

## Minutes of Special Council Meeting

Held April 24, 2019

At 7:02 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, Jim Moore, Tom Brett, and Chuck Kulig.

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

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date March 31, 2019 was \$94,416.91. The expenditures for the month of March 2019 were \$153,679.71 in checks and charges. Check numbers 35000 through 35082 were paid from the primary checking account during March 2019 with check numbers 35001 and 35005, voided during the month. Direct Deposit Vouchers 111-2019 through 138-2019 and 143-2019 through 161-2019 were also paid during the month of March 2019. The all funds reconciled balance for March 2019 was \$1,621,974.38.

Village Council President's report by Mr. Snyder – Mr. Snyder said that Dan Faith Construction gave an estimate for the outside of the Community Building and all of Council has a copy. Mr. Snyder said it did not have to be bid because the amount is under \$50,000. The total cost of the estimate from Dan Faith was \$42,845.16. Mr. Snyder said there is also an agreement with Ed Shearer to do the painting, drywall repair, and ceiling repair on the inside of the Community Building, which was under \$3,000. Mrs. Cale asked if that was the section that was titled "dance studio". Mr. Snyder said no and he is not addressing that section tonight. Mrs. Cale asked about the quote for the interior of the Community Building and Mr. Snyder said he did not have that with him tonight, but it is under \$3,000 which includes the rental of the lift. Mr. Snyder made a motion to enter into this agreement with Dan Faith Construction, which was seconded by Mrs. Altieri. Mrs. Cale said nowhere in Committee was the replacement of windows discussed, and she is confused because she thought there was just supposed to be an estimate for the porches and an estimate for the siding. Mrs. Altieri said this is the estimate for both the porches and the siding. Mr. Garrett said this includes everything but the interior of the Community Building, on page five. Mrs. Cale asked which one was the porches because she thought they were supposed to be separate and Mr. Garrett said they are on page four, labeled right porch and left porch. Mrs. Taylor said, so we're not getting any more bids, this is who you want to go with. Mr. Snyder said it's not a bid; it doesn't have to be bid because it is under \$50,000. Mr. Snyder said this individual has done extensive work for the Village in the recent past and we are very satisfied with his work. Mr. Snyder said he did all the interior work in the Community Building when the pipes burst this winter. Mrs. Cale asked if the kitchen was done and Mr. Snyder said everything is done, but we still need to get a stove. Mrs. Taylor asked if this would be vinyl siding and Mr. Snyder said yes, it is vinyl on the front and sides and they will paint the back, replace the T1-11 where needed. Mrs. Altieri said she believes there are seven windows that need replaced and Mr. Snyder said in the past Council has discussed this. Mr. Garrett said if we want to try to control the heating bills, it is a good idea to replace the windows. Mr. Snyder said this also includes taking out a set of double doors in the back that are not needed and Mrs. Cale asked which doors and Cheree Taylor said they are on the dance studio side. Mrs. Taylor said didn't we get an estimate for just the porches that was like \$50,000 and Mr. Garrett said no, but it was high, and Mrs. Taylor said how are we doing this all so cheaply, that is what worries her. Mr. Garrett said he thinks this is a good bid, and the only way to do the porches inexpensively is to do the entire project together, if you do the porches separately it will cost a lot more. Mrs. Taylor said she didn't get a chance to read through everything because she just got it last night, but does it tell how we are going to do the porches, maybe Council should go down to the Community Building and Dan Faith can explain how he is going to do this, it just seems very cheap for such a large building and it makes her a little uneasy. Mr. Garrett said we could always invite Dan Faith to a meeting to talk about this. Mrs. Taylor said she does not feel comfortable voting on this tonight, until she hears from Dan Faith how he going to do the porches. Mr. Snyder said there is a motion and second and that's

not the way it works and he would like to call the question. Mr. Garrett said to call the vote. This motion passed by a 4 – 2 vote, with Mrs. Taylor and Mrs. Cale being the dissenting votes.

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

Mayor's Communication by Scott Garrett – Mr. Garrett said NDS has broken ground on the new apartment buildings and one of their hot taps was successful. Mr. Garrett said they were not able to do the second one because the valve was not the right size. Mr. Snyder said he drives past there every day and the progress it moving right along. Tom Brett said the site plan for this project was approved pending Rob Donham's approval, which Mr. Donham has approved, and does it need to go back to the Planning Commission and Mr. Reitz said no it was approved subject to Rob's approval and Rob has approved the changes. Mrs. Cale asked if this includes the question from the EPA. Cheree Taylor said that Rob Donham sent an email to her, Debbie Blewitt, and Tom Reitz that said all of his questions, concerns, and changes have been addressed and fixed. Mr. Garrett said that question was about the hot tap and the way the water was going to run, originally it was going to dead end at the back of the property and Rob didn't think the flow would be very good, so instead they cut into the main pipe and the water will now flow completely around the Village. Mrs. Altieri asked if there was a completion date for this project and Mr. Snyder said sometime in 2020. Mr. Reitz said that Tom Brett will have the signed copy of the site plan when Mr. Donham signs off on it, but that is what Mr. Donham's email said, and then there will be no question about the site plan approval. Cheree Taylor said Mr. Donham was here last Monday for the pre-construction meeting with the contractor for the Water Tower Project. Mr. Garrett said the question arose that if the hot tap went bad and pipes needed to be replaced, who would be responsible for that and Mr. Donham said the contractor would be responsible.

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 March 2019 as reported. Ms. Brown 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 March 2019 in the amount of \$1,621,974.38 as reported. Mr. Snyder seconded the motion which carried by a 6 – 0 vote.

Mrs. Altieri made a motion to proceed with the necessary steps to obtain the EPA Clean Up grant. This motion was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Mrs. Altieri read Resolution R-2019-10 **A RESOLUTION AUTHORIZING PARTICIPATION IN THE REGIONAL INCOME TAX AGENCY DELINQUENCY PROGRAM.** This was a first read.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder read Ordinance O-2019-7 **AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF WINDHAM, OHIO.** This was a first read.

Mr. Snyder read Ordinance O-2019-8 **AN ORDINANCE AMENDING SECTION 121.01 RULES FOR THE GOVERNANCE OF BUSINESS AND CONDUCT OF COUNCIL.** This was a first read.

Mr. Snyder read Resolution R-2019-9 **A RESOLUTION HIRING AN ADMINISTRATIVE HEARING OFFICER AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote. Mr. Snyder made a motion to adopt Resolution R-2019-9, which was seconded by Mrs. Altieri. Mrs. Cale asked if we have someone to fill this position. Mr. Reitz said yes, it is Attorney Patricia Smith; she is a highly regarded defense attorney in Portage County. Mr. Reitz said he negotiated the terms of her contract. Mr. Reitz said no one knows how many hearings there will be; it came into question as whether to pay her an hourly rate or a flat fee. Mr. Reitz said they came to the conclusion to pay her \$200 per evening. Mr. Snyder said he thought we agreed that we would

have one scheduled hearing day per month. Mr. Reitz said the procedure for these Civil Administrative Hearings is a little different, when a citizen gets a notice for the amount they owe and they pay it, there is no hearing. Mr. Reitz said if a citizen gets this notice and meets one of the exceptions such as their car was stolen, they would bring in a police report predating the speed civil notice or someone else was driving my car, or that the machine was not properly calibrated and this one would take some time to prove, a hearing would only take place if the citizen files a notice of appeal. Mr. Reitz said if no notices of appeal are filed, there will be no hearings, so we don't know if there will be hearings every month. Mr. Reitz said we tentatively talked about having these hearings once a month on Wednesday nights. Mr. Reitz said that because this is a civil matter and it's not law enforcement, it doesn't come out of your Police budget; it will have to come out of the General Fund, so that you know for budgeting purposes, and the Chief is probably prohibited from paying for this out of his budget. Cheree Taylor said the Police budget is the General Fund, the Police Budget is not a Restricted or Special Fund, and so it would be paid out of the Police budget which is in the General Fund as Attorney Fees. Mr. Garrett asked if the revenue for these tickets go into the General Fund, and Cheree Taylor said yes. Mrs. Altieri said if you get one of these tickets, do you pay it at the Police Station and Mr. Reitz said no, you would mail it in. This motion passed by a 6 – 0 vote.

Utilities by Cheryl Taylor – Mrs. Taylor had nothing at the time.

Service Committee by Stacy Brown

Ms. Brown read Ordinance O-2019-9 **TO LEVY A MUNICIPAL MOTOR VEHICLE LICENSE FEE PURSUANT TO OHIO REVISED CODE SECTION 4504.172**. This was a first read. Mr. Reitz said in 2013 there was a revision to the motor vehicle license fees schedule and Windham's Council voted to have two Portage County fees of \$5.00 routed to the Village. Mr. Reitz said the Village gets an additional \$10 whenever someone renews their license plates. Mr. Reitz said in January 2019 the State Legislature revised this authority to impose a fee another time, and the new revision says that a municipality can impose an additional \$5.00 on top of the \$10.00 the Village already gets, but in order to do so you must have it enacted and sent to the Department of Motor Vehicles before July 1, 2019. Mr. Reitz said if Council wants to pass it they can do so next month and that would be plenty of time to get it to the Bureau of Motor Vehicles. Mrs. Taylor asked if the Village doesn't take it, then the County will. Mr. Reitz said he doesn't think that's the case, if the Village doesn't take it, then it won't be imposed. Mr. Snyder said that doesn't mean we can't do this in the future and Mr. Reitz said you can but if you get it done by July 1, 2019 it will be imposed by January 1, 2020, if you act on it later it will get pushed back another year.

Ms. Brown read Ordinance O-2019-6 **AN ORDINANCE AMENDING VARIOUS SECTION 1341.08 OF THE WINDHAM HOUSING MAINTENANCE AND OCCUPANCY CODE WITH RESPECT TO LICENSING, INSPECTIONS AND FEES**. This was a second read.

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 read Ordinance O-2019-5 **AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING MAP BY REPEALING THE EXISTING MAP AND AUTHORIZING AND APPROVING A NEW MAP CHANGING THE ZONING CLASSIFICATION SOUTH OF E. CENTER STREET FROM 9814 E. CENTER STREET TO SNOW ROAD FROM THE MIXED USE ZONING DISTRICT TO R-2 RESIDENTIAL ZONING DISTRICT**. This was a third read. Mr. Snyder made a motion to adopt Ordinance O-2019-5, which was seconded by Mrs. Altieri. Mr. Garrett asked if Mr. Bonner addressed Council at the Public Hearing and Mr. Snyder said yes. Mr. Garrett said Mr. Bonner as one of the property owners is not in favor of the change. Mr. Garrett said Council can react to this however they want, however he said this zoning change was brought about because of the pending sale for the church in order to build a house, and that fell through, so the whole reason for the zoning change no longer exists. Mrs. Cale asked what Mr. Bonner's objection was in his letter because last night he couldn't give Council one. Mr. Garrett said his argument is that Commercial property is generally worth more than residential property. Mrs. Taylor asked how long Mr. Bonner has owned this property and Mrs. Altieri said 20 years. Mrs. Taylor said she doesn't feel we should base our decision just on him and can't we always revisit this if he would have a buyer who wants to put something Commercial on his land. Tom

Brett said he thinks it is important to note that the application was not passed because someone wanted to build a home; it was passed because the applicants for the zoning amendment provided information that would benefit the Village over all. Tom Brett said the sole purpose for someone's financial gain is not a reasonable request for a change to the Zoning Code. Tom Brett said one of the reasons cited on the original application was the Land Use Plan that encouraged residential development and the other reason was the residential nature of the road. Tom Brett said he provided Mr. Bonner and Council a map showing Ravenna's Sewer Plant and all of the residential housing surrounding it. This motion passed by a 6 – 0 vote.

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

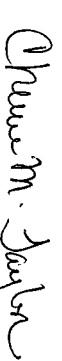
Guest Recognition – Jim Moore asked Tom Reitz about the changes to the Housing Maintenance and Occupancy Code in Ordinance O-2019-6. Mr. Reitz said he took the directions from Tom Brett and the Mayor and he adjusted this section of the legislation to comply with what that direction was. Mr. Reitz said it is his view that this is a good start but he thinks perhaps this whole chapter should be revisited so that it is more cohesive. Mr. Moore said Committee addressed changing the inspections to every other year and that is not part of this legislative change. Tom Brett said it does mention in the legislative change that it will now be a two year license; this is in the attachment under section b.

Last Chance of Council to Speak on Any Subject – Mr. Garrett said the Community Clean Up is this weekend, April 26<sup>th</sup> and 27<sup>th</sup> from 8 – 4 at the Sewer Plant.

Council looked at the calendar for May. The Committee meetings will be Tuesday, May 7, 2019 and Tuesday, May 14, 2019 at 6:00 p.m. There will also be a Planning Commission meeting on Tuesday, May 14, 2019 at 5:30 p.m. The Council Meeting will be Tuesday, May 28, 2019 at 7:00 p.m.

Mr. Snyder made a motion to adjourn the meeting which was seconded by Mrs. Taylor and by unanimous vote the meeting was adjourned at 7:47 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.