Village of Windham,Ohio

Minutes of Regular Council Meeting

Held on January 23, 2024

At 6:00 pm Mayor Lawrence Cunningham called the Regular Council Meeting to order and led in the Pledge of Allegiance.

Roll Call: Scott Garrett – Present Sherri Pennington – Present Cheryl Belknap – Present Terrie Altiere – Absent Marilyn Gage – Present David Belknap – Absent

Also present were Village Solicitor Charles Gasio, Zoning Inspector Chris Stier, Police Chief Rick Garinger, Sam & Angela DeSolvo, Sheila Moore and other residents.

.

Mayor Scott Garrett asks for a motion to approve the December 19, 2023 Regular Council Meeting Minutes.

Sherri Pennington makes a motion to approve the December 19, 2023 Regular Council Meeting Minutes. Marilyn Gage seconded the motion and it carried by a 2-0 Roll Call Vote with Scott Garrett and Marilyn Gage abstaining.

Fiscal Officer’s Financial Reports by Katrina Washington

Income Tax collected Year to date December 31, 2022: $535,683.23

The Expenditures for the month of December 2023: $124,063.35 in checks and charges. Check numbers 38785, 38790, 38792, 38793, 38795 through 38807, 38809 through 38811, 38813 through 38823, 38825, 38827, 38830 through 38837, 38839, 38844, 38846 were paid from the primary checking account during December 2023 with 2 checks voided during the month. Direct Deposit Vouchers 1013-2023, 1015-2023 through 1045-2023, 1047-2023, 1050-2023 through 1055-2023, 1057-2023 through 1075-2023, 1087-2023 through 1094-2023, 1096-2023, 1098-2023 through 1103-2023, and 1105-2023 through 1125-2023 were also paid during the month of December 2023. The all funds balance for December 2023 was $2,193,904.38.

Mayor Lawrence Cunningham opens the floor for the Council President’s Report.

Council President Sherri Pennington does a first read of ORDINANCE O-2024-3 **AN ORDINANCE AMENDING SECTION 123.01-POSTING OF ORDINANCES**

Council President Sherri Pennington makes a motion to amend ORDINANCE O-2024-3. Scott Garrett seconded the motion and it carried by a 4-0 Roll Call Vote.

Council President Sherri Pennington informs Council that we’re making a motion to amend where we post Public Hearings and things that are going on in The Village. We had one area that would not allow us to post so we are reducing it down to four locations. Which would be the Mini Market, the Village Utilities, Circle K, and the Renaissance Center. Further explaining that with Farmers National Bank Closing, that’s why we are amending it because we aren’t going to be able to post there. Mayor Lawrence Cunningham informs Council that the new place will be the new Police Station. Council President Sherri Pennington says the fifth place will be the Police Station when they are operational.

Village Solicitor Charles Gasio says that Council is amending to remove it from the agenda. Council President Sherri Pennington agrees.

Council President Sherri Pennington makes a motion to end discussion for ORDINANCE O-2024-3. Marilyn Gage seconds the motion and it carried by a 4-0 Roll Call Vote.

Council President Sherri Pennington does a first read of **ORDINANCE 2024-01 AN ORDINANCE AMENDING SECTION 1341.10(a) OF THE WINDHAM HOUSING MAINTENANCE AND OCCUPANCY CODE.**

Sherri Pennington makes a motion to discuss ORDINANCE 2024-01. Marilyn Gage seconded the motion and it carried by a 4-0 Roll Call Vote.

Mayor Lawrence Cunningham opens the floor to Housing Inspector Damel Walker. Housing Inspector Damel Walker explains that the fine is for landlords that don’t keep things up to code or responding in a reasonable amount of time. The fine will increase from fifty dollars ($50) to seventy-five ($75) a day per unit.

Sherri Pennington makes a motion to end discussion for ORDINANCE 2024-01. Marilyn Gage seconded the motion and it carried by a 4-0 Roll Call Vote.

Mayor Lawrence Cunningham opens the floor for the Dispatchers Police, Fire and Rescue Reports for December 2023.

Mayor Lawrence Cunningham says if Terrie Altiere dropped of the reports since she is not currently at the meeting. Clerk of Council Katrina Washington informs Council that Terrie Altiere said she was not at the last meeting because she was out of town.

Mayor Lawrence Cunningham opens the floor for Mayor’s Communication

Mayor Lawrence Cunningham states that the Farmers National Bank located in The Village of Windham is closing. He spoke with Peter Opperman; the regional manager with the bank. Peter Opperman informed Mayor Lawrence Cunningham that The Village and community has done nothing wrong. Unfortunately, there is nothing that can be done to change the closing. Mayor Lawrence Cunningham shared that Peter Opperman offered to answer any questions about the situation. Call the bank and the branch manager can get them in touch with Peter Opperman. Mayor Lawrence Cunningham also asked Peter Opperman what was going to happen with the building. Peter Opperman explained that their plan is to sell the building in ninety (90) days. Mayor Lawrence Cunningham asked about the no compete clause. Peter Opperman said that since they are a smaller bank he foresees that time frame being about a year or a few months possibly, also saying that they would reach out and let us know. Scott Garrett said that hopefully over the waiting period, we would be able to entice another bank to come into The Village. Mayo Lawrence Cunningham agreed. Further explaining that he will be talking to a few banks to possibly get them to come to The Village. Mayor Lawrence Cunningham shares the phone number for the bank. 330-326-2340

Mayor Lawrence Cunningham opens the floor for Finance.

Sherri Pennington makes a motion to approve the Fiscal Officer’s expenditures for the month of December 2023 as reported. Cheryl Belknap seconded the motion and it carried by a 3-0 Roll Call Vote with Marilyn Gage abstaining.

Sherri Pennington makes a motion to approve the all Funds Bank Balance for December 2023 as reported. Cheryl Belknap seconded the motion and it carried by a 4-0 Roll Call Vote with Marilyn Gage abstaining.

Mayor Lawrence Cunningham opens the floor for Safety and Personnel

Marilyn Gage does a First Read of ORDINANCE NO. 2024-02 **AN ORDINANCE AMENDING VILLAGE OF WINDHAM EMPLOYEE HANDBOOK.**

Marilyn Gage makes a motion to discuss ORDINANCE NO. 2024-02. Cheryl Belknap seconded the motion and it carried by a 4-0 Roll Call Vote.

Fiscal Officer Katrina Washington clarifies what the changes are because there is confusion about what the current handbook says and what the changes will be.

Marylin Gage makes a motion to end discussion on ORDINANCE NO. 2024-02. Sherri Pennington seconded the motion and it carried by a 4-0 Roll Call Vote.

Marylin Gage informs Council that she will have to ask Village Administrator Ryan Wagner for an update on the evaluations he was doing later because he is not at the Council Meeting. Marylin Gage asks Police Chief Rick Garinger for an update on his evaluations. Police Chief Rick Garinger shares that he has three (3) that he needs to do.

Mayor Lawrence Cunningham opens the floor for Utilities

Scott Garrett reads VILLAGE OF WINDHAM OHIO **RESOLUTION NO.**

**2024 – 1 A RESOLUTION AUTHORIZING AN OHIO ELECTRICITY SUPPLY AGREEMENT WITH INTERSTATE GAS SUPPLY, LLC, AND DECLARING AN EMERGENCY.**

Scott Garrett makes a motion to discuss RESOLUTION NO 2024-1. Sherri Pennington seconded the motion and it carried by a 4-0 Roll Call Vote.

Mayor Lawrence Cunningham explains that all the accounts are Commercial accounts now rather than some being residential accounts.

Scott Garrett makes a motion to end discussion on RESOLUTION 2024-1. Cheryl Belknap seconded the motion and it carried by a 4-0 Roll Call Vote.

Scott Garrett makes a motion to suspend the rules. Cheryl Belknap seconded the motion and it carried by a 4-0 Roll Call Vote.

Scott Garrett makes a motion to approve RESOLUTION 2024-1. Marilyn Gage seconded the motion and it carried by a 4-0 Roll Call Vote.

Scott Garrett reads VILLAGE OF WINDHAM OHIO **RESOLUTION NO. 2024 – 2** **A RESOLUTION AUTHORIZING AN OHIO ELECTRICITY SUPPLY AGREEMENT WITH INTERSTATE GAS SUPPLY, LLC, AND DECLARING AN EMERGENCY.**

Scott Garrett makes a motion to discuss RESOLUTION NO 2024-2. Sherri Pennington seconded the motion and it carried by a 4-0 Roll Call Vote.

No discussion

Scott Garrett makes a motion to end discussion on RESOLUTION 2024-2. Cheryl Belknap seconded the motion and it carried by a 4-0 Roll Call Vote.

Scott Garrett makes a motion to suspend the rules. Cheryl Belknap seconded the motion and it carried by a 4-0 Roll Call Vote.

Scott Garrett makes a motion to approve RESOLUTION 2024-2. Sherri Pennington seconded the motion and it carried by a 4-0 Roll Call Vote.

Scott Garrett reads VILLAGE OF WINDHAM OHIO RESOLUTION NO. 2024 – 3 **A RESOLUTION AUTHORIZING AN OHIO ELECTRICITY SUPPLY AGREEMENT WITH INTERSTATE GAS SUPPLY, LLC, AND DECLARING AN EMERGENCY.**

Scott Garrett makes a motion to discuss RESOLUTION NO 2024-3. Sherri Pennington seconded the motion and it carried by a 4-0 Roll Call Vote.

Scott Garrett makes a motion to end discussion on RESOLUTION 2024-3. Cheryl Belknap seconded the motion and it carried by a 4-0 Roll Call Vote.

Scott Garrett makes a motion to suspend the rules. Marilyn Gage seconded the motion and it carried by a 4-0 Roll Call Vote.

Scott Garrett makes a motion to approve RESOLUTION 2024-3. Sherri Pennington seconded the motion and it carried by a 4-0 Roll Call Vote.

Floor opens for Service Committee

Cheryl Belknap does a Third Read of ORDINANCE 2023-13 **AN ORDINANCE ENACTING CODIFIED ORDINANCE CHAPTER 315 ENTITLED “MANUALLY-OPERATED TRAFFIC LAW ENFORCEMENT DEVICES,” ESTABLISHING CIVIL PENALTIES, AND REPEALING ORDINANCES IN CONFLICT HEREWITH.**

Cheryl Belknap makes a motion to discuss ORDINANCE 2023-13. Marilyn Gage seconded the motion and it carried by a 4-0 Roll Call Vote.

Police Chief Rick Garinger explains that The Village had a camera hears ago that was stationary. There were challenges against the cameras in other communities and The Village decided to remove their camera until those issues were sorted out. What is presented before Council is a handheld version instead of a stationary camera. A manually-operated; handheld; version will be used to prevent the state from taking away our Land Grant Fund that we get from the County. Further explaining that the company handles the processing of everything. Police Chief Rick Garinger explains that when the original camera was set up for the month and a half. There was a reduction in speeding and the fines generated were about forty-eight thousand dollars ($48,000). That is not what The Village received because the company had to be paid. Police Chief Rick Garinger did not know how much The Village actually received. Sam DeSalvo wonders why we need this system when we have an officer that could do the same thing. Police Chief Rick Garinger explains that currently, The Village is actually losing money when the officers write a speeding ticket. Because the Solicitor or the County Prosecutor gets paid for appearing and the officer also needs paid for sitting in court for three (3) hours. In the end, the expenses are more than the fine. Angela DeSalvo asks if the camera system would eliminate that process. Police Chief Rick Garinger confirms.

Cheryl Belknap makes a motion to end discussion on ORDINANCE 2023-13. Scott Garrett seconded the motion and it carried by a 4-0 Roll Call Vote.

Cheryl Belknap does a Second Read on RESOLUTION 2023-16 **A RESOLUTION AUTHORIZING THE MAYOR AND THE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH TARGETING AND SOLUTIONS LIMITED FOR SPEED ENFORCEMENT SYSTEMS IN THE VILLAGE OF WINDHAM**

Cheryl Belknap makes a motion to discuss RESOLUTION 2023-16. Sherri Pennington seconded the motion and it carried by a 4-0 Roll Call Vote.

Cheryl Belknap makes a motion to end discussion on RESOLUTION 2023-16. Sherri Pennington seconded the motion and it carried by a 4-0 Roll Call Vote.

Mayor Lawrence Cunningham opens the floor for Economic Development

With David Belknap not being present, Mayor Lawrence Cunningham informs Council that he spoke with Dunkin Donuts to see if they would be willing to come to Windham. He has not heard back yet.

Mayor Lawrence Cunningham opens the floor for Parks and Recreation

Sherri Pennington ordered the hanging flower baskets for the summer. Explaining that they will be hanging petunias this year. A resident asks how much that cost and where The Village gets them from. Sherri Pennington says we get them from ……… Also explaining that last year the baskets were $100 per basket. The prices did increase a little bit this year and she will get back to Sherri Pennington on the final price.

Sherri Pennington says that the Women Gone Wild Event is scheduled for April 13th. Sherri Pennington has started working on the flyer and has several vendors signed up. She needs to get Event Brite set up so people can buy their tickets.

Mayor Lawrence Cunningham shares that the school is getting rid of their equipment at KT due to upgrading. The school is donating it to The Village. Mayor Lawrence Cunningham says that we can move it over to the current park and add it to what is there, or David Belknap suggested possibly putting it by the Renaissance for the kids on that side of The Village. Mayor Lawrence Cunningham spoke with Arian and she is going to talk to the board to see what they think since they own the land over there.

Mayor Lawrence Cunningham shares with Council that Mr. Mullenax passed away yesterday. He was very dedicated to this community and to Hot Stove. The family has asked that if anyone would like to donated anything, the family would like people to donate to Hot Stove in his name. Mayor Lawrence Cunningham also shares that Mr. Mullenax had a flag pole in his front yard that is originally from Katherine Thomas when it was the White School most of us went to. Mayor Lawrence Cunningham told the family that he will get that from them at the appropriate time and put it at the park with a plaque honoring Mr. Mullenax.

Mayor Lawrence Cunningham opens the floor to Zoning Inspector Chris Stier

Zoning Inspector Chris Stier shares with Council that there were two (2) permits issued. One for a fence and another for a porch/deck.

Mayor Lawrence Cunningham opens the floor for Housing Reports

Housing Inspector Damel Walker went to the Portage County Building to get more information on how to check and inspect buildings. Housing Inspector Damel Walker received a lot of useful information.

Housing Inspector Damel Walker also went to 9083/9040 community due to a vehicle being stuck in the yard. He informed the landlord that it is on their property. The landlord said that they have already had a couple tow companies out there, but they were unable to get it out.

Housing Inspector Damel Walker shares that he did receive an email from a new maintenance team that will be working on the 9515 community. They did reach out to Ms. Pat. She seems optimistic.

Mayor Lawrence Cunningham spoke with Housing Inspector Damel Walker about what can be done to get the landlords to keep their properties up to code and updated.

Mayor Lawrence Cunningham opens the floor to Village Administrator Ryan Wagner

Village Administrator Ryan was not at the meeting so Mayor Lawrence Cunningham gave an update on some things.

Mayor Lawrence Cunningham informs Council that Zack; the engineer; has been down to the Wastewater Plant and he has started the pricing for the list of stuff we were given that needs done. Further explaining that he is going to try to get Council the pricing and the paperwork legit for the engineering part of it. So we can submit it for grants and things to Todd Petez.

Mayor Lawrence Cunningham informs Council that Village Administrator Ryan Wagner wants to know if Council is all on board with approving for Stier Construction to start the lean tube so we can get the trucks and stuff underneath something soon before the weather damages everything. Village Administrator Ryan Wager informed Mayor Lawrence Cunningham that he needs to know sooner than later because the trusses take three (3) to four (4) weeks to order. The job is estimated at twenty one thousand dollars ($21,000). Sam DeSalvo asks why is it so much for a lean tube. Mayor Lawrence Cunningham and Scott Garrett explain it is because they have to build a second roof and raise the roof line of the lean tube to get the equipment under it. Sam DeSalvo asks how much storage space will be there when it’s done. Mayor Lawrence Cunningham says that it is twelve (12) feet high and is twenty (20) feet long. Further explaining that it is pretty big and will fit all our equipment. Sam DeSalvo informs Council that with a twelve (12) foot ceiling, it will be hard pressed to fit a backhoe in there. Mayor Lawrence Cunningham says that with the dimensions, it will fit everything we need to get in there. Another resident asks if Stier Construction and Zoning Inspector Chris Stier would be a conflict of interest. Mayor Lawrence Cunningham says no. The question came up before. Because they have to zone that through the county and not us. They would basically just get a permit to start the job. The county would then do the inspections and everything. Mayor Lawrence Cunningham asks Council if they are all on board with Village Administrator Ryan Wagner moving forward with getting the lean tube built. Council does not respond. Fiscal Officer Katrina Washington recommends to Council that they hold off on the lean tube right now due to Wastewater turning in a lot of repairs that absolutely have to be done. And twenty one thousand (21,000) added on top of the multiple twenty plus thousand (20,000+) tasks that have to be done. They will deplete the Wastewater fund really quickly. Multiple Council Members agree. Mayor Lawrence Cunningham asks Council if we will hold off on the lean tube right now. Sherri Pennington says that would be her vote. Scott Garrett suggests discussing it further at the Committee Meeting if needed. Sherri Pennington says that hopefully Council would have more information from Regional Planning on some of the emergency grants that they have available. Further explaining that Mayor Lawrence Cunningham, Village Administrator Ryan Wager and herself met with them. They talked about some of the grants, applications being due in February and we should hear something in March. Cheryl Belknap asks if The Village is going to get a grant writer. Sherri Pennington says that we have Reginal Planning that we pay, they write grants for us. Further explaining that they will take of these grants. Cheryl Belknap asks about the sidewalks. Mayor Lawrence Cunningham informs Council that they mentioned the sidewalks. Sherri Pennington says that they are working on it. It is called Connecting Communities. Mayor Lawrence Cunningham asks Cheryl Belknap to get any pictures she has for the sidewalks to Sherri Pennington. Sam DeSalvo thinks that it is great that Council is looking into getting grants and fixing sidewalks. But he wonders if Council has thought about the next step. They are either going to kill a lot of Maple Trees fixing the sidewalks or you are going to have to remove some of these trees. Because the tree is on the tree lawn. Mayor Lawrence Cunningham and Sherri Pennington says yes. Mayor Lawrence Cunningham shares that he just met with Mayor Patrick from Garrettsville, and they discussed those topics.

Mayor Lawrence Cunningham informs Council that we need to advertise for Wastewater Superintendent because Wastewater Superintendent Billy Pennington will be leaving soon. Village Administrator Ryan Wagner is going to put together a job description tomorrow and that will be advertised. Further explaining that the second Wastewater employee is staying so far. In the future if that employee decides to leave then we will add another, but these will both be licensed positions. So we are not in the same situation we have now where people can’t take time off because they are the only ones with the license. Scott Garrett informs Council that Village Administrator Ryan Wagner was looking into getting his. Sherri Pennington says that Village Administrator Ryan Wagner has his one (1) and was looking to get his two (2). She thought he was taking it Friday. Mayor Lawrence Cunningham says that Village Administrator Ryan Wagner will be an emergency situation. A resident asks where will the job be posted. Mayor Lawrence Cunningham says that Village Administrator Ryan Wagner mentioned he wants to post in on Indeed maybe and all the stuff like that. Fiscal Officer Katrina Washington shares with Council that she came across a website that posts jobs for Portage County for free. Scott Garrett says that this position is a very specific position. Sherri Pennington says that this position has to have a level two (2) and you have to have five thousand (5,000) hours of worked hours in order to be the person that writes off the reports. Stating that there is a lot that goes into it. Mayor Lawrence Cunningham agrees that you can’t just have a license and go work, you have to put in some time.

Angela DeSalvo if the application for the new water meters was filled out. Fiscal Officer Katrina Washington informs Council that she met with the representative last week and filled out the application. He left with the application that day and said he would be in touch with us on the timeline.

Mayor Lawrence Cunningham opens the floor to quest recognition that did not request to be added to the agenda.

Sheila Moore informs Council that at the December Committee of the Whole Meeting there was not a quorum. Further explaining that Council went ahead with the meeting, a presentation with the water meters and approved the minutes. She is wondering how the minutes could be approved when there was not a quorum and she thinks it was a violation of Sunshine, Federal, the Code or whatever. Scott Garrett informs Sheila Moore that Council did not officially make any decisions because of that. Further explaining that Council can discuss when there is not a quorum, but they cannot make any decisions.

Sheila Moore asks Council if they voted to change the location for one of the first January meeting from the Council Chambers to the Community Center. She does not remember a vote to change the venue. Sheila Moore remembers the time being changed but not the location. Sheila Moore shares that she asked Cheryl Belknap and David Belknap why the location was being changed and neither one of them knew. Mayor Lawrence Cunningham shares that it was discussed at the time that there was a possibility that the location may be changed because he did have multiple people saying that they would possibly come. The Village Solicitor was contacted after the open meeting to make sure we ad the proper amount of time to change the location of the meeting. The Solicitor said that it was fine for the location change for the advertisement, it was advertised like it was supposed to be. The time didn’t change, it was just the location. There were plenty of people that made it.

Sheila Moore asks for clarification on if people own a vacant building if they will be required to put something in there. Council clarifies that is not what was meant. They just want the buildings to be taken care of and maintained.

A resident asks when was the last time the Village had a Censes done. He saw that the last Censes was done in 2020 and it showed Windham with sixteen hundred (1,600) people. He looked at the Ohio Revised Code and to be an Exempted Village. To be considered an Exempted Village we would need a minimum of two thousand (2,000) people. The resident is wondering; based on that; how can we be considered an Exempted Village. Mayor Scott Garrett says that he will talk to the County and see what he can find out.

Mayor Lawrence Cunningham opens the floor last chance for members of Council to speak upon any subject.

Fiscal Officer Katrina Washington shares with Council that she met with Middlefield Bank yesterday about possibly switching banks with Farms National Bank closing. Asking Council if they would like Middlefield Bank to attend the Committee Meeting to do a presentation. Council says yes.

February Calendar

Committee Meeting Tuesday February 13, 2024 at 6:00 p.m.

Council Meeting Tuesday February 27, 2024 at 6:00 p.m.

With no further business to discuss Sherri Pennington makes a motion to adjourn the Regular Council Meeting. Scott Garrett seconded the motion and it carried by a 4-0 Roll Call Vote.

Regular Council Meeting was adjourned at 7:33 p.m.

Respectfully Submitted, Attest,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Katrina Washington Lawrence Cunningham

Clerk of Council Mayor

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

**All Council and Committee Meetings will be held in Windham Council Chambers,**

**unless otherwise noted**