

# Minutes of Regular Council Meeting

Held December 17, 2019

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

Roll Call: Cheryl Belknap – present Phil Snyder – present  
Terrie Altieri – present Cindy Cale – present  
Cheryl Taylor – present Stacy Brown – present

Also present were: Tom Reitz, Debbie Blewitt, Tom Brett, Sheila Moore, Kay Friend, Sherri Pennington, Patty Moore, and Elmer Owens.

Mr. Snyder made a motion to approve the minutes of the November 26, 2019 Regular Council Meeting, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date November 30, 2019 was \$471,590.99. The expenditures for the month of November 2019 were \$161,672.21 in checks and charges. Check numbers 35629 through 35698 were paid from the primary checking account during November 2019 with one check, number 35416, voided during the month. Direct Deposit Vouchers 579-2019 through 607-2019, 612-2019 through 633-2019, and 638-2019 through 659-2019 were also paid during the month of November 2019. The all funds reconciled balance for November 2019 was \$1,717,776.20.

Village Council President’s report by Mr. Snyder – Mr. Snyder said that this is his last Council meeting and he would like to thank everyone who he has worked with on Council and he is available to help if they ever need anything.

Dispatchers Police, Fire and Rescue Reports for November 2019 by Mrs. Taylor – Mrs. Taylor made a motion to accept the Police, Fire and Rescue Reports for November 2019, which was seconded by Mrs. Cale and carried by a 6 – 0 vote.

Mayor’s Communication by Scott Garrett – Mr. Garrett said it’s exciting to see the beverage open in Windham and encouraged everyone to support the business. Mr. Garrett wished everyone a Merry Christmas.

Prior requests of guests to speak – None

Finance by Terrie Altieri

Mrs. Altieri made a motion to approve the Fiscal Officer’s expenditures for the month of November 2019 as reported. Mr. Snyder seconded this motion and it carried by a 6 – 0 vote.

Mrs. Altieri made a motion to approve the all funds reconciled bank balance for November 2019 in the amount of \$1,717,776.20 as reported. Mr. Snyder seconded the motion which carried by a 6 – 0 vote.

Mrs. Altieri read Ordinance O-2019-22 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mr. Snyder and carried by a 6 – 0 vote. Mrs. Altieri made a motion to adopt Ordinance O-2019-22, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Mrs. Altieri read Ordinance O-2019-23 **AN ORDINANCE APPROVING AND ADOPTING THE TEMPORARY APPROPRIATIONS FOR 2020 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mr. Snyder and carried by a 6 – 0 vote. Mrs. Altieri made a motion to adopt Ordinance O-2019-23, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder read Resolution R-2019-20 **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.** This was a third read. Mr. Snyder made a motion to suspend the rules, which was seconded by Mrs. Altiere and carried by a 6 – 0 vote. Mr. Snyder made a motion to adopt Resolution R-2019-20, which was seconded by Ms. Brown and carried by a 6 – 0 vote.

Mr. Snyder made a motion to pay Bill Pennington \$26/hr. This motion was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Mr. Snyder made a motion to pay Tony Blewitt \$23/hr. This motion was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Mr. Snyder made a motion to pay Andrew McCabe \$15/hr. This motion was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Mr. Snyder read Ordinance O-2019-24 **AN ORDINANCE AMENDING CHAPTERS 501, 517, AND 549 WHICH ADDRESS THE USE OF FIREARMS IN THE VILLAGE** and made a motion to suspend the rules, which was seconded by Mrs. Altiere and carried by a 6 – 0 vote. Mr. Snyder made a motion to adopt Ordinance O-2019-24, which was seconded by Mrs. Altiere and carried by a 6 – 0 vote.

Mr. Snyder read Resolution R-2019-23 **A RESOLUTION IN SUPPORT OF OHIO SENATE BILL 202, 133<sup>rd</sup> GENERAL ASSEMBLY, 2019-2020** and made a motion to suspend the rules, which was seconded by Ms. Brown and carried by a 6 – 0 vote. Mr. Snyder made a motion to adopt Resolution R-2019-23, which was seconded by Mrs. Altiere and carried by a 6 – 0 vote.

Utilities by Cheryl Taylor

Mrs. Taylor read Resolution R-2019-22 **A RESOLUTION TO AUTHORIZE A CONTRACT WITH THE PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT FOR COLLECTION OF RECYCLABLES.** This was being passed on the second read. Mrs. Taylor made a motion to suspend the rules, which was seconded by Mrs. Cale and carried by a 6 – 0 vote. Mrs. Taylor made a motion to adopt Resolution R-2019-22, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Service Committee by Stacy Brown – Ms. Brown had nothing at the time.

Economic Development by Cindy Cale – Mrs. Cale had nothing at the time.

Parks and Recreation by Cheryl Belknap – Ms. Belknap had nothing at the time.

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

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

Mr. Snyder made a motion to enter into executive session to discuss eminent litigation. This motion was seconded by Mrs. Taylor and carried by a 6 – 0 vote at 7:13 p.m.

Mr. Snyder made a motion to return from executive session. This motion was seconded by Mrs. Taylor and carried by a 6 – 0 vote at 7:31 p.m.

Guest Recognition – Sheila Moore asked Mr. Reitz about zoning violations and how it is measured if it is grandfathered in and how the enforcement of a zoning violation works. Mr. Reitz said grandfathered is a slang term, the formal term is preexisting legal non-conforming use. Mr. Reitz said each one of these elements must be demonstrated, preexisting means it has to have been established prior to the current zoning regulation that is in place, that could be before there was a zoning code or before the code was changed, legal means that it has to be legally established, if someone built a garage that within a setback, meaning they didn't pull a permit, that is not legally established, non-conforming means that it does not comply with the current zoning regulations, those are the characteristics that you look for, if the Village records no approval for that the only defense someone has is it was established legally before the code was enacted. Mr. Reitz said enforcement starts if something comes to Tom Brett's attention or if a complaint is made and sometimes the complaints are verbal and sometimes they are written,

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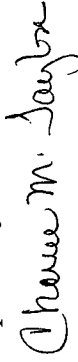
if there is not a written complaint, then a citizen may feel like they are being selected for a special enforcement because there is no written record of the complaint, there is no good defense, so enforcement can begin with either of those two methods. Sheila Moore said what happens if someone does not comply after that. Mr. Reitz said the enforcement process begins with a violation letter and Mr. Reitz does not see a lot of these because usually people will comply. Mr. Reitz said the next step if someone does not comply, usually the threat of enforcement action in the form a lawsuit will follow. Sheila Moore asked how as a citizen she can follow up on the assessments for non-payment of the Housing Rental License Fees. Fiscal Officer Taylor said there is legislation done every year and that is then submitted to the County Auditor. Tom Brett said that Elizabeth Derthick keeps track of all inspections and payments, the assessments are always a year behind and the legislation is submitted to the County Auditor at the end of August. Elmer Owens said that Rich Gano told him that the property he used to own on North Main Street, that burned was condemned and someone else told him that he wasn't allowed on the property and he wasn't allowed to sell it, all he could do was tear it down. Mr. Owens said he went to court five times for this, the property got condemned in 2018. Mr. Owens said he was told that he was not allowed to do any of the work inside that a licensed contractor had to do it and he had 90 days to get it done or he had 30 days to sell it. Mr. Owens said he has sold the property but he feels like he was discriminated against and he was advised that he needs to file a lawsuit. Mr. Garrett said that is Mr. Owens option. Mr. Garrett said Mr. Owens signed a court order. Mr. Owens said he was forced to sign that paper. Mr. Owens said if a house is condemned it is illegal for anyone to own that house. Mr. Garrett said when his understanding when he was on Council, they wanted the outside cleaned up and the backside enclosed and then at your leisure the inside could have been repaired or it was going to be condemned. Mr. Garrett said at this point there is nothing that can be done because there is a signed court order. Mr. Owens said he is going to see a lawyer because he thinks he was discriminated against. Debbie Blewitt said she thought that Mr. Owens was coming because Marty Adamson raised the pipe in his yard and now Mr. Owens yard floods, so Ms. Blewitt gave Mr. Reitz the drawing to look at to see if this is the Village's responsibility or is it civil between two neighbors.

Last Chance of Council to Speak on Any Subject – Terri Altieri asked about the firearm legislation that Council passed tonight. Mr. Reitz said the only law that changed was now you can fire a gun in the Village, but you are still held liable for any damages to a person or property if the necessary precautions are not taken. Mr. Reitz said the Council had to comply with the State law, but they did pass legislation that will go to the legislators stating that the Village of Windham thinks this gun law was a poor choice and that was the right thing to do. Cheryl Belknap gave a special thanks to Debbie Blewitt for having a freezer removed from the side of the road that was not padlocked. Phil Snyder said there will be a list to be announced at the next Council meeting as to who won the House Decorating Contest.

Council looked at the calendar for January 2020. There will be an Organizational Meeting on Tuesday, January 7, 2020 at 6:00 p.m. The Committee meetings (Parks & Recreation and Committee of the Whole) will be Tuesday, January 14, 2020 at 6:00 p.m. The Council Meeting will be Tuesday, January 28, 2020 at 7:00 p.m.

Mrs. Cale made a motion to adjourn the meeting which was seconded by Mrs. Altieri and by unanimous vote the meeting was adjourned at 8:02 p.m.

Respectfully submitted,



Cheree M. Taylor, Clerk of Council

Attest,



Scott Garrett, Mayor

**\*\* NOTE: THESE MINUTES ARE SUMMARY BY DIRECTION OF COUNCIL \*\***

All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.

