

## Minutes of Regular Council Meeting

Held January 28, 2020

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 Lawrence Cunningham – present  
Terrie Altieri – present Cindy Cale – present  
Cheryl Taylor – absent Sherri Pennington – present

Also present were: Tom Reitz, Debbie Blewitt, Tom Brett, Sheila Moore, Kay Friend, Patty Moore, Denise Bly, Gail Belknap, Pat Schaffer, Eric Breiding, Mena Collins, Jesse Collins, and John Barth.

Mrs. Cale made a motion to approve the minutes of the December 17, 2019 Regular Council Meeting, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote.

Mrs. Altieri made a motion to approve the minutes of the January 7, 2020 Organizational Meeting, which was seconded by Mrs. Cale and carried by a 5 – 0 vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date December 31, 2019 was \$501,850.00. The expenditures for the month of December 2019 were \$309,343.82 in checks and charges. Check numbers 35699 through 35815 were paid from the primary checking account during December 2019 with one check, number 35413, voided during the month. Direct Deposit Vouchers 664-2019 through 691-2019 and 695-2019 through 713-2019 were also paid during the month of December 2019. The all funds reconciled balance for December 2019 was \$1,556,465.02.

Village Council President's report by Terrie Altieri – Mrs. Altieri had nothing at the time.

Dispatchers Police, Fire and Rescue Reports for December 2019 by Cindy Cale – Mrs. Cale made a motion to accept the Police, Fire and Rescue Reports for December 2019, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote.

Mayor's Communication by Scott Garrett – Mr. Garrett said next month he will have the Mayor's Report for 2019 completed. Mr. Garrett said he had coffee with the Mayor last Saturday at Dixie's Diner and he plans to continue that every last Saturday of the month.

Mrs. Altieri made a motion to appoint Britnee Cunningham to the Parks and Recreation Committee. This motion was seconded by Ms. Belknap and carried by a 5 – 0 vote.

Mrs. Altieri made a motion to appoint Phil Snyder to the Zoning Board of Appeals. This motion was seconded by Mrs. Cale and carried by a 5 – 0 vote.

Prior requests of guests to speak – None

Finance by Cindy Cale

Mrs. Cale made a motion to approve the Fiscal Officer's expenditures for the month of December 2019 as reported. Mrs. Altieri seconded this motion and it carried by a 5 – 0 vote.

Mrs. Cale made a motion to approve the all funds reconciled bank balance for December 2019 in the amount of \$1,556,465.02 as reported. Mrs. Altieri seconded the motion which carried by a 5 – 0 vote.

Mrs. Cale read Ordinance O-2020-1 **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 Mrs. Altieri and carried by a 5 – 0 vote. Mrs. Cale made a motion to adopt Ordinance O-2020-1, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote.

Mrs. Cale read Resolution R-2020-1 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER TO MAKE THE FOLLOWING TRANSFERS BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, AND THE RESPECTIVE DEBT SERVICE AND DEBT SERVICE RESERVE FUNDS TO MEET CALENDAR 2020 DEBT SERVICE REQUIREMENTS AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Ms. Belknap and carried by a 5 – 0 vote. Mrs. Cale made a motion to adopt Resolution R-2020-1, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote.

Mrs. Cale read Resolution R-2020-2 **A RESOLUTION AUTHORIZING THE INTERNET SALE OF UNNEEDED, OR UNFIT, OR OBSOLETE PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES AND EQUIPMENT OWNED BY THE VILLAGE OF WINDHAM** and made a motion to suspend the rules, which was seconded by Mr. Cunningham and carried by a 5 – 0 vote. Mrs. Cale made a motion to adopt Resolution R-2020-2, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote.

Safety, Personnel, Rules (SPR) by Terrie Altieri

Mrs. Altieri made a motion to move John Barth to part-time Police Officer. This motion was seconded by Mrs. Cale and carried by a 5 – 0 vote.

Mrs. Altieri made a motion to rehire Rick Garinger after his retirement on January 31, 2020 at his current pay rate 60 days after his retirement. This motion was seconded by Mrs. Cale and carried by a 5 – 0 vote.

Mrs. Altieri made a motion to hire Robert Neal as the Water, Sewer, & Street Department Laborer at the rate of \$16.50/hr. effective February 3, 2020. This motion was seconded by Ms. Belknap and carried by a 5 – 0 vote.

Utilities by Cheryl Taylor

Scott Garrett read Ordinance O-2020-2 **AN ORDINANCE AUTHORIZING THE ABATING THE RENTS INITIALLY ESTABLISHED IN ORDINANCE O-2012-3 AND AMENDED BY THE ENACTMENT OF ORDINANCE 2012-49 AND ESTABLISHING THE AMOUNT OF RENT TO BE PAID BY THE WATER REVENUE FUND AND THE SEWER REVENUE FUND TO THE GENERAL FUND FOR USE OF MUNICIPAL PROPERTY ON WHICH THE WATER AND SEWER PLANTS ARE LOCATED.** This was a first read.

Service Committee by Cheryl Belknap

Ms. Belknap read Ordinance O-2020-3 **AN ORDINANCE AMENDING SECTION 505.15, FARM ANIMALS, EXOTIC ANIMALS, REPTILES OR OTHER PETS PROHIBITED OF THE WINDHAM CODIFIED ORDINANCES.** This was a first read.

Ms. Belknap read Ordinance O-2020-4 **AN ORDINANCE AMENDING SECTION 331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS, AND SECTION 351.03, PROHIBITED STANDING OR PARKING PLACES OF THE WINDHAM CODIFIED ORDINANCES.** This was a first read.

Economic Development by Lawrence Cunningham – Mr. Cunningham had nothing at the time.

Parks and Recreation by Sherri Pennington – Mrs. Pennington said the Women Gone Wild event will be March 28, 2020, the Oktoberfest will be September 26, 2020. Mrs. Pennington said she talked to Evelyn at Regional Planning about trying to get a grant for the basketball courts.

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

Solicitor's Report by Tom Reitz – Mr. Reitz said there are some ongoing difficulties with some disc filters at the Sewer Plant that were installed a little over 2 years ago, they corroded within 6 months of being installed and have since been welded, however that has not fixed the problem. Mr. Reitz said the different entities that were involved in installing these filters are all pointing their fingers at the other entities, the design professional that was hired to install the filters are saying that the filters are necessary and appropriately sized for your municipality, the manufacturer is saying there is something unusually corrosive about the discharge in this

community and the maintenance has not been properly done. Mr. Reitz said we don't know which statement is true at this point so we are investigating this by looking to see if the Village has any other equipment made of this specific type of aluminum to see if the other equipment is also corroding and if it's not corroding in other equipment then that is a sign the filter disc's are defective. Mr. Reitz said this investigating is going on right now, however Mr. Reitz does not have time to do this himself so he asked his colleague, Nicholas Brown to work with the Village Administrator on this investigation. Mr. Reitz provided Council with Mr. Brown's resume. Mr. Reitz said he will still be handling the claim directly. Mr. Reitz said in his contract there is a provision to hire an assistant Solicitor on a limited basis on certain occasions but that action has to be approved by Council.

Mrs. Cale made a motion to hire Mr. Nicholas R. Brown under the provisions of the Solicitor's existing agreement for legal services at the rate of \$140/hr. for the limit purpose of assisting the Solicitor in pursuing this claim as to the failed filters and to work underneath Mr. Reitz. This motion was seconded by Mrs. Altire and carried by a 5 - 0 vote.

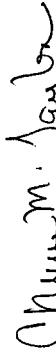
Guest Recognition - Denise Bly asked where John Barth is moving from. Mr. Garrett said he is moving from Auxiliary to Part-Time Police Officer. Denise Bly asked if Rick Garinger was a Police Officer and Mr. Garrett said yes. Pat Schaffer thanked Mr. Garrett for his help getting up the road by giving her his arm. Sheila Moore asked whose spot Phil Snyder is filling on the Zoning Board of Appeals and Mr. Garrett said he thought it was Brandon McPherson. Sheila Moore said she sent an email to Cheree Taylor after last month's Committee Meetings to ask if there was a motion about the chickens and she said there was no motion, so is 12.1 what that was about. Mr. Garrett said there was no motion but there was a discussion to have Mr. Reitz see if our ordinance could be amended. Cheree Taylor said there was no motion in committee and the legislation in 12.1 will go on 3 reads. Sheila Moore asked how it went from no motion to the agenda. Mr. Garrett said the Council instructed the Solicitor to see if the current ordinance could be amended by lowering the acreage requirement. Sheila Moore asked if she could get a copy of the proposed legislation to see the changes that are being proposed and Mayor Garrett said yes. Sheila Moore said a couple of months ago there was an executive session to change the pay rate for certain employees and she is wondering which is correct because when she was on Council they had open meetings about pay rates. Mr. Garrett said they are going to discuss the rest of the employee pay increases next committee meeting and it will be in an open meeting. Mr. Reitz said there was no decision made in executive session, there was only discussion and that is in compliance with the Ohio Revised Code, 121.22. Mr. Reitz said the compensation of a public employee is expressly authorized in executive session. Mr. Reitz said the discussion takes place in executive session, but the action takes place in the open meeting. Sheila Moore asked Mr. Reitz what a round robin was and Mr. Reitz said he did not know.

Last Chance of Council to Speak on Any Subject - Debbie Blewitt said NDS is applying for another grant for senior housing and they want to have a Public Hearing in the Council chambers possibly on February 25, 2020 at 5:00 p.m. Tom Brett said the Site Plan for the new Dollar General is available for Council to look at.

Council looked at the calendar for February 2020. There will be a Planning Commission Meeting on Tuesday, February 11, 2020 at 5:45 p.m. The Committee meetings (Parks & Recreation and Committee of the Whole) will be Tuesday, February 11, 2020 at 6:00 p.m. The Council Meeting will be Tuesday, February 25, 2020 at 7:00 p.m.

Mrs. Cale made a motion to adjourn the meeting which was seconded by Ms. Belknap and by unanimous vote the meeting was adjourned at 7:31 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.

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