hearings so that the Village is as transparent as possible. Mr. Reitz suggested that the Village stipulate to the County and any other providers who are interested, what kind of service we would like and set it up as such in the bid package. Jim Moore asked if Council was going to oversee the survey results and the Mayor said yes. Diane Smith mentioned that the Mantua Potato Festival was the same day as the Open House for the New Administration Building. The Mayor said she thought that it would still be okay because the Open House was in the afternoon.

Last Chance of Council to Speak on Any Subject – Council had nothing at the time.

Council looked at the calendar for September. The Council Meeting will be Tuesday, September 26th, 2017 at 7:00 p.m. and the committee meetings will the first Tuesday, September 5th, 2017 and the second Tuesday, September 12th, 2017, both at 6:00 p.m.

Mr. Garrett made a motion to adjourn the meeting which was seconded by Mrs. Taylor and by unanimous vote the meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Cheree M. Taylor, Clerk of Council

Attest,

Deborah Blewitt, Mayor

**** NOTE: THESE MINUTES ARE SUMMARY BY DIRECTION OF COUNCIL ****
All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.