

Village of Windham, Ohio

Minutes of Council Meeting

Held November 22, 2016

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

Roll Call: Sandy Patti – present Sheila Moore – present
 Scott Garrett – present Phil Snyder – present
 Linda Rininger – present Cheryl Taylor – present

Also present were: Thomas Reitz, Cheryl Belknap, Ryan Wagner, Matt Merchant, and Eric Breiding.

Mr. Snyder made a motion to approve the minutes of the October 25, 2016 Council Meeting, which was seconded by Ms. Moore and carried by a 5 – 0 vote, with Mrs. Rininger abstaining.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date October 31, 2016 was \$454,186.22. The expenditures for the month of October 2016 were \$167,432.23 in checks and charges. Check numbers 32627 through 32712 were paid from the primary checking account during October 2016 with one check 32664, voided during the month. Direct Deposit Vouchers 451-2016 through 475-2016 and 479-2016 through 498-2016 were also paid during the month of October 2016. The all funds reconciled balance for October 2016 was \$1,404,731.54.

Village Council President's report by Phil Snyder – Mr. Snyder had nothing at the time.

Dispatchers Police Report for October 2016 by Mr. Snyder – Mr. Snyder made a motion to accept the Police Report for October 2016, which was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Mayor's Communication by Deborah Blewitt – Mayor Blewitt said the water and sewer grants have been wrapped up completely. All the paperwork has been signed. The next step is the bidding in 2017 and then the construction in 2017. The Mayor said we received a letter for Phase II of the Water Plant Improvements. They needed a report from Ryan Wagner and the Village is still in the running for that grant. The Mayor said Council had been moving forward with the planning of December 11, 2017 Parade of Lights and she asked Mr. Garrett to speak with people on his road and see if they could decorate for the parade route. Ms. Patti said that she mentioned to people at the Renaissance Center that if they wanted to decorate, please do so. The Mayor said we still have the house decorating contest and there will be a flyer going out in the water bills about that. The Mayor said we will be receiving a \$500 check from Celebrate Portage for the Movie Night and they allowed the Village to purchase a projector with the remaining money from the grant. The Mayor said that she hasn't heard anything further on the market study; however she said she would call next week to get an updated status on that.

Prior requests of guests to speak – None

Finance by Scott Garrett

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Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of October 2016 as reported. Mr. Snyder 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 October 2016 in the amount of \$1,404,731.54 as reported. Ms. Patti seconded the motion which carried by a 6 – 0 vote.

Mr. Garrett read Resolution R-2016-39 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE A THEN AND NOW PURCHASE ORDER(S) TO PAY OHIO EDISON 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. Mr. Garrett made a motion to adopt Resolution R-2016-39, which was seconded by Ms. Moore and carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2016-23 **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. Mr. Garrett made a motion to adopt Ordinance O-2016-23, which was seconded by Ms. Moore and carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2016-22 **AN ORDINANCE TO AMEND CHAPTER 182 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM REGARDING MUNICIPAL INCOME TAX.** Mr. Garrett asked if this was being passed as an emergency measure. Mr. Reitz said that it is not being passed as an emergency, however it should be passed tonight on the second read and Council should still make a motion to suspend the rules and then the adoption should be without an emergency measure. Mr. Garrett made a motion to suspend the rules, which was seconded by Mr. Snyder and carried by a 6 – 0 vote. Mr. Garrett made a motion to adopt Ordinance O-2016-22, which was seconded by Ms. Moore and carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2016-26 **BEING AN ORDINANCE AUTHORIZING THE AMENDING AND/OR SUPPLEMENTING OF THE PERMANENT APPROPRIATIONS SET FORTH IN ORDINANCE O-2016-3 ON MARCH 21, 2016 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. Mr. Garrett made a motion to adopt Ordinance O-2016-26, which was seconded by Ms. Patti and carried by a 6 – 0 vote.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder read Resolution R-2016-38 **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 second read.

Mr. Snyder read Ordinance O-2016-25 **AN ORDINANCE ESTABLISHING CHAPTER 147 STREET/UTILITIES COMMISSIONER.** This was a first read.

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Ms. Moore made a motion to enter into executive session to discuss personnel and the establishment of the street/utilities commissioner. Mr. Snyder seconded this motion and this motion was carried by a 6 – 0 vote at 7:14 p.m.

Mr. Snyder made a motion to return from executive session, which was seconded by Mr. Garrett and carried by a 6 – 0 vote at 7:27 p.m.

Mr. Snyder made a motion to accept Tim Wilmington's resignation. This motion was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Mr. Snyder made a motion to approve hiring Kyle Breiding as a full-time police officer. This motion was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Utilities by Scott Garrett – Mr. Garrett had nothing at the time.

Service Committee by Scott Garrett

Mr. Garrett read Resolution R-2016-40 **CONSENT LEGISLATION – RC 5521.01 – CRACKSEALING SECTIONS OF SR 303 WITHIN THE VILLAGE OF WINDHAM.** and made a motion to suspend the rules, which was seconded by Ms. Patti and carried by a 6 – 0 vote. Mr. Garrett made a motion to adopt Resolution R-2016-40, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Mr. Garrett read Resolution R-2016-41 **A RESOLUTION TO AUTHORIZE MAYOR TO ENTER INTO A DONATION AND ACCEPTANCE AGREEMENT WITH THE PORTAGE COUNTY REUTILIZATION CORPORATION TO ACCEPT 12 PARCELS OF PROPERTY LOCATED WITHIN THE VILLAGE 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. Mr. Reitz then explained to Council that this legislation is the culmination of about 5 years work. Matthew and Thomas Holmes were landlords of several apartment buildings and they were very bad landlords. Their properties were in very bad shape and when the Village did try to address these matters with them, they were very rude and not willing to comply. Holmes' bank foreclosed on their properties. Tom Brett took over 1200 pictures of their dilapidated properties, so that they could be declared nuisance properties and the Village could have them condemned. The Holmes' then declared bankruptcy and turned their interest in the property over to the bank, who then found out that they owed a lot of money in back property taxes. The bank then declined to complete the foreclosure, so the Village went to the Portage County Land Bank and Brad Cromes got all the taxes cleared and the Land Bank took title of all the properties by a sheriff's deed. Mr. Reitz explained that this legislation tonight states that the Land Bank agrees to transfer all 12 parcels to the Village, tax free. This means that the Village will now own these 12 parcels of land. Mr. Garrett made a motion to adopt Resolution R-2016-41, which was seconded by Mr. Snyder and carried by 6 – 0 vote.

Economic Development by Phil Snyder – Mr. Snyder had nothing at the time.

Parks and Recreation by Mr. Snyder – Mr. Snyder said that Council is currently working on planning the Parade of Lights.

Planning and Zoning by Deborah Blewitt

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Mayor Blewitt read Resolution R-2016-42 **A RESOLUTION FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE WINDHAM VILLAGE CODIFIED ZONING ORDINANCES WITH RESPECT TO THE HEIGHT OF FENCES REQUIRED TO SECURE SWIMMING POOLS, AND DECLARING AN EMERGENCY.** Ms. Patti made a motion to suspend the rules, which was seconded by Mr. Snyder and carried by a 6 – 0 vote. Mr. Reitz explained that before Council votes to adopt Resolution R-2016-42, they need to decide on the date and time for the Public Hearing. Council decided to hold the Public Hearing on Tuesday, January 17, 2016 at 5:30 p.m. Ms. Moore made a motion to adopt Resolution R-2016-42, which was seconded by Ms. Patti and carried by 6 – 0 vote.

Mayor Blewitt read Ordinance O-2016-24 **AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING ORDINANCE WITH RESPECT TO THE HEIGHT OF FENCES REQUIRED TO SECURE SWIMMING POOLS.** This was a first read. Mr. Reitz said that he did take the liberty to make the gaps in Ordinance O-2016-24 to the standard size of 4 inches.

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

Guest Recognition – There was no guest recognition.

Last Chance of Council to Speak on Any Subject – Ms. Patti asked about the cost of replacing the street lights at the crosswalk by the school, the light on the corner of Spring and 303, and the light across from the Community Center. Ryan Wagner said that Ohio Edison wants to switch those lights from 100 watts to 250 watts, which will be an additional cost; however he has not received a quote for the exact cost yet. Ms. Patti asked about the feasibility study on the Hardware. Mayor Blewitt said that she gave the gentleman who reached out to her all the information that he asked for, however she has yet to hear anything back from him. Ms. Patti asked about the Kabota tractor that was damaged. Mr. Reitz explained that several years back the Village rented a Kabota tractor to fill in a ditch and the tractor was damaged while one of our employees was operating it. Mr. Reitz said when the Village returned the tractor; they did pay for the damage that was alleged at that time. Mr. Reitz said a substantial amount of time later the owner came back and said there was more damage to the tractor that had not been fixed. However in the meantime, the tractor had been used by other people, so our insurance company said that the owner of the tractor needed to demonstrate that this additional damage was in fact caused by the Village's use of the tractor. Mr. Reitz said the owner never got back to our insurance company with proof that the Village caused this additional damage, so he believes this is a dead issue. Ms. Patti asked about Platinum Dance Studio's liability insurance. Fiscal Officer Taylor said she has a copy of their insurance certificate in her office. Ms. Moore asked about some of the things that Parks and Recreation had discussed throughout the year for improvements to the park that have not been completed yet. She said she would like to get the handicap parking spaces put in this spring. Ms. Moore asked about the resurfacing of the basketball courts and said that Council has been inquiring about the progress of this since June and she really doesn't like things started and not completed. Ryan Wagner explained that Jason Kline has only been paid for the crack filling and since then it has settled and he has agreed to come back and refill those cracks. Ryan said that when Jason got the quote for the green paint, the person that gave him that quote gave him a quote that was way too low, and has since been fired because of this. The new quote for the green paint is actually \$2,500 higher than what was originally quoted and Jason Kline said he cannot absorb that much of an increase in the cost and he doesn't want the Village to have to pay that increase either. Ryan Wagner said that he would look into getting other price quotes for the green paint. Ryan Wagner said that Jason Kline

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would be willing to come and speak to Council about this matter. Both Ms. Moore and Mayor Blewitt both agreed that Council should look into increasing the Parks budget for next year.

Council looked at the calendar for December. The Council Meeting will be Wednesday, December 21st, 2016 at 7:00 p.m. and the committee meetings will be the first Tuesday, December 6, 2016 and the second Tuesday, December 13, 2016. Both Committee Meeting dates will start at 6:00 p.m.

Mr. Snyder made a motion to adjourn the meeting which was seconded by Ms. Moore and by unanimous vote the meeting was adjourned at 8:02 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.