

Minutes of Regular Council Meeting

Held February 25, 2020

At 7:00 p.m. the Honorable Mayor Scott Garrett called the meeting to order and led in the pledge of allegiance to the flag of our country.

Roll Call: Cheryl Belknap – present Lawrence Cunningham – present
Terrie Altieri – present Cindy Cale – present
Cheryl Taylor – present Sherri Pennington – present

Also present were: Tom Reitz, Debbie Blewitt, Sheila Moore, Kay Friend, Patty Moore, Denise Bly, Gail Belknap, Pat Schaffer, Eric Breiding, Anna Malone, Kelly Mezzaros, Zach Richards, and Sandy Patti.

Mrs. Cale made a motion to approve the minutes of the January 28, 2020 Regular Council Meeting, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date January 31, 2020 was \$36,374.06. The expenditures for the month of January 2020 were \$133,313.97 in checks and charges. Check numbers 35816 through 35888 were paid from the primary checking account during January 2020 with one check, number 35816, voided during the month. Direct Deposit Vouchers 2-2020 through 28-2020 and 32-2020 through 50-2020 were also paid during the month of January 2020. The all funds reconciled balance for January 2020 was \$1,565,448.72.

Village Council President's report by Terrie Altieri – Mrs. Altieri had nothing at the time.

Dispatchers Police, Fire and Rescue Reports for January 2020 by Cindy Cale – Mrs. Cale made a motion to accept the Police, Fire and Rescue Reports for January 2020, which was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Mayor's Communication by Scott Garrett – Mr. Garrett said this Saturday will be coffee with the Mayor at Dixie's Diner from 10 to 11 a.m.

Prior requests of guests to speak – There was a prior request to speak from Theodore DeSalvo, however Mr. DeSalvo was not present.

Finance by Cindy Cale

Mrs. Cale made a motion to approve the Fiscal Officer's expenditures for the month of January 2020 as reported. Mrs. Altieri seconded this motion and it carried by a 6 – 0 vote.

Mrs. Cale made a motion to approve the all funds reconciled bank balance for January 2020 in the amount of \$1,565,448.72 as reported. Mrs. Taylor seconded the motion which carried by a 6 – 0 vote.

Mrs. Cale read Ordinance O-2020-5 **AN ORDINANCE APPROVING THE CERTIFICATE OF THE TOTAL AMOUNT FROM ALL SOURCES AVAILABLE FOR EXPENDITURES, AND BALANCES FOR DECEMBER 31, 2019 FOR THE VILLAGE OF WINDHAM, AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote. Mrs. Cale made a motion to adopt Ordinance O-2020-5, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote.

Mrs. Cale read Resolution R-2020-3 **A RESOLUTION TO AUTHORIZE AGREEMENT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING PERTAINING TO THE PENDING OPIOID LITIGATION SETTLEMENT FUNDS AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mrs. Taylor and carried by a 6 – 0 vote. Mrs. Cale asked Mr. Reitz what this meant for the Village. Mr. Reitz said this just came to him today, he was never given notice of this and it came out on February 19, 2020. Debbie Blewitt provided Mr. Reitz with the information at 3:45 p.m. on February 25, 2020 and the terms of the settlement were presented to him just 20 minutes before the start of this Council meeting. Debbie Blewitt said in November 2019 this was brought

before Council, we could stay in the lawsuit and be represented at no cost to the Village or we could opt out. The State of Ohio has filed a 50 billion dollar lawsuit the pharmaceutical companies and the pharmaceutical companies want to settle this out of court and in order to do that, 50% of the municipalities in Ohio need to approve the Resolution that is before Council tonight before March 6, 2020. Mr. Reitz suggested that Council schedule a Special Council meeting before March 6, 2020 in order to read over the literature because at this time he hasn't been able to read it over himself, so he cannot advise one way or the other. Mrs. Cale asked Tom Reitz if this could end up being detrimental to the Village and Mr. Reitz said he did not know because he hasn't read any of the literature. Council decided to just leave this as a first read and to schedule a Special Council Meeting on March 3, 2020 at 5:30 p.m.

Safety, Personnel, Rules (SPR) by Terrie Altieri – Mrs. Altieri had nothing at the time.

Utilities by Cheryl Taylor

Mrs. Taylor read Ordinance O-2020-2 **AN ORDINANCE AUTHORIZING THE ABATING THE RENTS INITIALLY ESTABLISHED IN ORDINANCE O-2012-3 AND AMENDED BY THE ENACTMENT OF ORDINANCE 2012-49 AND 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.** This was a second read.

Mrs. Taylor read Ordinance O-2020-6 **AN ORDINANCE TO REVISE AND AMEND SECTION 927.04 OF THE VILLAGE OF WINDHAM UTILITY CODE TO REQUIRE LANDOWNERS OF RENTAL PROPERTIES TO BE RESPONSIBLE FOR PAYMENT OF WATER AND SEWER CHARGES INCURRED BY TENANTS.** This was a first read.

Mrs. Taylor read Ordinance O-2020-7 **AN ORDINANCE AUTHORIZING ADVERTISEMENT FOR BIDS FOR WATER DISTRIBUTION SYSTEM WORK WITHIN THE VILLAGE OF WINDHAM, PORTAGE COUNTY, OHIO AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mrs. Cale and carried by a 6 – 0 vote. Mrs. Taylor made a motion to adopt Ordinance O-2020-7, which was seconded by Mrs. Cale and carried by a 6 – 0 vote.

Service Committee by Cheryl Belknap

Mrs. Belknap read Ordinance O-2020-3 **AN ORDINANCE AMENDING SECTION 505.15, FARM ANIMALS, EXOTIC ANIMALS, REPTILES OR OTHER PETS PROHIBITED OF THE WINDHAM CODIFIED ORDINANCES.** This was a second read.

Mrs. Belknap read Ordinance O-2020-4 **AN ORDINANCE AMENDING SECTION 331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS, AND SECTION 351.03, PROHIBITED STANDING OR PARKING PLACES OF THE WINDHAM CODIFIED ORDINANCES.** This was a second read.

Economic Development by Lawrence Cunningham – Mr. Cunningham had nothing at the time.

Parks and Recreation by Sherri Pennington – Mrs. Pennington said for the Women Gone Wild event scheduled for March 28, 2020 there are 19 vendors attending. Mrs. Pennington said she is also working on the grant for a new basketball court.

Planning Commission by Scott Garrett – Mr. Garrett had nothing at the time.

Solicitor's Report by Tom Reitz – Mr. Reitz said the Village is being sued by some individuals that were hurt at the Community Center before their reunion. The Village's insurance company is providing the defense and Mr. Reitz will monitor the case and early indications are that it will not go to trial and will be settled by the insurance company and Mr. Reitz will keep the Council informed on this matter.

Guest Recognition – Patty Moore asked what will happen if there is a contract with a tenant and a landlord that is already in place that says the tenant is to pay the water bill and is there some way that if this is passed to make it going forward with new contracts and it will not affect the existing contracts that are in place currently. Mr. Reitz said that Council should consider a phase in period for this matter so there is no conflict between the landlord and tenant agreement and the law of the Village or enact the Ordinance the way it is and if the tenant is paying then

the landlord's obligation doesn't matter. Kelly Mezzaros, who works for Neighborhood Property Management, they have the new property Windbrook and the new Senior Center, Windgrove provided her business cards to Council and told Council that she will schedule a tour of the same type of facility in Newton Falls so that they can see what Windgrove will be like. Gail Belknap asked if the employees of the Village of Windham are drug tested and Mayor Garrett said no they are not unless they are injured on the job and Gail Belknap said she thinks it should be done. Zach Richards, the owner of Windy Oaks Apartments introduced himself to Council and explained his renovation process and invited Council to come look at his apartments and see the progress they've made. Zach Richards said he is currently paying his tenants water bills and he would like Council to consider extending the grace period if they are going to make the landlord's responsible for the water bills. Debbie Blewitt explained how essentially if a tenant does not pay their water bill, then the landlord's property tax will be assessed in August, so the landlord is essentially always responsible for the water bill anyway. Gail Belknap asked if each apartment in the projects have their own water meter. Mayor Garrett said yes. Denise Bly asked about Ordinance O-2020-7. Fiscal Officer Taylor said this is for Phase II Water Improvements, a grant project, fire hydrants and a water line. Kelly Mezzaros asked about the possibility of parking on one side of the street in the New Homes because many of those lots are very narrow with no option to enlarge the driveway. Mayor Garrett said you can always call the police and let them know you are having a get together and will be parking on the street. Kelly Mezzaros said she is talking about everyday living because some people have a lot of vehicles. Mayor Garrett said the concern is being able to get safety vehicles through on the streets. Mayor Garrett said that is something the Village can look at. Mayor Garrett said Ordinance O-2020-4 is to prevent people from driving over the tree lawn and damaging the curb boxes and catch basins, because those things are costly to replace, so this Ordinance is making the land owner responsible for the replacement if these are damaged from driving over them because the Village will fix them and then assess the property owner's property taxes. Gail Belknap asked about campers and boats and if you have to pull them behind your house instead of parking them in the driveway. Mayor Garrett said if they are in your driveway and licensed then it is okay. Sheila Moore the ordinance about parking boats and RV's in the front yard has been in place for a long time, and it doesn't look good and there are places to store these kinds of things. Sheila Moore asked if the language of Ordinance O-2020-4 is going to change and Scott Garrett said no, not unless Council chooses to do that. Sandy Patti asked if the road was narrowed when 303 was paved. Mayor Garrett said not that he knows, but the State did that project so it would have been their decision if the road was narrowed.

Last Chance of Council to Speak on Any Subject – Debbie Blewitt said NDS is applying for another grant for senior housing and they want to have a Public Hearing in the Council chambers possibly on February 25, 2020 at 5:00 p.m. Tom Brett said the Site Plan for the new Dollar General is available for Council to look at.

Council looked at the calendar for March 2020. There will be a Special Council Meeting on Tuesday, March 3, 2020 at 5:30 p.m. There will be a Planning Commission Meeting on Tuesday, March 10, 2020 at 5:45 p.m. The Committee meetings (Parks & Recreation and Committee of the Whole) will be Tuesday, March 10, 2020 at 6:00 p.m. The Council Meeting will be Tuesday, March 24, 2020 at 7:00 p.m. There will be a Zoning Board of Appeal Meeting on Thursday, March 26, 2020 at 6:00 p.m.

Mrs. Taylor made a motion to adjourn the meeting which was seconded by Mrs. Altieri and by unanimous vote the meeting was adjourned at 8:01 p.m.

Respectfully submitted,



Cheree M. Taylor, Clerk of Council

Attest,



Scott Garrett, Mayor

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

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