

# *Village of Windham, Ohio*

## *Minutes of Regular Council Meeting*

*Held on July 25, 2023*

At 6:28 pm Mayor Scott Garrett called the Regular Council Meeting to order and led in the Pledge of Allegiance.

Roll Call:        Lawrence Cunningham – Present        Sherri Pennington – Present  
                     Cheryl Belknap – Present                Terrie Altieri – Present  
                     Maurina Collins – Present                    David Belknap – Present

Also present were Village Solicitor Tom Reitz, Zoning Inspector Nick Bellas, Housing Inspector Damel Walker, Police Chief Rick Garinger, Ms. Pat Schaffer, Terry Carpenter, Gloria Hale and multiple Village Residents

Mayor Scott Garrett opens the floor to Terry Carpenter to address Council. Terry Carpenter informs Council that he received a letter about a week ago that was dated for July 3<sup>rd</sup> stating that he had thirty (30) days to comply. Terry Carpenter said that he has been to the office multiple times trying to get a permit to put up a pavilion on their site. Terry Carpenter further explains that he has tried paying for the permit, tried submitting an application and even went as far as being given Nicks phone number where there have been messages left. Terry Carpenter has even called Zoning Inspector Nick Bella's home phone number. Where he has left messages there and believes has also spoken with his wife several times. Terry Carpenter has not received one call or anything back. Terry Carpenter found out that it was a topic of discussion at last months meeting. So he did some research on it and that's when this letter showed up. Terry Carpenter says that it is not because he did not try to comply with the Ordinances. It is that the individual running the Ordinances is not doing his job. Further explaining that the same thing happened with their electronic sign, they couldn't get a permit with that either. Terry Carpenter shares with Council that he has tried to pay for it multiple times, but he gets told not to. Mayor Scott Garrett asks what the size of the pavilion is. Terry Carpenter shares that the pavilion is twenty-five by thirty (25x30). Mayor Scott Garrett asks if it is a permanent structure. Is it put into the ground or is it on the surface. Terry Carpenter says that it will be this week, they had some Amish come out to do it. They opened it and secured it to the concrete pad rather than putting them into the ground. The building will be attached to poles that are cemented into the ground. Mayor Scott Garrett asks when the building will be in the ground. Terry Carpenter says that will be done as soon as they can get it done. Mayor Scott Garrett asks Zoning Inspector Nick Bellas if everything has to be done a certain way when everything gets put into the ground. Zoning Inspector says yes and it may require a County Building Inspection, he is not positive. That is why he posted a letter on the door so they could come and apply for the permit. Further explaining that the office is very good about giving out the applications. Mayor Scott Garrett asks Zoning Inspector Nick Bellas if he could check with The County to see if Terry Carpenter needs to get an County Building Inspection. Zoning Inspector Nick Bellas says that he can do that, but he needs Terry Carpenter to apply for the permit first. Because that is what The County is going to want. Mayor Scott Garrett asks what does Terry Carpenter need to do to get that.

Zoning Inspector Nick Bellas says that he can make a copy of the application and have Terry Carpenter fill it out tonight. Council President Lawrence Cunningham asks Terry Carpenter if the letter comes with a fine and if that is his concern. Terry Carpenter confirms. Further explaining that while he was on vacation last week, they came out and posted the letter. They ended up talking with one of his members that is not on the board. Explaining that conversation was not very pleasant. It was re-laid to Terry Carpenter that if he was not here Monday before noon, that he was going to be fined four thousand dollars (\$4,000). Terry Carpenter then drove all the way from north Canton to be here Monday morning. He even tried to pay for it again Monday morning and got told no. That's an hour drive each way based on something that somebody placed on our door and then wasn't professional enough to speak in a professional manner. Mayor Scott Garrett says that Terry Carpenter will get an application tonight and go from there. Terri Carpenter agrees that it will be done tonight before he leaves.

Terri Carpenter also asks Council who is responsible for repairing the sidewalks. David Belknap says that the residents are responsible for their sidewalks. Mayor Scott Garrett says that he would have to check with Zoning to ensure that it is done correctly.

Mayor Scott Garrett asks for a motion to approve the June 27, 2023 Regular Council Minutes.

Terrie Altieri makes a motion to approve the June 27, 2023 Regular Council Minutes. Village Solicitor Tom Reitz suggests making amendments to the Regular Council Minutes. Village Solicitor Tom Reitz would like Council to consider Amending page two (2) of the Minutes. Removing "Solicitor Tom Reitz asks the Council if Council established his salary that evening. Mayor Scott Garrett says yes. Solicitor Tom Reitz asks at what amount. Mayor Scott Garrett says twenty thousand dollars (\$20,000)." Village Solicitor Tom Reitz explains that this is not in the previous Council Minutes anywhere and would suggest removing this information due to being inaccurate. Reminding Council that they requested for the Village Solicitor Tom Reitz to look into what happened, so he read these minutes pretty carefully. He could not find any reference to that information. Mayor Scott Garrett says this was done during the Special Meeting on June 22. Clerk of Council Katrina Washington informs Council that technically in the Special Meeting, Council did not discuss salary in an open meeting. That whole discussion was in Executive Session which could not be placed in the Minutes. Village Solicitor Tom Reitz states there is the explanation, which means it is not part of the record.

Terrie Altieri makes a motion to approve the June 27, 2023 Regular Council Minutes as Amended. Sherri Pennington seconded the motion.

Roll Call:	Lawrence Cunningham – Yes	Sherri Pennington – Yes
	Cheryl Belknap – Yes	Terrie Altieri – Yes
	Maurina Collins – Yes	David Belknap – Abstain

Motion carries by a 5-0 vote with David Belknap Abstaining

Mayor Scott Garrett asks for a motion to approve the June 27, 2023 Public Hearing Minutes

Terrie Altieri makes a motion to approve the June 27, 2023 Public Hearing Minutes. Maurina Collins seconds the motion

Roll Call:       Lawrence Cunningham – Yes               Sherri Pennington – Yes  
                  Cheryl Belknap – Yes                       Terrie Altieri – Yes  
                  Maurina Collins – Yes                       David Belknap – Abstain

Motion carries by a 5-0 vote with David Belknap Abstaining

Mayor Scott Garrett asks for a motion to approve the June 22, 2023 Special Council Meeting Minutes

Terrie Altieri makes a motion to approve the June 22, 2023 Special Council Meeting Minutes. Cheryl Belknap seconds the motion and it carried by a 6-0 Roll Call Vote.

Financial Officer's Financial Reports by Fiscal Officer Katrina Washington

Income Tax collected Year to date June 30, 2023: \$353,737.83

The Expenditures for the month of May, 2023: \$190,747.57 in checks and charges. Check numbers 38441, 38453, 38528, 38530, 38539, 38543, 38545 through 38564, 38566, 38568 through 38572, 38574, 38575 and 38578 were paid from the primary checking account during June 2023 with 1 check voided during the month. Direct Deposit Vouchers 476-2023 through 490-2023, 512-2023, 514-2023 through 542-2023, 445-2023 through 550-2023, 552-2023 through 559-2023, 561-2023, 562-2023, 588-2023 were also paid during the month of June 2023. The all funds balance for June 2023 was \$2,154,561.18

Old Business / Topics to discuss

None

Council President Lawrence Cunningham does a First Read of ORDINANCE O-2023-09 **AN ORDINANCE AMENDING SECTION 123.01- POSTING OF ORDINANCES.**

Council President Lawrence Cunningham makes a motion to discuss ORDINANCE O-2023-09. Terri Altieri seconds the motion and it carried by a 6-0 Roll Call Vote.

Council President Lawrence Cunningham asks if we are having issues with residents seeing the posting at the locations. Clerk of Council Katrina informs Council that ORDINANCE O-2023-09 is to update the five (5) predesignated locations because the current Ordinance has closed businesses and businesses that no long allow us to post there. ORDINANCE O-2023-09 just states the five (5) new locations. Which are Circle K, The Renaissance Center, Farmers National Bank, Utilities Office and the US Post Office.

With no further discussion Council President Lawrence Cunningham makes a motion end discussion on ORDINANCE O-2023-09. Terri Altieri seconds the motion and it carried by a 6-0 Roll Call Vote.

Council President Lawrence Cunningham informs Council that the Senior Home Open House will be August 1<sup>st</sup>, 2023. Council President Lawrence Cunningham informs Clerk of Council Katrina Washington that they don't have a flyer to give us to post. She informed Council President Lawrence Cunningham that she was in contact with Clerk of Council Katrina Washington to advertise it in the paper. Clerk of Council Katrina Washington states that she has not spoken with anyone from the Senior Home.

Mayor Scott Garrett asks Police Chief Rick Garinger what time is the Night Out Event. Police Chief Rick Garinger shares that the National Night Out runs 5pm-8pm.

Terrie Altieri makes a motion to accept the Dispatchers Police, Fire and Rescue Board Reports for June of 2023. Maurina Collins seconds the motion and it carried with a 6-0 Roll Call Vote.

Mayor Scott Garrett informs Council that Village Administrator Ryan Wagner is making progress on getting a salt shed site okayed. Sharing that Village Administrator Ryan Wagner met with the Architect and that we need to get a permit from the County. We need to find somebody to build the shed. Mayor Scott Garrett and Village Administrator Ryan Wagner think it will cost around thirty to thirty-five thousand dollars (\$30-35,000) to build the shed. Village Administrator Ryan Wagner says that the concrete is going to be the most expensive, but he thinks it is going to be cheaper than that. Sharing with Council that Four Points said there was money left over that we don't have to pay any more. Mayor Scott Garrett asks Village Solicitor Tom Reitz for clarification. If it is below fifty thousand dollars (\$50,000), we don't have to get bids. Village Solicitor Tom Reitz confirms that is correct. Further explaining that the law has recently been changed and increased to seventy-five thousand dollars (\$75,000).

Maurina Collins made a motion to approve the Fiscal Officer's expenditures for the month of June 2023 as reported. Sherri Pennington second the motion and it carried by a 6-0 Roll Call Vote.

Maurina Collins made a motion to approve the all Funds Bank Balance for June 2023 in the amount of two million one hundred fifty-four thousand five hundred sixty-one dollars and eighteen cents (\$2,154,561.18) as reported. Terri Altieri second the motion and it carried by a 6-0 Roll Call Vote.

Terrie Altieri introduces and welcomes Ryan Wagner as the new Village Administrator who started on July 1, 2023. Mayor Scott Garrett states Ryan Wagner had that position before along with being the previous water superintendent as well.

David Belknap had nothing to share for Utilities. But stated that Village Administrator Ryan Wagner has some projects that he has been working on with the water plant. Village Administrator Ryan Wagner can address those when he gets to his report.

Cheryl Belknap has nothing to share at this time for the Service Committee

Council President Lawrence Cunningham shares that Maurina Collins got the lights replaced and believes most of the lights have been replaced now.

Council President Lawrence Cunningham was also notified that Kathy Lutz has sold two (2) more lots in the project area.

Council President Lawrence Cunningham also has a meeting coming up with a company about getting some more things in The Village.

Terrie Altieri asks how many lots are left. Council President Lawrence Cunningham will check, but he thinks there are only three or four (3-4) left.

Sherri Pennington informs Council President Lawrence Cunningham that the fencing was taken down at the park so that is gone.

Maurina Collins does a third read of **ORDINANCE NO. 2023-05 AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING CODES WITH RESPECT TO ENFORCEMENT PENALTY.**

Maurina Collins makes a motion to enter Discussion on ORDINANCE NO. 2023-05. Terri Altieri second the motion and it carried by a 6-0 Roll Call Vote.

Terrie Altieri asks for clarification that this is the Ordinance that Zoning Inspector Nick Bellas spoke to Council about enforcement. Council Members say yes.

Council President Lawrence Cunningham asks if it was three hundred (300). Zoning Inspector Nick Bellas informs Council that it makes a misdemeanor three, and there is a court discretion from anything from a fine to jail. There is also an escalator clause where if the same person violates with the same violation within again within two (2) years, penalty escalates automatically.

With no further discussion Maurina Collins makes a motion to end discussion on ORDINANCE NO. 2023-05. Terri Altieri second the motion and it carried by a 6-0 Roll Call Vote.

Maurina Collins makes a motion to approve ORDINANCE NO. 2023-05. Terrie Altieri second the motion and it carried by a 6-0 Roll Call Vote.

Maurina Collins does a Second Read of Second Read of **ORDINANCE NO. 2023-07 AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING ORDINANCE WITH RESPECT TO FENCE REQUIREMENTS.**

Maurina Collins makes a motion to enter Discussion on ORDINANCE NO. 2023-07. Sherri Pennington second the motion and it carried by a 6-0 Roll Call Vote.

With no further discussion Maurina Collins makes a motion to end discussion on ORDINANCE NO. 2023-07. David Belknap second the motion and it carried by a 6-0 Roll Call Vote.

Maurina Collins does a Second Read of **ORDINANCE NO. 2023-08 AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING ORDINANCE WITH RESPECT TO INDUSTRIAL UNITS, MANUFACTURED HOMES AND MOBILE HOMES.**

Maurina Collins makes a motion to enter Discussion on ORDINANCE NO. 2023-08. Sherri Pennington second the motion and it carried by a 6-0 Roll Call Vote.

With no further discussion Maurina Collins makes a motion to end discussion on ORDINANCE NO. 2023-08. David Belknap second the motion and it carried by a 6-0 Roll Call Vote.

Mayor Scott Garrett opens the floor to Zoning Inspector Nick Bellas. Zoning Inspector Nick Bellas informs Council that he has the June report saved to the cloud, but was unable to retrieve it. Explaining that he needs a desktop app in order to access the reports. Police Rick Garinger explains that the Microsoft program wants to save everything to the cloud and if you want to work on it on the desktop, you can't access it.

David Belknap asks how we are dealing with the exterior maintenance code. Zoning Inspector Nick Bellas explains that we were waiting to resolve two (2) or three (3) things with the Planning Commission. He believes that a Property Maintenance Code does not go through the same process as a text amendment. Zoning Inspector Nick Bellas believes it will be a new chapter with a similar process. He did not want to put too much on Council's plate. Once the current Zoning changes are completed, he will give council a draft to review. Terri Altieri asks Zoning Inspector Nick Bellas if the property across from the Legion, what is being done with that. Further explaining that it is not mowed. David Belknap says that he actually spoke to The Village Administrator, he can probably answer that question better. The Village Administrator shared with Council that him and Mayor Scott Garrett were talking about changing the Grass Ordinance to six (6) inches to three (3) days which would prevent the grass from needing double every time. Mayor Scott Garrett says that other communities put a sign in the yard. Maurina Collins thinks that six (6) inches seems kind of short. Mayor Scott says that we can discuss that. He thinks that seven (7) days is too long. Maurina Collins thinks that three (3) days is too short because everything could be too wet to mow every three (3) days. She can also see that seven (7) days is too long. Mayor Scott Garrett says that Council can discuss it further. Terri Altieri just wanted to know if the owner of the property has been notified that he has to cut the grass. Village Administrator Ryan Wagner said that he was waiting to see the Ordinance could be changed to three (3) days. Terri Altieri informs Council that it has not been mowed all summer. David Belknap informs Council that he turned in a formal complaint to the previous Village Administrator from Mr. Dissolvo in June before he left, and it was not mowed then. Terri Altieri asks if a letter has been given to the owner of the property. Zoning Inspector Nick Bellas said he has not given the owner a letter. Mayor Garrett says that Council needs to look at the procedure to determine on how to handle these. Then further discuss it in the Committee Meeting. Village Administrator Ryan Wagner tells Council that if they tell him how the Ordinance goes. He is around town every day and can put the letter out or a letter in the yard.

Maurina Collins asks Zoning Inspector Nick Bellas what is going on with the house going out of town on 303 on the right. Zoning Inspector Nick Bellas informs Council that he just got the minutes from the meeting that he needed. He will be sending a letter out. Maurina Collins says that the owner was supposed to get in contact with us every so many months. Further asking when that meeting was. Council talks over each other. Council concludes that it has been over a year since the meeting and we have not heard from the owner. Zoning Inspector Nick Bellas informs Council that he will go out and speak with the owner.

Council President Lawrence Cunningham asks Zoning Inspector Nick Bellas how do people have to comply after he gives them the letter. Zoning Inspector Nick Bellas informs Council that they have thirty (30) days in the Ordinance. If they call Zoning Inspector Nick Bellas and have a reasonable explanation, we work with them.

Mayor Scott Garrett opens the Council floor to Housing Inspector Damel Walker. Terri Altieri asks who sends out the letters to the landlords for the Housing Violations. Housing Inspector Damel Walker informs Council that he sends out the Housing Violation Letters. Informing Council that he will look through everything to make sure he has sent everyone's out. He did recently send out Ms. Pat's 9515 last week. So, the landlord has thirty (30) days to reply. Housing Inspector informs Council that he is in the process of getting the 9515 Community in escrow like Ms. Pat did. That way the landlord starts feeling the pain because he isn't getting the money anymore. Terri Altieri asks if the other violators have received letters and has there been any response from those

landlords. Housing Inspector Damel Walker informs Council that he has had response from some landlords. He usually checks in on them every so often. Mayor Scott Garrett asks Housing Inspector Damel Walker to check with Village Solicitor Tom Reitz to see what can be done with problem cases.

Mayor Scott Garrett opens Council floor for Council's last chance to talk on any subject.

Sherri Pennington informs Council that due to the schools Homecoming dance, the fireworks gentleman and other scheduling issues. Fall Fest will be canceled. Maurina Collins suggests getting Community members more involved, having separate meetings and going all in for next year's Fall Fest. Or should we do something in the spring instead. Council President Lawrence Cunningham informs Council that he would like to do something on the fourth. He has had plenty of people reach out to him stating that they can't make it to Newton Falls or Ravenna. Terrie Altieri wonders how it would go trying to compete with Newton Falls. Multiple Council Members say that a lot of people complain about how long it takes to get out of Newton Falls. A resident asks if The Village would do just fireworks on the fourth of July and then a big Fall Fest in October. Terrie Altieri informs the Resident that October is too cold and unpredictable with the weather. Mayor Scott Garrett asks if there are individuals that they need to get ahold of. Council President Lawrence Cunningham can do that. Further explaining that Council Members need to get more hands on with planning and organizing.

Fiscal Officer Katrina Washington asks Village Solicitor Tom Reitz if The Village has to give the donation money back that was labeled for Fall Fest. Village Solicitor Tom Reitz suggests asking the people that donated the money if it could be used for a different purpose. If we can't use it for the purpose that it was provided to The Village, they either have to approve a new purpose or the money has to be refunded. Sherrie Pennington asks if Fiscal Officer Katrina Washington spoke with Former Village Administrator Debbie Blewitt, she said she would stop at the office. Debbie Blewitt told Sherrie Pennington that Charles Chevrolet donated ten thousand (\$10,000) to Fall Fest. Council President Lawrence Cunningham informs Council that The Village will be using it for the same purpose, just not the same timeframe. Fiscal Officer Katrina Washington informs Council that the donations all came in labeled for Fall Fest. Council was just discussing not doing Fall Fest, but rather doing something in July, spring or something else. In order for her to request the donations be used for something else, Fiscal Officer Katrina Washington needs to know what Council is doing instead. Fiscal Officer Katrina Washington asks Council if they are going to do Fall Fest in 2024. Council President Lawrence Cunningham says there will not be a Fall Fest in 2024. Further stating that he thinks The Village will just do something in July instead, that it can be discussed later. Fiscal Officer Katrina Washington informs Sherri Pennington and Council that she is not seeing a donation for ten thousand dollars (\$10,000). There was only a ten thousand dollar (\$10,000) grant from Burton D. Morgan. There are no donations for five thousand (\$5,000) or ten thousand dollars (\$10,000).

Ms. Pat Schaffer asks Village Solicitor Tom Reitz what he is doing about her landlord. Village Solicitor Tom Reitz informs Ms. Pat Schaffer that the Housing Inspector is the person that will serve notices on the landlord. Until that is accomplished, there is nothing for the Village Solicitor to do right now. Once that notice has been served and the time frame set in that noticed has passed. If there is no compliance at that point, litigation will be brought against the landlord. But until that happens, there is nothing Village Solicitor Tom Reitz can do.

Cheryl Belknap asks Solicitor Tom Reitz what can be done about the issues with the Dollar General. Village Administrator Ryan Wagner informs Council that he spoke

with the building owner recently. She leases the building to Dollar General. Solicitor Tom Reitz informs Council that he would not recommend Council pass a law saying you have to give better customer service because it is not enforceable. If the business is badly run then it will go out of business.

Mayor Scott Garrett goes over the August Meetings.

Public Hearing Tuesday August 8, 2023 at 5:30 p.m.

Special Council Meeting Tuesday August 8, 2023 at 6 p.m.

Committee of The Whole Meeting Tuesday August 8, 2023 at 6:10 p.m.

Regular Council Meeting Tuesday August 22, 2023 at 6 p.m.

Village Solicitor Tom Reitz did not have anything to share in his report

Mayor Scott Garrett informs Council that Zoning Inspector Nick Bellas has requested an Executive Session to discuss personnel. Inviting Council, Village Solicitor Tom Reitz, and Village Administrator Ryan Wagner.

David Belknap makes a motion to discuss personnel, hiring, firing, discipline. Terrie Altieri seconded the motion and it carried by a 6-0 Roll Call Vote.

David Belknap asks if Council will be making any decisions after Executive Session for the people in the audience. Council President Lawrence Cunningham says no.

Executive Session is entered at 7:51 p.m.

Clerk of Council Katrina Washington was not present when Council exited Executive Session. Clerk of Council Katrina Washington was also not present when Council adjourned from the Regular Council Meeting.

Respectfully Submitted,

Attest,

---

Katrina Washington  
Clerk of Council

---

Scott Garrett  
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**