

Village of Windham, Ohio

Minutes of Council Meeting

Held January 24, 2017

At 7:01 p.m. Council President, Scott Garrett called the meeting to order because Mayor Blewitt was absent due to illness, and led in the pledge of allegiance to the flag of our country.

Roll Call: Sandy Patti – present Sheila Moore – absent
 Scott Garrett – present Phil Snyder – present
 Cheryl Taylor – present

Also present were: Thomas Reitz, Cheryl Belknap, Ryan Wagner, Tom Brett, Kyle Breiding, Kay Friend, Eric Breiding, Jim Moore, Patty Moore, Larry Kulhman, Deborah Dean, Craig Dean, and Zachariah Dean.

Mr. Snyder made a motion to approve the minutes of the December 21, 2016 Council Meeting, which was seconded by Mrs. Taylor and carried by a 4 – 0 vote.

Mr. Snyder made a motion to approve the minutes of the December 28, 2016 Special Council Meeting, which was seconded by Mrs. Taylor and carried by a 4 – 0 vote.

Mr. Snyder made a motion to approve the minutes of the January 10, 2017 Special Organizational Meeting, which was seconded by Mrs. Taylor and carried by a 4 – 0 vote.

Mr. Snyder made a motion to approve the minutes of the January 17, 2017 Public Hearing – Ordinance O-2016-24, which was seconded by Mrs. Taylor and carried by a 4 – 0 vote.

Income Tax Administrator Lori Lee gave the Financial Reports as follows: The Income Tax collected year to date December 31, 2016 was \$472,913.58. The expenditures for the month of December 2016 were \$168,770.07 in checks and charges. Check numbers 32797 through 32910 were paid from the primary checking account during December 2016 with one check, number 32064, voided during the month. Direct Deposit Vouchers 555-2016 through 578-2016 and 582-2016 through 630-2016 were also paid during the month of December 2016. The all funds reconciled balance for December 2016 was \$1,294,493.56.

Village Council President's report by Scott Garrett – Mr. Garrett had nothing at the time. Mr. Snyder made a motion to amend the agenda to move 10.3 (Enter into executive session for the purpose of discussing the possible candidates that are interested in the open Council seats) to 5.0 (Village Council President's report). This motion was seconded by Ms. Patti and carried by a 4 – 0 vote. Mr. Snyder made a motion to enter into executive session for the purpose of discussing the possible candidates that are interested in the open Council seats. This motion was seconded by Ms. Patti and carried by a 4 – 0 vote at 7:10 p.m. Mr. Snyder made a motion to return from executive session, which was seconded by Ms. Patti and carried by a 4 – 0 vote at 7:26 p.m. Mr. Snyder nominated Cheryl Belknap to fill the vacant Council Seat. There were no other nominations. Mr. Snyder made a motion to appoint Cheryl Belknap to fill the vacant Council Seat, vacated by Mrs. Rininger. This motion was seconded by Ms. Patti and carried by

a 4 – 0 vote. Mr. Reitz then swore in Ms. Belknap to Council and she took her seat at the Council table with the other Council Members.

Dispatchers Police, Fire and Rescue Reports for December 2016 by Mrs. Taylor – Mrs. Taylor said this was her first meeting on the Fire Board. Mrs. Taylor said the Fire Board is making some cuts to their budget and they will be receiving two grants for equipment. Mrs. Taylor made a motion to accept the Police, Fire and Rescue Reports for December 2016, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mayor's Communication by Deborah Blewitt – There was nothing to report due to Mayor Blewitt being out due to illness.

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 December 2016 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 December 2016 in the amount of \$1,294,493.56 as reported. Mr. Snyder seconded the motion which carried by a 5 – 0 vote.

Mr. Garrett read Resolution R-2017-1 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY OHIO EDISON 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-2017-1, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mr. Garrett read Ordinance O-2017-1 **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-2017-1, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mr. Garrett read Ordinance O-2017-2 **AN ORDINANCE APPROVING THE CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES AVAILABLE FOR EXPENDITURES, AND BALANCES FOR DECEMBER 31, 2016 FOR THE VILLAGE OF WINDHAM, 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-2017-2, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mr. Garrett read Resolution R-2017-3 **A RESOLUTION AUTHORIZING THE INTERNET SALE OF UNNEEDED, OR UNFIT, OR OBSOLETE PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES AND EQUIPMENT OWNED BY THE VILLAGE OF WINDHAM.** and made a motion to suspend the rules, which was

Minutes of January 24, 2017 Council Meeting

seconded by Mr. Snyder and carried by a 5 – 0 vote. Mr. Garrett made a motion to adopt Resolution R-2017-3, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder read Ordinance O-2016-25 **AN ORDINANCE ESTABLISHING CHAPTER 147 STREET/UTILITIES COMMISSIONER.** This was a third read. Mr. Snyder made a motion to adopt Ordinance O-2016-25, which was seconded by Mr. Garrett and carried by a 5 – 0 vote.

Mr. Snyder read Ordinance O-2017-3 **AN ORDINANCE AMENDING THE CURRENT PAY ORDINANCE TO ESTABLISH AND REVISE THE SALARIES AND WAGES OF FULL-TIME AND PART-TIME EMPLOYEES WITHIN THE VILLAGE OF WINDHAM, COUNTY OF PORTAGE AND STATE OF OHIO, REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY.** and made a motion to suspend the rules, which was seconded by Mrs. Taylor and carried by a 5 – 0 vote. Mr. Snyder made a motion to adopt Ordinance O-2017-3, which was seconded by Mrs. Taylor and carried by a 5 – 0 vote.

Mr. Snyder read Resolution R-2017-5 **A RESOLUTION ACKNOWLEDGING AND APPROVING AMENDMENTS TO THE WVFD JOINT FIRE DISTRICT RESOLUTION, AND APPROVING ACTION IN RESPONSE THE AMENDMENT.** This was a first read. Mr. Reitz asked Council for clarification on the original agreement with the Joint Fire District. Mr. Reitz asked Council to please look and see when the dispatch agreement was originally made and when the Village of Windham started providing dispatch to the Joint Fire District. Mr. Reitz needs to know when the first payment for dispatch was made.

Mr. Snyder read Resolution R-2017-6 **A RESOLUTION AUTHORIZING TRANSFER OF LAND TO THE WVFD JOINT FIRE DISTRICT.** This was a first read. Mr. Reitz explained that the Township Trustees have agreed in their meeting minutes to transfer the Fire Station building to the Joint Fire District. The Township's legal counsel advised the Township that before they transfer the building, they need to own the land that the building is on, therefore the Village of Windham needs to transfer the land before the Township transfers the building. Mr. Reitz explained that there will be some additional language added to this Resolution on the next read to make this Resolution compliant with the Ohio Revised Code, when transferring the land to the Joint Fire District.

Utilities by Cheryl Taylor

Mrs. Taylor read Resolution R-2017-2 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER TO MAKE THE FOLLOWING TRANSFERS BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, AND THE RESPECTIVE DEBT SERVICE AND DEBT SERVICE RESERVE FUNDS TO MEET CALENDAR 2017 DEBT SERVICE REQUIREMENTS AND DECLARING AN EMERGENCY.** and made a motion to suspend the rules, which was seconded by Mr. Snyder and carried by 5 – 0 vote. Mrs. Taylor made a motion to adopt Resolution R-2017-2, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Service Committee by Sandy Patti

Minutes of January 24, 2017 Council Meeting

Ms. Patti read Resolution R-2017-4 **A RESOLUTION AUTHORIZING PURCHASE OF A 2017 FORD F250 XL REGULAR CAB PLOW TRUCK, AUTHORIZING FINANCING FOR THE PURCHASE 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. Ms. Patti made a motion to adopt Resolution R-2017-4, which was seconded by Mr. Garrett and carried by a 5 – 0 vote.

Economic Development by Phil Snyder – Mr. Snyder said that the work sessions for Economic Development will begin again. Mr. Garrett said hopefully he will have some information on the TIF district.

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

Planning and Zoning by Scott Garrett

Mr. Garrett read Ordinance O-2016-24 **AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING ORDINANCE WITH RESPECT TO THE HEIGHT OF FENCES REQUIRED TO SECURE SWIMMING POOLS.** This was a third read. Mr. Garrett made a motion to adopt Ordinance O-2016-24, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Solicitor's Report by Tom Reitz – Mr. Reitz reported that Thomas Denvir appealed his decision to the Portage County Common Pleas Court and the Court has scheduled a Status Conference on February 14, 2017. A Status Conference is where the attorneys for both sides come to court and talk to the judge. The Village of Windham's insurance will provide the attorney, John Latchney to represent the Village. Mr. Reitz said he would continue to share any new developments on this case with the Council.

Guest Recognition – Jim Moore asked what the specific change to the fencing ordinance was. Mr. Garrett explained that the height of fence around an in ground pool was lowered from six feet to four feet. Ms. Belknap asked if the fence had to be around the entire yard or just the pool. Mr. Garrett said it just needs to be around the pool and a fence still has to be in place even if the pool is not being utilized. Zachariah Dean said that his family was interested in opening a microbrewery and he was wondering if the zoning issue had been resolved. Mr. Reitz explained that the Dean's proposal is not compliant with the Village's Zoning Code as it stands right now. Mr. Reitz explained that he provided the Mayor a couple of options as how to proceed with this after he read the Zoning Inspector provided the Dean's proposal. Mr. Reitz said he is waiting to hear from the Mayor as to how she would like to proceed with this. Both Mr. Snyder and Mr. Garrett both said that the Mayor and the Zoning Committee have discussed this and have stated that they would like to grant the Dean's a variance in zoning so that they can move forward with the business venture. Mr. Snyder assured the Dean's that the Mayor and Council are very supportive of their business venture and they will try to do whatever it takes to help the Dean's get their business started.

Last Chance of Council to Speak on Any Subject – Mr. Snyder said he would like to welcome Cheryl Belknap to Council. He said that she has been a member of the Parks and Recreation board for the past year and she has always been very helpful. Ms. Belknap thanked Mr. Snyder. Ms. Belknap said she hopes to be the eyes and ears of the Village residents. She said she will

Minutes of January 24, 2017 Council Meeting

do her best to solve any issues and if she cannot she will find someone who can. Ms. Belknap said promises to do the best job that she can. Ms. Patti said she is very glad Ms. Belknap will be serving on Council because she is a go-getter. Ms. Patti said there have been a lot of changes on Council over the past year and she is very impressed with the way Council has been able to work together and we have wonderful Village employees that the Council has been able to work very well with over the past year.

Council looked at the calendar for February. The Council Meeting will be Tuesday, February 28th, 2017 at 7:00 p.m. and the committee meetings will the first Tuesday, February 7, 2017 and the second Tuesday, February 14, 2017.

Mr. Garrett made a motion to adjourn the meeting which was seconded by Mr. Snyder and by unanimous vote the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Attest,

Cheree M. Taylor, Clerk of Council

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.