

Village of Windham Ohio

Minutes of Council Meeting

Held March 27, 2018

The meeting was preceded by a Public Hearing on Tuesday, March 27, 2018 at 6:30 p.m. to allow discussion of Ordinance O-2018-6 (Amending the Zoning Map). Those present for the Public Hearing were Larry Kuhlman, Ted DeSalvo, Colleen DeSalvo, Greg Trask, Tom Reitz, and Tom Brett. Mr. Garrett opened the floor for any questions about the zoning changes. Tom Brett explained the zoning changes in Ordinance O-2018-6, which is for two parcels on Maple Grove that are adjacent to Brook Court. Mr. Brett said the current zoning for these two properties is R-2, which includes single family homes. Mr. Brett said Ordinance O-2018-6 will change the zoning of these two parcels to R-3, which includes single family, two family, and multi-family housing. Ms. Belknap asked if manufactured homes are double wides and Tom Brett said yes. Ms. Moore asked if manufactured homes could be put on those two lots and Tom Brett said yes. Ms. Moore said she wasn't sure about allowing manufactured homes on these two lots. Mr. Reitz said the driving force for this change is to allow multi-family housing because these are the two lots that NDS wants to purchase from the Village to build multi-family housing. Mr. Garrett and Ms. Moore asked if the allowance in the R-3 district could be changed and Mr. Reitz said yes, but at a different meeting. Ms. Moore said that maybe that should be something the Planning Commission looks at to exclude manufactured homes in the R-3 district. Mr. Reitz stated for the record that the notice of this Public Hearing was published in the newspaper by the direction of the Village Council in Resolution R-2018-5. Mr. Reitz said in addition to the publication in the newspaper there were letter notices sent to the land owners who are adjacent and contiguous to the proposed area of rezoning. Mr. Reitz said the notice was also posted at the Village Hall. Mr. Garrett made a motion to adjourn this Public Hearing, which was seconded by Mrs. Taylor and carried by a 4 – 0 vote at 6:49 p.m.

The meeting was also preceded by a second Public Hearing on Tuesday, March 27, 2018 at 6:50 p.m. to allow discussion of Ordinance O-2018-7 (Amending the Zoning Map). Those present for this Public Hearing were Larry Kuhlman, Ted DeSalvo, Colleen DeSalvo, Greg Trask, Tom Reitz, and Tom Brett. Tom Brett explained the zoning changes in Ordinance O-2018-7, which includes 13 vacant lots on Maple Grove and Grove Court. Mr. Brett said the current zoning for these 13 properties is C-1, which includes commercial services. Mr. Brett said Ordinance O-2018-7 will change the zoning of these 13 parcels to R-2, which includes single family homes. There were no questions from the public about the zoning changes in Ordinance O-2018-7. Mr. Reitz stated for the record that notice of this Public Hearing was given in compliance with Village Code. Mr. Reitz said Council passed Resolution R-2018-6 indicating that the notice should be given by publication. Mr. Reitz said written notice of the hearing was given by first class mail at least 20 days before the Public Hearing to each owner of property that is adjacent to, contiguous to, and across the street from the proposed area of rezoning. Mr. Reitz said the notice was also posted at the Village Hall. Mr. Garrett made a motion to adjourn this Public Hearing, which was seconded by Mrs. Taylor and carried by a 4 – 0 vote at 6:58 p.m.

At 7:00 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 (at 7:06 p.m.) Cheryl Belknap – present
 Scott Garrett – present Sheila Moore – present
 Cheryl Taylor – present Stacy Brown – absent

Also present were: Thomas Reitz, Tom Brett, Eric Breiding, Jim Moore, Ted DeSalvo, Colleen DeSalvo, Greg Trask, Larry Kuhlman, Ryan Wagner, and Cindy Cale.

Mr. Garrett made a motion to approve the minutes of the February 27, 2018 Regular Council Meeting, which was seconded by Mrs. Taylor and carried by a 4 – 0 vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date February 28, 2018 was \$60,474.41. The expenditures for the month of February 2018 were \$139,960.08 in checks and charges. Check numbers 33949 through 33402 were paid from the primary checking account during February 2018 with no checks voided during the month. Direct Deposit Vouchers 60-2018 through 89-2018 and 96-2018 through 120-2018 were also paid during the month of February 2018. The all funds reconciled balance for February 2018 was \$1,427,551.05.

Village Council President's report by Scott Garrett – Mr. Garrett said on Saturday, March 24, 2018 the entire Village Council went to a workshop put on by the Ohio Municipal League. Mr. Garrett said the workshop was very informative and very worth the while. Mr. Garrett said he was impressed with the professionalism. Mr. Garrett said the speakers were very knowledgeable and they engaged people. Mr. Garrett said he thinks that Council should continue to attend these workshops in the future.

Dispatchers Police, Fire and Rescue Reports for February 2018 by Mrs. Taylor – Mrs. Taylor made a motion to accept the Police, Fire and Rescue Reports for February 2018, which was seconded by Mr. Garrett and carried by a 4 – 0 vote.

Mayor's Communication by Deborah Blewitt – Nothing

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 February 2018 as reported. Ms. Belknap seconded this motion and it carried by a 4 – 0 vote.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for February 2018 in the amount of \$1,427,551.05 as reported. Ms. Belknap seconded the motion which carried by a 4 – 0 vote.

Mr. Garrett read Ordinance O-2018-8 **AN ORDINANCE CONFIRMING AND RATIFYING THE SALE OF MUNICIPAL PROPERTY AFTER BIDDING AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mrs. Belknap and carried by a 5 – 0 vote. Mr. Garrett made a motion to adopt Ordinance O-2018-8, which was seconded by Mrs. Taylor and carried by a 5 – 0 vote.

Mr. Garrett read Ordinance O-2018-9 **AN ORDINANCE APPROVING AND ADOPTING THE PERMANENT APPROPRIATIONS FOR 2018 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Ms. Patti and carried by a 5 – 0 vote. Mr. Garrett made a motion to adopt Ordinance O-2018-9, which was seconded by Mrs. Taylor and carried by a 5 – 0 vote.

Mr. Garrett made a motion to approve spending \$1685 to install lighting around the Water Plant. This motion was seconded by Mrs. Taylor and carried by a 5 – 0 vote.

Mr. Garrett made a motion to hire Burgess & Niple to do the Village's Asset Management Plan. This motion was seconded by Mrs. Taylor. Ms. Patti and Mr. Reitz both asked what this was. Mr. Garrett said it was discussed in committee and he explained that the EPA is mandating the Village has an Asset Management Plan. Mr. Reitz said this is the first that he has heard of this. Mr. Garrett said the discussion was whether to try to do this in-house or hire an engineering firm to do this. Mr. Reitz asked if there was a contract and Mr. Garrett said yes, he thought so. Mr. Reitz said there is a statutory requirement that says any contract that the Village enters into has to be approved to form by the Solicitor. Mr. Reitz said he would not approve the contract without ever seeing it. Mr. Garrett made a motion to table this, which was seconded by Ms. Patti and carried by a 5 – 0 vote.

Mr. Garrett made a motion to install ADT Security at the Water Plant and Maintenance Garage. This motion was seconded by Mrs. Taylor. Ms. Moore asked if we had a contract for this. Mr. Garrett said we got a price but we never saw a contract. Mr. Reitz said he saw an ADT contract for the Administration Building but not for the Water Plant and Maintenance Garage. Chief Breiding said the verbiage for the Water Plant and Maintenance Garage is the exact same as the verbiage for the Administration Building contract. Mr. Reitz explained that the Ohio Revised Code says that contracts above \$50,000 have to be approved by Council, however Windham's Council passed legislation several years ago stating that Council has to approve contracts in excess of \$3,000. Mr. Reitz said he has always used the practice that when Council approves a contract, it is done through legislation because it creates a nice, clean record and that keeps the State Auditor happy. Mr. Garrett made a motion to table this until Council has seen a contract. Ms. Belknap seconded this motion and it carried by a 5 – 0 vote.

Mr. Garrett made a motion to use Rob Donham as the engineer for the Water Tower Project as an "in kind" service. This motion was seconded by Mrs. Taylor. Ms. Belknap, Ms. Patti, and

Mr. Reitz all asked what “in kind” meant. Mr. Garrett said “in kind” means that basically Rob Donham is not going to charge the Village for his engineering services, but he is going to use this as a deduction on his tax return. Ms. Moore said she called the Ethics Commission on this issue and they said there wasn’t a problem, however she said when she hears “deduction” that where she thinks there is a problem. Ms. Moore said we also don’t have a contract for this. Mr. Reitz said he agreed with Ms. Moore about the contract, but wanted to know what she thought was wrong if Mr. Donham is making a charitable contribution by virtue of his efforts to the Village, which qualifies for a tax deduction. Ms. Patti said she thinks it is playing favoritism. Mr. Reitz said favoritism is not letting someone work for you for free. Ms. Patti said he wants something in return (the deduction). Ms. Moore said there is a fine line between “in kind” and donation and she gave Mr. Reitz what the Ethics Commission sent her. Mr. Garrett asked if there legal ramifications for taking an “in kind” service. Mr. Reitz said that Mr. Donham might not be able to deduct the services and that is something he would have to look into. Mr. Garrett asked if from the Village’s standpoint would there be any legal ramifications. Mr. Reitz said he does not believe there would be from the Village’s standpoint. Mr. Garrett made a motion to table this until further review, which was seconded by Ms. Patti and carried by a 5 – 0 vote.

Safety, Personnel, Rules (SPR) by Scott Garrett

Mr. Garrett made a motion to send Mayor Blewitt, Chief Breiding, Ryan Wagner, and Cheree Taylor to the HR-Village Symposium in Dublin, Ohio on April 12, 2018 and their necessary travel expenses. This motion was seconded by Ms. Patti and carried by a 5 – 0 vote.

Mr. Garrett read Resolution R-2018-8 **A RESOLUTION DETERMINING THAT THEODORE DESALVO IS IN NEED OF A REASONABLE ACCOMODATION TO COMPLY WITH SECTION 505.15 OF THE WINDHAM CODIFIED RESOLUTIONS AND GRANTING SUCH AN ACCOMMODATION.** This was a second read. Mr. Reitz stated for the record that in advance of this meeting there were letters sent to all property owners that are adjacent, contiguous, and across the street from Mr. DeSalvo’s property to let them know that this matter is coming before Council and if they had any concerns they should attend this meeting tonight. Ms. Patti and Ms. Moore asked for a copy of the letter and Fiscal Officer Taylor said she would copy it and put it in their mailboxes.

Utilities by Cheryl Taylor

Mrs. Taylor made a motion to move forward with the process of obtaining curbside recycling. Mr. Garrett asked for clarification on “moving forward”. Mrs. Taylor said this just means moving forward with the talks and the public meeting with the Village and the Township. Ms. Moore said she thinks this is pretty vague and she knows that Council talked about the meeting with the Township but she feels that the dialogue was based on the speaker at the committee meeting and his ideas. Ms. Moore said she has some other ideas on garbage hauling and curbside recycling that Council has even talked about. Ms. Moore said she would like to have another Utilities meeting before there are any dates set for a meeting with the Township. Mr. Garrett said he thinks it is a great idea to get some other ideas out there. Mrs. Taylor said as we’re moving forward can’t we incorporate other ideas and people into it. Mr. Garrett said this motion just says Council is going forward with the just the idea of curbside recycling. Ms. Moore said she is okay with this as long as there is no date set for a meeting at this point. This motion was seconded by Mr. Garrett and carried by a 5 – 0 vote.

Service Committee by Sandy Patti

Ms. Patti read Resolution R-2018-9 **A RESOLUTION TO AUTHORIZE MAYOR TO ENTER INTO A DONATION AND ACCEPTANCE AGREEMENT WITH THE PORTAGE COUNTY REUTILIZATION CORPORATION TO ACCEPT 3 PARCELS OF PROPERTY LOCATED WITHIN THE VILLAGE AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Ms. Belknap and carried by a 5 – 0 vote. Ms. Patti made a motion to adopt Resolution R-2018-9, which was seconded by Ms. Belknap and carried by a 5 – 0 vote.

Ms. Patti made a motion to leave the lights by Dollar General as blinking lights. This motion was seconded by Mr. Garrett and carried by a 5 – 0 vote.

Ms. Patti read Ordinance O-2018-10 **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. Garrett

and carried by a 5 – 0 vote. Ms. Patti made a motion to adopt Ordinance O-2018-10, which was seconded Mr. Garrett and carried by a 5 – 0 vote.

Economic Development by Sheila Moore – Ms. Moore said that Council attended the OML conference on March 24, 2018 in Independence, Ohio and she felt it was great and so worth the money. Ms. Moore said she feels Council now has a better understanding of procedures and the authority of Council. Ms. Moore said she spoke with the grant writer about a Farmer’s Market that is a 100% grant. Ms. Moore said based on the criteria for the grant, Windham Village 100% qualifies for it, because we are a food dessert. This is a Federal Grant. Ms. Moore said she attended the Eastgate Regional Council of Government Annual Meeting. Ms. Moore said it was a Youngstown-Warren area conglomerate of people and businesses and there were State Representatives and Senators in attendance. Ms. Moore said the topic of discussion was “Revitalizing Small Cities”.

Parks and Recreation by Ms. Belknap

Ms. Belknap read Resolution R-2018-7 **A RESOLUTION IN SUPPORT OF BICYCLE ROUTES WITHIN THE VILLAGE** and made a motion to suspend the rules, which was seconded by Mr. Garrett and carried by a 5 – 0 vote. Ms. Belknap made a motion to adopt Resolution R-2018-7, which was seconded by Ms. Moore and carried by a 5 – 0 vote. Cindy Cale asked if ODOT knew where they were putting the bike routes. Ms. Moore said it would be on St. Rt. 303. Mrs. Cale asked if they were extending the road. Ms. Moore said no, ODOT is simply putting up signs, at no cost to the Village, designating that it is a bike route.

Planning and Zoning by Deborah Blewitt

Mr. Garrett read Ordinance O-2018-6 **AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING MAP BY REPEALING THE EXISTING MAP AND AUTHORIZING AND APPROVING A NEW MAP ESTABLISHING ADDITIONAL AREA ZONED R-3** . This was a second read.

Mr. Garrett read Ordinance O-2018-7 **AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING MAP BY REPEALING THE EXISTING MAP AND AUTHORIZING AND APPROVING A NEW MAP ESTABLISHING ADDITIONAL AREA ZONED R-2**. This was a second read.

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

Guest Recognition – Greg Trask from the Portage County District Library told Council that the Library is waiving its late fees for materials for 2018. Mr. Trask said the Library found out that in pursuing these fines, they are either breaking even or losing money. Mr. Trask said the exceptions to this are the hot spots and any material borrowed outside of the County. Mr. Trask said if this is effective, then the Library will probably make this a permanent change, however it will not include the Kent or Ravenna libraries. Jim Moore asked if the curbside recycling was just for recycling and not about the trash hauling. Mr. Garrett said yes, this is only about curbside recycling.

Last Chance of Council to Speak on Any Subject – Ms. Moore asked Ryan Wagner if he is able to attend the Utilities and the Parks & Recreation Committee Meetings next month. Mr. Wagner said yes, he would be there.

Council looked at the calendar for April. The Committee Meetings will be Wednesday, April 4th, 2018 at 6:00 p.m. and Wednesday, April 11th, 2018 at 6:00 p.m. The Council Meeting will be Monday, April 23rd, 2018 at 7:00 p.m.

Mr. Garrett made a motion to adjourn the meeting which was seconded by Ms. Patti and by unanimous vote the meeting was adjourned at 7:41 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.