Village of Windham,Ohio

Minutes of Regular Council Meeting

Held on February 26, 2024

At 6:00 pm Mayor Lawrence Cunningham called the Regular Council Meeting to order and led in the Pledge of Allegiance.

Roll Call: Scott Garrett – Present Sherri Pennington – Present Cheryl Belknap – Present Terrie Altiere – Present Marilyn Gage – Absent David Belknap – Present

Also present were Village Solicitor Charles Gasio, Zoning Inspector Chris Stier, Police Chief Rick Garinger, Sam & Angela DeSolvo, Housing Inspector Damel Walker and other residents. Village Administrator Ryan Wagner arrived at the meeting late (time of arrival stated in these minutes)

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Mayor Lawrence Cunningham says can’t approve the minutes from January because there are not enough votes.

Mayor Lawrence Cunningham opens the floor to prior guests to speak.

Mr. John Kennedy from Portage County treasurers explains that he was appointed in November of 2023. Today was the deadline for first half collection. Explaining that there's a lot being done all year round, not just collecting taxes. The first half bills were due today and Friday, March 1st is the deadline for mobile homes. It’s an extremely important county function. These tax dollars provide important local services such as Police, Fire Protection, roads, schools, parks, libraries, all of that. While also collecting revenues for the county itself, which provides services including Emergency Management, public assistance, criminal prosecutions, et cetera, et cetera. Now, one of the most important aspects of the job is being a good financial steward of the monies collected. As your Chief Investment Officer for. We work diligently to be good fiduciary steward of county funds, ensuring their safety, liquidity and the best possible return on investment. This role requires constant monitoring to maintain the county's investment portfolio. As part of that, I sit on what's called the Investment Advisory Committee. I’m the chair of that and. That's a community that holds me responsible and others that sit on that. Requires me to provide financial data, forecasting and interest yield information on a quarterly basis to make sure that the counties investment goals are fully met. I also work with local banks who hold millions of our assets and I negotiate the fight for the best rates we can get to ensure we get the best rate of return for all of you, for all of our hard working taxpayers. I also serve on several. Property valuations went up this past year, we get those phone calls a lot. People want to talk to us about it and we tell them your county auditor is the one who makes those decisions about valuations. I also sit on the board of the Portage County Community Action Council. And I learned just recently about programs that are available to residents. There's a new healthy, aging grant that's been approved by Jobs and Family Services for folks 60 and over. It's going to be used to provide home repair, rent, utilities, and homeowner assistance, and which also includes property taxes. A total of $110,000 will be available through June 30th of this year. Since 21 since 2021, the Community Action Council has used a grant from the Ohio Housing Finance. To serve more than 360 families. Orange County assisting 119 families, with a total of 252,000 for property taxes. We're also going to have Mr. Shea, who's the executive director of Community Action Council, meet with our staff, is going to come by later this morning to help train our people, so when folks come up to the window and are struggling to meet their financial obligations which county there's a lot of programs that they could qualify for that we let them know about. There's money there. That's the other thing I want you all to know. There's money. More money than you think. People just don't know. So if you talk to folks who are struggling to meet their tax payments or anything else direct the people to call one of the county offices or call our office and we'll direct them to the right place so they can get the get access to the resources they need. So bottom line for us, we're not just tax collector. We helped connect folks to the beautiful programs and resources they need as they navigate through a sometimes hectic and complicated life. Especially for those who need those connections and resources the most. My goal, our goal, is to serve you, the residents of Windham Village, and all our residents here in Portage County by helping us collectively navigate and make the right connections along the way. Like I said, we have great organizations and great people doing great work throughout our wonderful county. My job is simply to help build those bridges. That can move the needle ever so slightly forward. Mr. John Kennedy thanks Council for their time.

Mayor Lawrence Cunningham opens the floor to Mayor Elkins who explains some legislation that came out in regards to the speed camera. It's called House Bill 416, where they want to charge like $100,000 for a certification and $5000 a month to calibrate. This bill was introduced by Senator State Representative Tom Patton, he is running for state Senate this year. Mr. Patton introduces legislation every two years at election time, hopefully to help himself get elected. He definitely gets a new story out of it every couple of years. This is one of the most absurd that Mayor Elkins has seen Mr. Tom Patton introduced. Much of it, if not all of it, is likely unconstitutional. Wouldn't reports to argue to do is to charge disparities that use photo enforcement programs they large and actually it's not even the municipality it's the vendors it's the people that provide the municipality with the tools a large licensing fee and then a monthly calibration fee. The odd part about it is if you read the legislation that would apply to the exact same cameras that patrolling use when they're running traditional radar, it's a bizarre bill. It actually creates another state agency which is definitely not going to fly in Columbus. What Mayor Elkins is being told is, even though he introduced it, it won't receive a hearing. And it at least in 2024, it will not have any serious consideration. In all likelihood, by the time it's done, if there is any serious consideration. We're well into 2025. Mr. Tom Patton has five other bills pending. He's introduced seven different times now. They haven't gone anywhere. But that's the gist of House Bill 416. We do not think it will go anywhere. And even if it does, it doesn't impact the village of Windham at this point because it is geared toward the standalone automated units. It is actually an amendment to that bill to the current statutes. Mr. Elkins and his team don’t think it's going to have any impact on the program that was proposed for the Village.

Mayor Lawrence Cunningham opens floor for Fiscal Officer’s Financial Reports by Katrina Washington

Income Tax collected Year to date January 2024: $104,641.57

The Expenditures for the month of January 2024: $183.234.22 in checks and charges. Check numbers 38794, 38808, 38828, 38829, 38838, 38841, 38842, 38845, 38847 through 38849, 38851 through 38868 and 38870 through 38874 were paid from the primary checking account during January 2024 with 1 check voided during the month. Direct Deposit Vouchers 56-2024 through 78-2024, 82-2024 through 86-2024, 89-2024, 91-2024, 92-2024, 94-2024, 95-2024, 97-2024 through 107-2024, 109-2024 through 114-2024, 116-2024 through 134-2024, 143-2024 through 145-2024 and 147-2024 through 149-2024 were also paid during the month of January 2024. The all funds balance for January 2024 was $2,296,211.22.

Mayor Lawrence Cunningham opens floor for Council President’s Report

Council President Sherri Pennington does a first read of ORDINANCE O-2024-3 AN ORDINANCE AMENDING SECTION 123.01-POSTING OF ORDINANCES. Making a motion to discuss ORDINANCE O-2024-3. Terri Altiere seconds the motion and it carried by a 5-0 Roll Call Vote.

Council President Sherri Pennington makes a motion to close discussion on ORDINANCE O-2024-3. David Belknap seconded the motion and it carried by 5-0 Roll Call Vote.

Council President Sherri Pennington does a second read of ORDINANCE 2024-01 AN ORDINANCE AMENDING SECTION 1341.10(a) OF THE WINDHAM HOUSING MAINTENANCE AND OCCUPANCY CODE. Making a motion to discuss ORDINANCE 2024-01. Scott Garrett seconded the motion and it carried by a 5-0 Roll Call Vote.

Village Administrator Ryan Wagner arrives at Council of The Whole Meeting at 6:22pm.

Council President Sherri Pennington makes a motion to end discussion on ORDINANCE 2024-01. Cheryl Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Council President Sherri Pennington does a first read of ORDINANCE NO. 2024-4 AN ORDINANCE TO CHANGE THE NAME OF THE STREET CURRENTLY KNOWN AS BAUER AVENUE TO MARTY HILL DRIVE. Making a motion to discuss ORDINANCE NO. 2024-4. David Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Mayor Lawrence Cunningham says to amend ORDINANCE NO, 2024-4 to say that we are just adding Marty Hill and Bower Avenue on the same sign. It will be Marty Hill/Bower Ave on the same sign.

Council President Sherri Pennington makes a motion to end discussion on ORDINANCE 2024-04. Terri Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Council President Sherri Pennington makes a motion to continue using MDI for Website management consistently from year to year until Council discusses and decides to stop using MDI. Scott Garrett seconded the motion and it carried with a 5-0 Roll Call Vote.

Council President Sherri Pennington informs Council that the Woman shopping event is on track.

Council President Sherri Pennington informs Council that Tod Petze is still working on the grant for the sidewalks.

Council President Sherri Pennington informs Council that the bags into benches

program was not what she thought it was. The benches at the Community Building still need to be replaced though. Sam DeSolvo volunteers the labor to repair/replace the benches. The Village will supply the materials.

Mayor Lawrence Cunningham opens the floor to Terrie Altiere who makes a motion to accept the Dispatchers Police, Fire and Rescue reports for January 2024 and December 2023. David Belknap seconded and it carried by a 5-0 Roll Call Vote.

Mayor Lawrence Cunningham opens the floor for Mayor’s Communication.

Stating that he has been out meeting with other Mayors, people from the county and attending events.

Mayor Lawrence Cunningham spoke with the mail and is trying to figure out what is going on. Advising residents that if they don’t get their bill to call the Utilities Office and the Utilities Clerk can give them the total.

Mayor Lawrence Cunningham opens the floor for Finance

Terrie Altiere makes a motion to approve the Fiscal Officer’s expenditures for the month of January 2024 as reported. Council President Sherri Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Terrie Altiere makes a motion to approve the all Funds Bank Balance for January 2024 as reported. Council President Sherri Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Mayor Lawrence Cunningham opens the floor for Safety and Personnel.

Council President Sherri Pennington makes a motion authorizing Fiscal Officer Katrina Washington to renew the Employee Health Insurance, Dental and Vision plans with Medical Mutual (Cose) and Anthem for another year. Terrie Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Council President Sherri Pennington does a second read of ORDINANCE NO. 2024-02 AN ORDINANCE AMENDING VILLAGE OF WINDHAM EMPLOYEE HANDBOOK. Making a motion to Discuss ORDINANCE NO 2024-02. David Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Council President Sherri Pennington makes a motion to end Discussion ORDINANCE NO 2024-02. David Belnkap seconded the motion and it carried by a 5-0 Roll Call Vote.

Mayor Lawrence Cunningham opens the floor for Utilities.

Scott Garrett reads RESOLUTION NO. R-2024-4 **A RESOLUTION AUTHORIZING THE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER TO PAY STIER HOME IMPROVEMENT AND DECLARING AN EMERGENCY.** Making a motion to Discuss RESOLUTION NO. R-2024-4. Cheryl Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett asks for clarification on what this is for. Village Administrator Ryan Wagner informs Council that this is for the drywall repair in the water plant that had to be done before the EPA came in for their inspection. Village Administrator asks Council if they would consider raising the spending limit up to five thousand dollars. Scott Garrett says that is a discussion for the Committee Meeting. David Belknap asks if the work was already done. Village Administrator Ryan Wagner says yes. That he will never write a PO unless the job is already done.

Scott Garrett makes a motion to end Discussion RESOLUTION NO. R-2024-4. Council President Sherri Pennington seconded that motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett makes a motion to Suspend the rules. Council President Sherri Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett makes a motion to Approve RESOLUTION NO. R-2024-4. Terrie Altiere seconded the motion and it carried by a 4-1 Roll Call Vote with David Belknap voting No.

Scott Garrett reads RESOLUTION 2024-7 **A RESOLUTION AUTHORIZING THE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER TO PAY TS ELLIOTT CONTRACTING, LLC AND DECLARING AN EMERGENCY.** Making a motion to Discuss RESOLUTION 2024-7. Council President Sherri Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett asks for clarification on what this is for. Village Administrator Ryan Wagner informs Council that it is for the skirting that fell apart in the clarifier. David Belknap asks if we only received one quote for this. Village Administrator Ryan Wagner says no. There were two quotes, but the other company couldn’t get to it for three or four weeks. It needed to be replaced sooner than that. Fiscal Officer Katrina Washington informs Council and Village Administrator that this legislation is not for the replacement. This one is for when the company went in and patched it. Informing Council that Resolution 2024-7 is for patching and Resolution 2024-6 is for the replacement.

Scott Garrett makes a motion to end Discussion RESOLUTION 2024-7. Council President Sherri Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett makes a motion to Suspend the rules. Council President Sherri Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett makes a motion to Approve RESOLUTION 2024-7. Council President Sherri Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett reads RESOLUTION 2024-6 **A RESOLUTION AUTHORIZING THE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER TO PAY TS ELLIOTT CONTRACTING, LLC AND DECLARING AN EMERGENCY.** Making a motion to discuss RESOLUTION 2024-6. Council President Sherri Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett makes a motion to end Discussion RESOLUTION 2024-6. David Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett makes a motion to Suspend the rules. Terrie Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett makes a motion to Approve RESOLUTION 2024-6. Council President Sherri Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Mayor Lawrence Cunningham opens the floor for Service Committee

Cheryl Belknap third read of ORDINANCE 2023-13 **AN ORDINANCE ENACTING CODIFIED ORDINANCE CHAPTER 315 ENTITLED “MANUALLY-OPERATED TRAFFIC LAW ENFORCEMENT DEVICES,” ESTABLISHING CIVIL PENALTIES, AND REPEALING ORDINANCES IN CONFLICT HEREWITH.** Making amotion to Discuss ORDINANCE 2023-13. Terrie Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett thinks that it is worth trying and if it does not work out or a lot of issues after a year, get rid of it. Terrie Altiere likes that it is portable and that it handles safety issues for the cops safety. Mayor Lawrence Cunningham agrees. Further explaining that there are a lot of complaints about speeding.

Cheryl Belknap makes a motion to end Discussion ORDINANCE NO 2023-13. Terrie Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Cheryl Belknap makes a motion to Approve ORDINANCE NO 2023-13. Terrie Altiere seconded the motion and it carried by a 4-1 Roll Call Vote with David Belknap voting No.

Cheryl Belknap does a third read RESOLUTION 2023-16 **A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH TARGETING AND SOLUTIONS LIMITED FOR SPEED ENFORCEMENT SYSTEMS IN THE VILLAGE OF WINDHAM.** Making a motion to Discuss RESOLUTION 2023-16. Terrie Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Cheryl Belknap makes a motion to end Discussion RESOLUTION 2023-16. Terrie Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Cheryl Belknap makes a motion to Approve RESOLUTION 2023-16. Terrie Altiere seconded the motion and it carried by a 4-1 Roll Call Vote with David Belknap voting No.

Cheryl Bleknap reads RESOLUTION NO. 2024-5 **A RESOLUTION AUTHORIZING A CONTRACT WITH THE PORTAGE COUNTY PUBLIC DEFENDER FOR DEFENSE OF INDIGENT PERSONS CHARGED WITH CRIMINAL OFFENSES UNDER THE VILLAGE ORDINANCES AND DECLARING AN EMERGENCY.** Making a motion to Discuss RESOLUTION NO. 2024-5. David Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Scott Garrett informs Council that they really don’t have much of a choice on this one. David Belknap asks why it hit Council’s desk so late because it expired December 31st. Fiscal Officer Katrina Washington informs Council that they mailed it to the Township instead of us. Further explaining that happens all the time. We also get a lot of things for the Township too.

Cheryl Belknap makes a motion to end Discussion RESOLUTION NO. 2024-5. Terrie Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Cheryl Belknap makes a motion to Suspend the rules. Terrie Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Cheryl Belknap makes a motion to Approve RESOLUTION NO. 2024-5. Terrie Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Mayor Lawrence Cunningham opens the floor for Economic Development

David Belknap opens the floor to discuss renewing Membership with Portage County Regional Planning for another year. Council agrees that they have to because they have a lot of things going on with them right now. David Belknap makes a motion to Renew Membership with Portage County Regional Planning for another year with representatives being Marilyn Gage and Chris Stier. Terrie Altiere seconded the motion and it carried by a 5-0 Roll Call Vote.

Mayor Lawrence Cunningham opened the floor for Parks and Recreation

Fiscal Officer Katrina Washington informs Council that her family was at the park over the weekend and discovered that one of the slides had a huge hole at the bottom. She informed Village Administrator Ryan Wagner before the meeting and he said he would look into removing or taping off the slide.

Mayor Lawrence Cunningham opens floor to Zoning

Zoning Inspector Chris Stier gives Council an update on who she has talked with and the topics.

Mayor Lawrence Cunningham opens floor to Housing Inspector

Housing Inspector Damel Walker informs Council that he has about fifteen inspections left from last year, then will be caught up. Also gave an update on 9515 properties.

Mayor Lawrence Cunningham opens floor to Village Administrator Ryan Wagner

Village Administrator Ryan Wagner informs Council that Mr. Underwood shipped out the water meters. Those should be arriving pretty soon. Mr. Underwood will go over the new software with the Utilities Clerk.

Village Administrator Ryan Wagner informs Council that he received quotes for some of the Wastewater projects. He does not think they're very realistic. It was astronomical. There was another guy that came out and looked at everything. We're going to see if he's willing to give a quote. These numbers are not set in stone. They are just a stepping stone so that we can get the grants. You know for the projects. It wasn't being very realistic. With some of the projects, there was a lot of wish list on there. We thought we just put everything in there, prioritize and then get what we can. Village Administrator Ryan Wagner informed Council that he would have more information at the Committee Meeting. Further explaining that the guy that Billy spoke with that came out, looked at the filters is a very respectable Engineer. Saying that he's the one that a lot of people go to when they need to figure stuff out.

Village Administrator Ryan Wagner informs Council that he will get with Lisa and Rob about getting the roads paved. Explaining that we need to put in for the roads if we want to get those paved this year. Saying that he believes that comes up in March.

Village Administrator Ryan Wagner informs Council that he put this program together and has everyone fill out a sheet that says if they're taking comp time, vacation, etc. That way, because we get paid every two weeks. So, if he signs off on someone's time card, he might forget what happened two weeks ago. Then he can see that they guys actually applied for that sick time or actually applied for that vacation. That was kind of a mess. So, I made a sheet that was really simple. It's very simple. Like it says comp-time, Regular hours, holiday. The purpose of this is if one of the guys asked me to use a sick time or comp-time. What if he says and authorized it. But the employee doesn’t have that sick time or comp-time. Village Administrator Ryan Wagner would like to ask if he could just get a report stating what the guys have as far as vacation time. Village Administrator Ryan Wagner asks if he can get a report at the beginning every month stating how many hours they've earned and how many they have left. He would just like to ask for permission to have a report. At the beginning of every month. He doesn’t think it's unreasonable. Further explaining that the more things that we have that are two tier the better.

Village Administrator Ryan Wagner informs Council that there was a concern about being able to get ahold of him. He ask that if he doesn’t answer to try and call right back, give him five minutes and call back, or send a text. Explaining that he will open it and talk to you real quick.

Mayor Lawrence Cunningham opens floor to Guest Recognition that did not request to be added to the agenda.

Ms. Pat updates Council on her landlord and building maintenance issues. Along with her experience with the new maintenance company.

Mayor Lawrence Cunningham opens floor to Village Solicitor Charles Gasior

Village Solicitor Charles Gasior informs Council that he had initial conversations with Judge Poland Fankhauser regarding the traffic camera procedures for court. They were thankful that he came and spoke with them about it because there is no procedure in the court system right now. Village Solicitor Charles Gasior is going to give them some more information regarding it. Like some contacts to speak with, other judges that are dealing with it also and things. So they have their procedure in place by time the first appeal comes through. It looks like it's going to go to Steve Smith who's the Civil management. Village Solicitor Charles Gasior will meet with them again in the next couple of weeks.

Mayor Lawrence Cunningham opens floor last chance for members of Council to speak upon any subject at this meeting

David Belknap requests for an Executive Session to discuss Personnel matters.

Mayor Lawrence Cunningham goes over March Calendar

Committee Meeting Tuesday March 12, 2024 at 6:00 p.m.

Council Meeting Tuesday March 26, 2024 at 6:00 p.m.

David Belknap makes a motion to enter into Executive Session for Personnel. Inviting Fiscal Officer Katrina Washington, Zoning Inspector Chris Stier, Village Solicitor Charles Gasior and Council. Council President Sherri Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Executive Session entered at 7:16pm

David Belknap makes a motion to end Executive Session at 7:34pm. Scott Garrett seconded the motion and it carried by a 5-0 Roll Call Vote.

Council Exits Executive Session and reenters into Regular Council Meeting at 7:37pm

With no further business to discuss Terrie Altiere makes a motion to adjourn the Regular Council Meeting. Scott Garrett seconded the meeting and it carried with a 5-0 Roll Call Vote.

Regular Council Meeting Adjourned at 7:37pm.

Respectfully Submitted, Attest,

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Katrina Washington Lawrence Cunningham

Clerk of Council 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**