

Village of Windham Ohio

Minutes of Council Meeting

Held May 22, 2018

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

Roll Call: Sandy Patti – present Cheryl Belknap – present
 Scott Garrett – present Sheila Moore – present
 Cheryl Taylor – present Stacy Brown – present

Also present were: Thomas Reitz, Tom Brett, Eric Breiding, Jim Moore, Ray Bowden, Leona Bowden, Patty Moore, Kay Friend, Cindy Cale, Ryan Wagner, Larry Kuhlman, Brandon McPherson, Jeff English, Marsha Roth, and Audrey Roth.

Mr. Garrett made a motion to approve the minutes of the April 23, 2018 Regular Council Meeting, which was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Mayor Blewitt said there was an addition to the agenda and all the Council Members had a new agenda in front of them, which includes 10.2 under Safety, Personnel, & Rules.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date April 30, 2018 was \$203,537.22. The expenditures for the month of April 2018 were \$128,641.80 in checks and charges. Check numbers 34091 through 34167 were paid from the primary checking account during April 2018 with check, number 34147, voided during the month. Direct Deposit Vouchers 189-2018 through 220-2018 and 225-2018 through 246-2018 were also paid during the month of April 2018. The all funds reconciled balance for April 2018 was \$1,553,139.58.

Village Council President's report by Scott Garrett – Mr. Garrett had nothing at the time.

Dispatchers Police, Fire and Rescue Reports for April 2018 by Mrs. Taylor – Mrs. Taylor made a motion to accept the Police, Fire and Rescue Reports for April 2018, which was seconded by Ms. Brown and carried by a 6 – 0 vote.

Mayor's Communication by Deborah Blewitt – Ms. Blewitt said the Community Clean Up on Monday was very successful, a lot of kids turned out from the school, flowers are planted, Lion's Club participated by buying the dirt and flowers, and so did some of our council, our Fiscal Officer donated, community members donated hot dogs, buns, water, and chips. The Mayor said it was successful, we got a lot taken care of, and she encouraged everyone next year to try and come out and join in on that. The Mayor said the kids cleaned up a huge amount of trash.

Prior requests of guests to speak – Jim Moore said he spoke with Zoning Inspector about this zoning issue, property that he owns between the Legion and the Tavern and it's been for sale. Mr. Moore he really needs to find out before he leaves here what procedure to use, with meeting with the Planning and Zoning Commission and Tom Brett thought it best to come to the Council Meeting and talk to Mr. Reitz about what direction to go. Mr. Moore said he wanted to give some history on this property and he has his real estate broker here, he owns 10 acres. Mr. Moore said he purchased 14 acres from Harbison Walker in September 1999 and at that time it was zoned industrial and he had it rezoned to R2 in 2000 or 2001. Mr. Moore said in 2002 or 2003 the Nazarene Church wanted 4 acres to build a new church, and he donated 3 acres and sold the church an additional acre, since that time he continued to advertise the land and did not have any additional purchases of land. Mr. Moore said the church did not have the funds to build a new church at the time and just renovated their existing church. Mr. Moore said the church put their 4 acres up for sale about a year ago, with English Reality. Mr. Moore said the buyer for the church's 4 acres wants to build a single family home. Mr. Moore said the church's 4 acres runs along 303 and the single family home property line by the Tavern and ends at the 3 wooden crosses. Mr. Moore said he and the church were not aware that when the Planning Commission and the Council started the Mixed Use Zoning District, that it included his and the church's land in February 2010. Mayor Blewitt asked what the property was zoned when the church purchased it and Mr. Moore said the property was industrial when he purchased it; however it was residential when the church purchased it. Mayor Blewitt asked if the Moore's or the church were aware that the zoning was changed to Mixed Use. Mr. Moore

said he nor the church was aware of the change. Mayor Blewitt asked Mr. Brett if there was an ad placed to announce the possible zoning change. Mr. Brett said yes there was an ad placed. Mr. Moore said they did not receive any letters stating a possible change for the zoning and he asked Fiscal Officer Taylor for the letters that went out for this zoning change and she said she couldn't locate the letters, that should have been in with the ordinance, but that is another issue. Mr. Moore said why they didn't receive the notice, he doesn't know, but he would have been in someone's face about it if he was aware of it. Mr. Moore said he was at the Council meeting in February 2010 when this zoning change was passed, during that time he was helping Council in following up with a lawsuit that he had the Council file in September 2007 against the Township Trustees about the Joint Fire District, he was working with the attorneys because he had all the knowledge from when he was the mayor between the Township Trustees and the Village, so he had to get the attorney prepared for the possible trial, but it ended up getting settled, during that period of time he had a sign on that land that said residential/commercial and no one said anything to him and it was up until 2012. Mr. Moore said again that neither he nor the church was aware of their property being changed to Mixed Use. Mr. Moore said he knows the Village and Township needs population growth because in 2016 the Village paid for a study by ALCA associate. Mayor Blewitt said this was the market study. Mr. Moore said this study was six years after the zoning ordinance for the Mixed Use District was passed. Mr. Moore read some of the market study that said "in our opinion at this point in time, Windham should focus on replacing housing, which is targeted for demolition and making single-family lots available to developers. Windham Village is best serving the area as a 'bedroom' community. Given the amenities at Garrettsville within 10 miles of Windham, it is not likely that the same of amenities will locate in Windham without increased demand from new and replaced housing. The objective of this market study is to determine the market for a family and elderly housing, and the feasibility for economic development in the form of industrial, retail and offices in the Village of Windham". Mayor Blewitt asked Mr. Moore if he is looking to have the zoning changed back and Mr. Moore said probably. Mayor Blewitt said they are aware of what the market study says and they understand they are looking for residential housing, so let's figure out what needs to be done to get the zoning changed before you plead the case for why you want to change it, first we need to figure out procedure. Mr. Reitz said he wants to hear what Mr. Moore wants to happen. Mr. Moore said he's not sure what we can do, because the ordinance passed in 2010 does not include single family housing and he doesn't know if there can be a conditional use. Mr. Reitz said the Mixed Use Zoning District does not permit residential uses, but if Mr. Moore would like to propose rezoning there is a procedure for that in Section 1147 of the Zoning Code, which says zoning changes can be proposed by owners of the land, the Planning Commission, or by Council. Mr. Reitz said the procedure for each of those entities is a little different, but they all have some things in common, you have to put together a proposed amendment of what you want done, if you want a different zoning classification placed on the property then you have to explain which parcels of property you are proposing for rezoning and you have to include justification as to why this is a good idea. Mr. Reitz said if it's a petition from land owners, it goes to the Planning Commission for approval, disapproval, or recommended with modifications. Mr. Reitz said this is Section 1147.01, subparagraph small a, and once the Planning Commission makes a decision it is referred to the Village Council, then the Council holds a Public Hearing, the notice for the hearing is different depending on the size or the number of parcels involved proposed for rezoning, if it is 10 or less then actual letters go out, if the area proposed for rezoning is more than 10 parcels then publication in the newspaper is all that is required. Mr. Reitz said there are options available, and the things that Mr. Moore said happened in 2010, there's no way to undo that. Mr. Moore said the issue about conditional use for single-family housing is out of the picture now that Mr. Reitz made his statement, so he and the Nazarene Church will probably follow Mr. Reitz's statement. Mr. Moore asked if he and the Nazarene Church should propose this zoning change together. Mr. Reitz said if you are both in agreement, then that is the best way to do it. Mayor Blewitt asked Mr. Moore if he was requesting a meeting with the Planning Commission tonight. Mr. Reitz said no, follow the written request first, when that is received by Mr. Brett, then he will schedule the meeting of the Planning Commission. Ms. Patti said the church has a buyer right now, but she knows they have to go through this process. Mrs. Moore said the church is in the middle of selling the property and they are on hold now, how long will this take, will the church lose out on a potential buyer. Mayor Blewitt asked Mr. Moore if he was going to request it tomorrow morning and Ms. Patti said can we get it done that fast. Mr. Reitz said when the application is filed, Mr. Brett will call a meeting of the Planning Commission as soon as possible, the Planning Commission has not less than 30 days nor more than 60 days to consider this, worst case scenario is 60 days, that is the Village's Ordinance, then the Planning Commission makes its referral to the Village Council and the Village Council has to advertise notice of the meeting, and we don't know if it's mailed notice (less than 10 parcels) or published in the newspaper, the Council will then hold the Public Hearing and how quickly that step goes depends on how many people show up at the Public Hearing and are either for or

against the proposed zoning change. Mr. Reitz said the Council does have a requirement of three readings, they have the opportunity to waive that every so often, however Mr. Reitz does not encourage waiving that when it comes to rezoning, because of the exact thing that Mr. Moore is upset about from 2010, you want your citizens to know about what you're doing. Mr. Reitz said there's not a problem from his prospective, for Council to put the rezoning on first reading before they have had their Public Hearing, and you can see that this process can stretch out for a period of time, you might be able to convince the Council to hold a Special Meeting, but Mr. Reitz said he thinks it is poor practice to waive the three reading rule when it comes to rezoning and by memory it might even be prohibited and it is Mr. Reitz's recommendation not to do that. Mr. Reitz said the time period would probably be two to three months, that's a rough time frame. Mr. Moore asked if the meetings needed to be 30 days apart and Mr. Reitz said no, it has to be three separate occasions, which could include a Special Meeting. Mayor Blewitt said we already know we have to have a Special Meeting in June, we could add that to the agenda and Mr. Reitz said you have to wait to see what your Planning Commission does. Mrs. Cale clarified that Mr. Moore has to get his proposal to Mr. Brett and then it will come before the Planning Commission and Mr. Reitz said yes, it all begins with the application. Mr. Brett said the Mixed Use District is extensive and he thinks we need to consider the whole district and what changes we might want to make to that because it includes a lot of property. Mr. Reitz said Mr. Brett's comment begs two different avenues that are available to citizens, one is if you want to change the uses in the zoning district, which would apply uniformly to every property in the district, or do you propose to simply change the zoning on your property and that's a decision for the applicant. Mrs. Moore said the Mixed Use District is from the house beside the Tavern to the Trumbull County line, which means no one can build a single family home on that property without changing the zoning. Mayor Blewitt asked Mr. Moore if he was satisfied with the procedure and Mr. Moore said they are going to move to get the zoning changed on their properties to residential. Mayor Blewitt said as soon as Mr. Brett gets the proposed change, then the Planning Commission will have a meeting and we will expedite things as quickly as we can. Jeff English said he sees this happen a lot where people zone something 10 years ago and then they look at it and say why did we do it that way, because things change, the market changes, the question is what is the optimum use for the property.

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of April 2018 as reported. Ms. Belknap seconded this motion and it carried by a 6 – 0 vote.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for April 2018 in the amount of \$1,553,139.58 as reported. Mrs. Taylor seconded the motion which carried by a 6 – 0 vote.

Mr. Garrett made a motion to approve Chief Breiding buying four radios for the Police Cruisers from VASU Communications at a cost of \$6358.00. Ms. Belknap seconded this motion and it carried by a 6 – 0 vote.

Safety, Personnel, Rules (SPR) by Stacy Brown

Ms. Brown read Ordinance O-2018-12 **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.** This was a second read.

Ms. Brown read Resolution R-20018-14 **AN RESOLUTION RETAINING THOMAS REITZ, ATTORNEY AT LAW, AS SOLICITOR FOR THE VILLAGE OF WINDHAM, OHIO, AND FIXING HIS FEES FOR THE PERIOD FROM JUNE 1, 2018 TO MAY 31, 2020 AND DECLARING AN EMERGENCY.** and made a motion to suspend the rules, which was seconded by Mr. Garrett and carried by a 6 – 0 vote. Ms. Moore said this is probably the same thing as before, but it's just landing here today for the first time. Mayor Blewitt said Mr. Reitz had sent her his proposed contract and she distributed copies, she thinks to everybody, and Mayor Blewitt said we did talk about it and Ms. Moore would have got it. Ms. Moore said she has not seen this and Mayor Blewitt said the rest of Council says they have it. Ms. Moore asked Ms. Patti if she saw it and Ms. Patti said yes, she has it. Ms. Moore said she has no idea why she didn't get it, that's really weird. Mayor Blewitt said Council talked about it, and she would have thought that Ms. Moore would have been there for it, in executive session. Mayor Blewitt said it was her mistake that she didn't realize that Fiscal Officer Taylor wasn't copied on the contract, so therefore it didn't get on the agenda, and Mr. Reitz's contract

is basically up. Ms. Moore asked when everyone else received the Resolution and Mayor Blewitt said when she put it in everyone's box. Fiscal Officer Taylor said the Resolution just came over to her today, Mayor Blewitt said she was talking about the contract. Mr. Reitz said he sent the contract to the Mayor in April, in advance of the Committee Meetings, and he only sent it to the Mayor, the Fiscal Officer didn't see it and since Mr. Reitz doesn't attend the Committee Meetings, he hopes Council talked about it. Ms. Moore asked when Council talked about it. Mrs. Taylor said she remembers talking about it in executive session, but she doesn't remember when that was. Ms. Moore said we've only had one executive session that she recalls, and that was like two weeks ago and the Chief requested that. Mrs. Taylor said she thought it was recently brought up that Mr. Reitz's contract was coming up. Ms. Moore said that's really not sufficient, she has no idea, she doesn't remember, seriously that's weird but go ahead. Mr. Reitz said the contract itself is identical to the current contract with two exceptions, it reflects a 2% raise for the next year and the year after that a second 2% raise, and every other specific is identical, it's the same contract he has had with the Village for many years. Ms. Patti said when we initially did Mr. Reitz three years; she thinks they did specify that it would go up a certain percentage. Mr. Reitz said it always only been two years by the Ohio Revised Code. Ms. Patti said Ms. Moore wasn't here the last time the contract was renewed. Ms. Moore said she was here when this was renewed; she was part of it two years ago. Mayor Blewitt said she remembers from the discussion, that with RITA taking over and maybe this will jar some memories; Mr. Reitz will no longer be collecting the tax. Ms. Moore asked when that discussion was. Mayor Blewitt said if it was in executive session, we have no minutes on it, but she is going to say if Mrs. Taylor thinks that's where we spoke about it, it was probably in April. Mayor Blewitt asked Mr. Reitz when he sent it and he said it was in advance of the Committee Meetings; however he didn't know the specific date. Ms. Moore said you know how she is with contracts and this is certainly a contract. Mayor Blewitt said Ms. Moore would not have been omitted; maybe it's in with something else because she does put a lot of stuff in the Council boxes. Ms. Moore said she has been through everything, but she didn't find it. Mr. Reitz said he sent it to the Mayor on April 18th. Ms. Moore said she would have liked to at committee level to maybe, I mean no offense, are we sure this is what we want to do, do we want to look around, but that didn't happen because she honestly doesn't remember any of that stuff, but yeah okay, go ahead. Ms. Patti asked if Ms. Moore would like her to make a copy. Ms. Moore said she has it now, go ahead. Ms. Brown made a motion to adopt Resolution R-2018-14, which was seconded by Mr. Garrett and carried by a 6 – 0 vote. Mayor Blewitt said she takes the blame because she didn't realize the email wasn't shared with the Fiscal Officer. Mr. Reitz thanked Council.

Utilities by Cheryl Taylor – Mrs. Taylor had nothing at the time. Ms. Moore said when we were in Utilities, the last time, we made a motion, unless she has them and doesn't have them, but the Utilities minutes from the meeting, we made a motion that at Council we would at this point legitimately authorize the Village Administrator to begin movement of those recycle bins, so she would like to do that, she would like them moved as much as a lot of people. Ms. Moore said she doesn't remember the exact wording of the motion we made then. Mayor Blewitt said she doesn't think there was actually a motion made and Ms. Moore said yes there was, there was a motion, but we can make one now because everyone was in agreement. Ms. Moore made a motion that we let the Village Administrator start the process of moving the recycle bins to the location by the Old Administration Building that we discussed, we had talked about some specifics, not sure how specific this motion needs to be in that regard, he go and make that happen starting tomorrow, so those can be moved. Mr. Garrett seconded this motion. Mr. Wagner said he has no problem moving them, but if you vote on them being moved tomorrow that is not going to happen. Mr. Garrett said when Mr. Wagner can; it doesn't have to be done tomorrow. Ms. Patti said it can be started tomorrow. Mr. Wagner said we just need to specify that. Mayor Blewitt said Mr. Wagner can call Bill Steiner tomorrow and tell him Council made a motion to move the recycle containers; he is waiting on that call. This motion passed by a 6 – 0 vote.

Service Committee by Sandy Patti

Ms. Patti read Resolution R-2018-13 **A RESOLUTION AUTHORIZING A CONTRACT WITH MICHAEL J. MIKULSKI, TO CONSTRUCT A 32' X 40' ACCESSORY BUILDING FOR POLICE CARS AND DECLARING AN EMERGENCY.** and made a motion to suspend the rules, which was seconded by Mr. Garrett and carried by a 6 – 0 vote. Ms. Patti said she knows Mr. Wagner has a lot on his plate, but she has texted him, left him notes at his office, saying to call her and the next thing she knows she has the papers and it's done. Ms. Patti said when we were going to do it out front we were going to have electricity, no heat or water, this contract says no electricity, are we going to have electric doors. Mr. Wagner said because of the crunch of the time frame and the permit that is required for the electric, we

don't have time to put the electric in the contract because of the split parcel we have to decide whether it will come from the Administration Building or the Water Plant, so we left it out in order to get the garage built, it is something that is in the blueprint as further construction. Mr. Reitz asked if the sleeves are going to be installed now and Mr. Wagner said yes. Mr. Reitz said that means the pipes are there and electricity can be run into the garage at any time. Ms. Patti asked how they're going to raise the doors in the meantime. Mr. Garrett said they will do it manually. Ms. Patti said especially when she asks for something, she would like a text message or a call because that is her committee and she would like to know what is going on. Mr. Wagner said he spoke with Ms. Patti several times in the office and let her know the procedures continuously over and over and over, he said he told Ms. Patti when he got the blueprints that he would contact her. Ms. Patti said Mr. Wagner didn't contact her. Mr. Wagner said yes he did, but we can agree to disagree. Mr. Wagner said Ms. Patti told him that she had four contractors that were interested in bidding the contract, he said he received one phone call saying he couldn't do the job in that timeframe. Ms. Patti said she is not talking about that part. Mr. Wagner said sometimes he can't call right back when he has a scribbled note on his desk, but he will get back to her. Mr. Wagner said he has had several conversations with Ms. Patti about this and he explained the procedure, he said he was waiting on Mr. Bodnar to get him the blueprints and then he would call Ms. Patti. Ms. Patti said Mr. Wagner gave her a print that was not the actual finished blueprint. Mr. Wagner said he was talking about when he explained the procedure, he said that when Mr. Bodnar gave him the blueprints he would let Ms. Patti know, so that she could let the contractors know. Mr. Wagner said you can't have a contractor bid on job without having the blueprints. Ms. Patti said she knows that. Mr. Wagner said Mr. Bodnar had to redo all the blueprints and did not charge us for that, which took some time. Ms. Patti said she was aware of that, but to save Mr. Wagner some time, when he got the actual blueprints, she would have liked to see them. Mr. Wagner said he told Ms. Patti the blueprints were done. Ms. Patti said no, Mr. Wagner never told her the actual blueprints were done. Mr. Wagner said he called Ms. Patti and told her the blueprints were done and we were ready for the contractors. Ms. Patti said Mr. Wagner said he wanted the names of the contractors, that's okay, she likes communication, she texted him a lot of times and Mr. Wagner never texted back or called her, she keeps all her texts. Mr. Wagner said he keeps his texts too and he did call her back. Ms. Patti made a motion to adopt Resolution R-2018-13, which was seconded by Mr. Garrett and carried by a 5 – 1 vote, with Ms. Moore being the dissenting vote.

Ms. Patti read Ordinance O-2018-13 **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 6 – 0 vote. Ms. Patti made a motion to adopt Ordinance O-2018-13, which was seconded by Ms. Brown and carried by a 6 – 0 vote.

Economic Development by Sheila Moore – Ms. Moore said she is not currently the chair. Mr. Garrett had nothing at this time. Mr. Brett said the lots that we are planning on changing the configuration of, have we made any decision for moving forward with the survey on that. Mayor Blewitt said lots 27, 28, and 29 are not in our name yet and lot 30 is not in our name, so can we proceed without having those in our name, go ahead and do the surveying. Mr. Brett said yes, were certain they will agree to the changes. Mayor Blewitt said Cliff McGuire would be ideal because he is local, but is that something that needs to be bid. Mr. Reitz asked if it was a professional service and the Mayor said yes. Mr. Reitz asked what the cost was and the Mayor said she doesn't know, but under \$50,000, Mr. Reitz said he thinks we can go ahead and do that. Mayor Blewitt asked Ryan Wagner to get a hold of Cliff McGuire, he's a local guy and we've used him before, he put together the two plats the Administration Building is on. Mr. Brett said Council needs to agree upon the drawings he submitted for the new lots, there was discussion, but no formal approval. Mayor Blewitt said then we need to get approval. Mr. Reitz asked if it was during Committee and Mayor Blewitt said yes. Mr. Garrett said it was during Economic Development. Mr. Reitz asked if Mr. Brett was talking about consolidating lots in order to make them conforming to the zoning code or to diminish a non-conforming. Mr. Brett said it is to make the utilities superior for potential construction and it would be in more compliance with the zoning setbacks, there are some odd shaped parcels. Mr. Reitz asked if we were combining a land locked parcel with one that has frontage. Mr. Brett said there are three parcels that have frontage, formally they housed three, six-unit apartment buildings, basically those three parcels would wipe the slate clean, it would take the frontage from the larger parcel and divided it by three and went straight back to the property line so they would have equal frontage and similar lot sizes. Mr. Brett said the other change would be to the south end just north of Cortland Bank, there were three lots there that were short lots and they have frontage on Community, there's a lot behind then on Grove Court directly behind these lots and his proposal was to eliminate the lot on Grove Court and extend the three lots on Community that were short lots. Mr. Garrett said these changes need to be approved before we have them

surveyed. Mr. Reitz said he doesn't understand why Mr. Brett is taking this to Economic Development when he's talking about combining lots, when that is a zoning action. Mr. Brett said that was part of the Master Plan when it came to Economic Development. Mayor Blewitt said the property they were talking about used to be zoned commercial, but has since been changed to residential, so that part is taken care of, now we just need to decide on lot sizes before we call in a surveyor. Mr. Garrett asked if this was something we needed to move forward with tonight, or was there time for discussion. Mr. Brett said he just wanted to remind Council that this needs to be done. Ms. Patti said Mr. Pemberton is ready to build, so this is something Council needs to take care of. Mr. Reitz said you need Planning Commission approval to consolidate the lots then Council can authorize the consolidation. Mayor Blewitt asked if Council should be doing the same thing as Mr. Moore and Mr. Reitz said yes, there should be an application.

Parks and Recreation by Ms. Belknap – Ms. Belknap said there is a defect in the swing set. Mr. Kuhlman said he has contacted the company, they asked that we take pictures of the end that is not drilled properly, they will either replace it or authorize us to drill the holes, and Mr. Wagner took the pictures and emailed them to the company today. Ms. Belknap asked who was going to drill the holes and Mr. Kuhlman said the company will either authorize us drilling the holes or they will replace that part. Ms. Belknap said she thinks it should be sent back and replaced. Ms. Belknap said she put some lime on the Community Garden and she has a little spot she still needs to do and Ivan Ward can plow it again. Ms. Belknap said she spoke with Ramona at Circle K and she is going to help Ms. Belknap look for vendors for the car show. Ms. Belknap said we are getting some signs printed to advertise the car show. Ms. Belknap said she has almost \$300 in donations for the car show. Ms. Belknap said the community clean-up was a success and a learning experience for the kids that helped. Mr. Garrett gave a shout out to Stephanie Parrish, the teacher that organized what the kids would do at the clean-up.

Planning and Zoning by Deborah Blewitt – Mayor Blewitt said it sounds like the Planning Commission will have some things coming up and as soon as they get the requests they will get moving on them. Ms. Patti asked who was on the Planning Commission and Mayor Blewitt said herself, Cindy Cale, Larry Kuhlman, and Sheila Moore. Mr. Brett asked if we could do both requests (Mr. Moore's and the Village's, to consolidate lots) in one meeting. Mayor Blewitt said she wasn't sure if Ms. Moore would have to abstain because Mr. Moore is her father. Ms. Moore said she definitely would abstain on her parent's issue, but she would vote on the other issue of the lot consolidations.

Solicitor's Report by Tom Reitz – Mr. Reitz requested an executive session to review pending litigation so he could report the status of that litigation. Ms. Patti made the motion to discuss pending litigation, which was seconded by Ms. Moore and carried by a 6 – 0 vote at 7:57 p.m. Mr. Garrett made a motion to return from executive session, which was seconded by Ms. Brown and carried by a 6 – 0 vote at 8:06 p.m.

Guest Recognition – Nothing

Last Chance of Council to Speak on Any Subject – Ms. Moore asked where we were at with Rob's contract as the engineer; she knows that she has some copies of some items. Mr. Reitz said he is satisfied with it and it is not before Council tonight because we didn't get it to the Committees, he is ready to circulate it to Council for their consideration at the committee level and it should come before Council at the next Council Meeting. Ms. Moore said okay. Ms. Belknap asked if we had a contract with the woman who wrote the grant for the Farmer's Market. Ms. Patti and Mr. Garrett said we talked about that at committee and we will look into that for the next round. Mayor Blewitt said a contract for the flowers was also mentioned. Ms. Patti said there was a motion to pay the grant writer the \$1500. Ms. Patti said she called the grant writer about the lights and sidewalks and she is going to work on that next. Ms. Moore asked if Rob was related to anyone in the Village that works or is elected. Mr. Garrett said he is related to a lot of people, but not anyone who is elected. Ms. Moore asked if it mattered if Rob was related to any other employees. Mayor Blewitt said she wouldn't think so. Mr. Garrett said not unless it affects the contract. Mr. Reitz said his relation to other people who are employees is not relevant unless those employees have some say into whether the contract should be awarded or not. Ms. Moore said okay, there were some, I mean since you're here, there were some questions she doesn't know if anyone can maybe answer or not, for instance in the contract it mentions the engineer and she's assuming that is Rob, wait there's an inspector that will be here because he is four states away, who is that. Mr. Reitz said that is Ryan. Ms. Moore said Ryan, so that inspector gets a fee. Mr. Reitz said Ryan is not going to get more than his usual pay. Ms. Moore said okay but that is not clear, if it's Ryan it need to be changed in the document. Ms. Moore asked if we knew who the constructor was. Mr. Reitz said he thinks

it has to be bid. Ms. Moore said she thinks it's the Ohio Revised Code that says, you hire the most qualified consultant and only if the reasonable fee cannot be negotiated between the two parties you can go to a different consultant, have we done that, is he the most qualified person. Ms. Belknap asked isn't he an engineer. Ms. Moore said yes, there are different levels of engineers. Ms. Patti asked if he was the only one we have. Mayor Blewitt said no, we've had other engineering firms do work. Ms. Patti said she means bid on this. Mr. Reitz said you don't competitively bid an engineer, it's called a generic design professional is the term, so it would include architects and engineers, as Ms. Moore pointed out there are different types of engineers, the type of engineer we need is a civil engineer, that what Rob is, as far as being the best qualified he got more familiarity with our system than any other engineer, now that doesn't automatically exclude other engineers that are interested, and if another engineering firm that you're familiar with is interested in doing this work they should act now, they'll know to do this but so that you know the first step is for them to submit a statement of qualifications, it's kind of the rough equivalent of an engineer's resume, it shows what their education, training, and experience is, and based on that the Village makes a decision about, is this the person we want to do the job. Mr. Reitz said if Council would like to see an example of the statement of qualifications, Rob does have one on file, so Council can take a look at it. Mr. Reitz said he suspects other engineering firms have not come to you on this topic because they know Rob has more familiarity with it than anybody else and they also suspect his price is extremely low, which in Mr. Reitz's experience, it is. Mr. Reitz said it doesn't mean others aren't able to apply and submit their statements, and that is the status of it as Mr. Reitz knows it today. Mayor Blewitt said Rob has and this gentleman, Dave Bakalar has done some work for us also out of the Cortland area and if there would be something that because Rob is however many states away, Dave Bakalar could come in and help out with anything. Mr. Reitz said the Village has used him previously because he has seen his signature. Fiscal Officer Taylor said Dave Bakalar and his firm, Thomas Fok & Associates, were the engineers for our last Street Resurfacing and Mr. Reitz said that's where he remembered his name. Mr. Garrett asked if we've heard anything from Windham Superintendent as far as a follow up on the meetings that he had on gun violence in schools and safety measures. Mayor Blewitt said she has had no correspondence. Chief Breiding said he spoke to Mr. Isler yesterday, is there any resolve, no, is there still a lot of thought and discussion going on, yes. Chief Breiding said quite honestly, Mr. Isler is in a tough spot, as we all are, is there a simple answer (asking Mr. Garrett because he works in a school every day), the Chief doesn't think there is and Mr. Garrett agreed. Chief Breiding said but what you don't want to do is, you don't want to do a knee jerk to make concessions that aren't going to work in the long run, are we going to see something before the next school year in our school, he thinks we're going to see something, are we going to see enormous things, probably not. Mr. Garrett said he thinks there are little things, like eliminating door access, the Chief said the school has already done that, the Police did physical inspections of the doors without the school knowing about it and they were locked. Chief Breiding said he thinks there will be several more meetings and discussions this summer, but he doesn't know what the right answers are. Ms. Patti said nobody does. Mr. Garrett said there is no one thing that is going to solve all the issues, but you try to make it as safe as possible. Chief Breiding said he doesn't think this falls strictly on the schools, it falls on the Police Department, the Council, it falls on everybody. Ms. Patti said it falls on the community. Mr. Garrett said the kids need access to feel safe and call in credible threats. Chief Breiding said there have been 5 or 6 incidents reported, fortunately they were all false, and he will spend hours on false than days on real. Ms. Brown asked what the repercussions for calling in a false threat. Chief Breiding said it's two fold, if it's an intentionally false threat then there are repercussions against the person who made the threat, if it's a misunderstanding of what they thought they heard there are no repercussions. Mayor Blewitt said the kids are a little skittish nowadays. Chief Breiding said he had one today, where a kid somebody thought was making a suicidal threat, this child wasn't, but Mr. Isler, Laura Amero left the school and went to the house and called the police on the way, so they are taking extra steps to protect the kids. Mr. Garrett said it sounds like there is a line in place for the kids to call. Chief Breiding said there is and they are also looking into TIP411, it's a cell phone app that anyone can access to report anonymous tips, it is quite costly, but you can't put a price on safety but yet safety comes at a price. Chief Breiding said there is nothing in place yet, besides the little things, but the discussion is ongoing. Mr. Garrett said the saddest commentary that came out of Texas was when they asked a girl if she was surprised this happened in her school she said no and Chief Breiding said kids aren't surprised anymore that's part of the problem. Ms. Moore said she had another topic on the minutes and the Clerk taking the minutes going forward and Mr. Reitz's ruling and his opinion since he's there, so how do you, when you look at 133.01(Mr. Reitz asked if that was from our code and Ms. Moore said yes, revised in 2002), that along with the job description at the time of hire, the top descriptions for the Clerk/Fiscal Officer. Mr. Reitz asked if there was any indication that the job description was approved by the Village Council. Ms. Moore said right there. Mr. Reitz read from the code "duties and responsibilities of the Clerk and the

Treasurer as well as any additional duties the Council deems appropriate”, he said that’s fine, but so far the Council has not taken formal action to deem additional responsibilities appropriate, this job description might be great but we don’t have any record of the Council saying this is it, this might have been something that Lloyd put together, he might have been asked by the Council to put it together, but we don’t know. Mr. Reitz said what we do know is the sections of the Code where the Council said you don’t have to take minutes at the Committee Meetings, so right now the Council hasn’t spoken on that subject, as Council members if you don’t like the way it is, you can change it. Ms. Moore said well, there, so this here says that the Fiscal Officer “Windham hereby creates an appointed position of Fiscal Officer pursuant to Ohio Revised, duh, duh, duh which position shall entail the duties and responsibilities of a Village Clerk and Village Treasurer as well as any other additional duties by Council, right”, so what’s the job of a Clerk. Mr. Reitz said he could not answer that off of the top of his head, it’s a bunch of different responsibilities through all kinds of scenarios. Ms. Moore said but it’s a topic that it’s obviously hot right now and you don’t know it. Mr. Reitz said right now the code, your code says “that although minutes shall be kept of the Committee Meetings in compliance with Ohio law, the record of a Committee Meeting is not required to be kept by the Village Fiscal Officer and may be kept by others”, that is your code, the Council has spoken on this topic. Ms. Moore said the Council has spoken that the Fiscal Officer and the Clerk are the same and if the Clerk is responsible to do the minutes, which is. Ms. Patti said who put this in her box, did all of Council get this, that was in her box (Mrs. Taylor said that was last week), it’s 733.27 – Powers and duties of Village Clerk. Ms. Moore asked Mr. Reitz to look in the Codified Ordinances, whatever the Clerk is. Mr. Reitz said it is not in the Village ordinances; it is in the Ohio Revised Code. (There was a bunch of people talking at the same time). Mr. Reitz said a Clerk, the Village Clerk has a bunch of different responsibilities. (There was more of everyone trying to talk over everyone else so the tape is inaudible and Mayor Blewitt struck her gavel on the table). Ms. Moore said the stipend that was proposed in the Committee minutes way back, but she doesn’t believe that there was any motion made or any math to show that he actually got a stipend at that time, so was it part of. Fiscal Officer Taylor said she has a little timeline; she went through Lloyd’s personnel file, which has all of his records in it, what he was hired in as, what his increase was every single year. Fiscal Officer Taylor said Lloyd didn’t start doing Committee Meeting minutes until 2012, he retired in 2014, that was passed in January 2012, January 24, 2012 under Ordinance O-2012-4 and in the top of the ordinance the reason for the pay ordinance change it says “because we are adding Fiscal Officer responsibilities”, although it does not say what the responsibilities are, if you go back to Committee meeting minutes, September 11, 2011, which you can clearly see were submitted by Kelly Mezzaros, not Lloyd, so 2011 he wasn’t taking the notes, they made a statement “it would have to be determined who would take minutes, the Village Clerk, in our case the Fiscal Officer is authorized to take minutes, in his absence a Committee member could be appointed to take minutes” Fiscal Officer Taylor read a statement from Linda Rininger, from those same minutes that said “her feeling, namely the Clerk should be taking all the meeting minutes, we would of course have to compensate this individual”. Ms. Moore said other people disagreed with that though, in those minutes. Mr. Garrett said that is what we ended up doing. Fiscal Officer Taylor said that was committee, there was no action taken on that; it was just the first discussion. Fiscal Officer Taylor said you can see in 2012, that was Lloyd’s handwriting, so he was taking minutes at this time, and in these minutes Phil Snyder “motioned to enter into executive session for the purpose of discussing compensation for fiscal officer for additional work doing minutes of all committee meeting minutes”, so none of that would be on record because it was all discussed in executive session. Fiscal Officer Taylor said in 2010, Lloyd was making \$32,249.88 was his base pay and then when he began to do the minutes in 2012 which is what the pay ordinance says “adding to his responsibilities”, which according to our committee meeting minutes that’s what the responsibilities were, he got an 11.1% increase and went from \$32,249 to \$35,850. Ms. Moore said so that was to do the minutes and Fiscal Officer Taylor said to do the minutes. Ms. Moore said okay and he came in at what or what out at what, what was that last number. Fiscal Officer Taylor said Lloyd started at \$26,000/year, he retired at 42,000/year, he was the Fiscal Officer for 8 years. Ms. Moore said so what did he, what was he. Fiscal Officer Taylor said to get the minutes it was an 11.1% increase from \$32,249 to \$35,850. Ms. Moore said so if his job description when he went out he was doing those and he was being paid as part of his salary to do those, why is it separated when you come in. Fiscal Officer Taylor said because it’s not changed in the ordinance, it’s not changed in our ordinance book, it still doesn’t, that ordinance wasn’t changed. Ms. Moore said so is that just a loophole we’re dealing with here. Fiscal Officer Taylor said she doesn’t know if it was a loophole or not, she was just saying he didn’t start doing the minutes until 2012 and he was compensated for doing them, according to our ordinance that job description was never changed in our ordinance that she was required to do that. Ms. Moore said so if we have minutes that he got a bump for doing that, then it’s part then of his salary, and then if someone else comes in, even though this wasn’t updated, I’m assuming as well as this document. Fiscal Officer Taylor

said that is not what she was saying, the pay ordinance was updated, they agreed to give him a raise to do it but it was never changed in his duties that was what that Council at that time agreed to do, it was never changed in the job description. Ms. Moore said so it's a loophole, but when the next person comes in they are getting a salary based on what Lloyd was doing, right. Mayor Blewitt said it doesn't look like it and asked what the Fiscal Officer's salary is. Fiscal Officer Taylor said 32. Ms. Patti said she wouldn't come in at the top and Mayor Blewitt said she understands that but right off the bat she is about \$10,000 down right out of the gate. Ms. Patti asked Fiscal Officer Taylor that when she applied for the job, what did they tell her, her duties would be. Fiscal Officer Taylor said the books, the Council, and they told her Committee Meeting minutes, but the fact of the matter is, is this issue was not brought up because of what's been happening, she was told 2 years ago at her conference, no other Fiscal Officers very rarely keep committee meeting minutes, they don't do that. Ms. Patti said if they told you that, and she is just trying to get things straight here, if you were hired in understanding that you would take the minutes at the meetings. Fiscal Officer Taylor said that is what Lloyd told her when he trained her, is that she was responsible for all of that, she didn't read the Codified Ordinances. Ms. Patti said to Fiscal Officer Taylor that she still agreed to be hired. Ms. Moore said right, I mean. Fiscal Officer Taylor said that's fine, okay but then she comes across the fact that they compensated him and bumped him up way up to do that. Ms. Moore said but he had been there awhile too. Mr. Garrett said we bump him up specifically to minutes. Ms. Moore said right, well he's been bumped up. Fiscal Officer Taylor said according our ordinance she has not broken any rules or said she wasn't going to do it, if. Mayor Blewitt asked if she could say something. Ms. Moore said she wasn't really finished, but go ahead. Mayor Blewitt said if we're going by the law, and this has been such a point of contention, she asked our attorney, that we pay, who has a law degree, to give her his legal opinion, his legal is, she does not have to take committee meetings unless we compensate her. Ms. Moore said she got a legal opinion as well and based on this language and this was handed to me today, which is all of a sudden some random document, I mean. Fiscal Officer Taylor said Ms. Moore could look in her email, it is a random document, Lloyd created it in 2014. Ms. Moore said right, you take minutes. Mr. Garrett said let's move forward on this and we can vote on it at a later time, that's what committee. Ms. Moore said she's not finished with her comments frankly because here's the thing, we came into Committee Meetings last month, with guests sitting here, and the Mayor and at least two other Council members and the Clerk knew that there was going to be no one there to take minutes, and so therefore the hands of this Council, whether it's a Committee or otherwise were tied at that time as far as a public meeting and no minutes being taken, now of course we're resourceful and we're being told that the Committee chairs have to do it, which is not true and then all this, it gets done, minutes are taken, she is still missing some minutes, she still gets some, two of them tonight, one of them yesterday, she doesn't have time to prepare because random people are doing the notes. Ms. Moore said the Mayor is the direct report for the Clerk and the Mayor knew this and did not tell everybody that when you arrive, you have to take your own notes and no matter what, you know, she is preparing for one scenario that's always been going on and she arrives, she just thinks it's unprofessional and it was rigged and she doesn't like it, she thinks there was a, we had no legal opinion at that time, it was just show up and chaos, so the handling of that was really weird and wrong, so she would hope that we wouldn't do anything like that again, that's all she's saying. Mayor Blewitt said everyone agreed to take minutes except Ms. Moore. Ms. Moore said exactly and she's not taking them, it's not her job. Mayor Blewitt said so it was Ms. Moore that was the disruption in all reality. Ms. Moore said she was not the disruption. Mr. Garrett said let's move on and not vote on this, we can vote on this other issue at a later time, that's what Council does, we understand that people don't agree, it's different opinions. Ms. Patti asked if she could ask a simple question. Mr. Garrett said it that possible; it's all this arguing back and forth over this simple issue. Ms. Moore said she was stating her opinion and kept getting interrupted, so she wasn't arguing with anyone, she was stating her opinion and she's done. Mr. Garrett said there are people that disagree on this, and that's okay, and how do you resolve it eventually, you vote, and eventually that's what we'll do, so let's move on and let's agree on the calendar, nothing else, we're not going to solve the issue, we're not going to get everyone to agree, it's not going to happen, so let's just vote on this, the calendar, and when we talk about this specifically as Council, we'll vote on it and whatever Council votes that is the way we'll go.

Council looked at the calendar for June. The Committee Meetings will be Tuesday, June 5th, 2018 at 6:00 p.m. (all Committee Meetings will be held that evening). The Council Meeting will be Tuesday, June 19th, 2018 at 7:00 p.m.

Ms. Brown made a motion to adjourn the meeting which was seconded by Mrs. Taylor and by unanimous vote the meeting was adjourned at 8:35 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.