

Village of Windham Ohio
Minutes of Council Meeting

Held June 19, 2018

At 7:13 p.m. the Honorable Mayor Deborah Blewitt called the meeting and led in the pledge of allegiance to the flag of our country.

Roll Call:	Sandy Patti – present	Cheryl Belknap – present
	Scott Garrett – present	Sheila Moore – present
	Cheryl Taylor – present	Stacy Brown – present

Also present were: Thomas Reitz, Tom Brett, Eric Breiding, Jim Moore, Patty Moore, Kay Friend, Cindy Cale, Ryan Wagner, Larry Kuhlman, Rob Donham, Connie Donham, Angela Donham, and Bob Henderson.

Mr. Garrett made a motion to approve the minutes of the May 22, 2018 Regular Council Meeting, which was seconded by Mrs. Taylor and carried by a 5 – 1 vote, with Ms. Moore being the dissenting vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date May 31, 2018 was \$252,527.75. The expenditures for the month of May 2018 were \$115,114.62 in checks and charges. Check numbers 34168 through 34258 were paid from the primary checking account during May 2018 with check, number 34259, voided during the month. Direct Deposit Vouchers 252-2018 through 280-2018 and 285-2018 through 308-2018 were also paid during the month of May 2018. The all funds reconciled balance for May 2018 was \$1,597,049.42.

Village Council President's report by Scott Garrett – Mr. Garrett said he just wanted to say how nice the Police garage looks and they are doing a nice job getting it up quickly.

Dispatchers Police, Fire and Rescue Reports for May 2018 by Mrs. Taylor – Mrs. Taylor made a motion to accept the Police, Fire and Rescue Reports for May 2018, which was seconded by Ms. Brown and carried by a 6 – 0 vote.

Mayor's Communication by Deborah Blewitt – Ms. Blewitt said the Police garage is almost done and the tentative move in date is Wednesday and Chief Breiding said probably. Ms. Blewitt said she gave Council a copy of the Opportunity Zones and she encouraged Council to please take part in the webinar on June 26th at 1:00 p.m. so we have as much information as we can possibly have. Mayor Blewitt said she met with some investors last week, architects, lawyers and doctors who are looking at the property behind the Post Office for a possible medical facility and she will let Council know as she gets more information. Mayor Blewitt said she visited Camp Ravenna last week for a ceremony for an award for the highest clean-up effort from the EPA and she asked multiple people to please open the gates. Mayor Blewitt said June 1st; she turned in the District 7 OPWC grant that would be for Blanton, Bright, and Belden. Mayor Blewitt said Windham was also chosen by Celebrate Portage to have the September event in Portage County where 100 volunteers will come in, Harbison Walker is the corporate sponsor and they will be cleaning up the creek from Katherine Thomas to hopefully the crossway at the Renaissance Center. Ms. Patti asked why they were starting at K.T. because that is not even Harbison Walker's property. Mayor Blewitt said it is a charity event for them and the problem is the creek behind K.T. and the Renaissance Center. Ms. Patti said the problem is under the culvert and the Mayor said they are hoping to get that cleaned up, but there is a lot of garbage and brush that needs cleaned up along that whole creek and it is a huge project and she is appreciative of any help they will give to clean it up. Mayor Blewitt said Portage County Regional Planning is a little behind due to losing one of their planners, however they are hiring someone else and hopefully they will get up to speed and get our land map done. Mayor Blewitt said NDS sent questionnaires to the Police Chief and the Fire Chief regarding questions they had about the 30 new units they are putting up.

Prior requests of guests to speak – None

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of May 2018 as reported. Ms. Patti 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 May 2018 in the amount of \$1,597,049.42 as reported. Ms. Brown seconded the motion which carried by a 6 – 0 vote.

Mr. Garrett asked for a motion to appoint Scott Garrett as the delegate to the Regional Council of Governments for RITA. Mrs. Taylor made that motion, which was seconded this motion and it carried by a 5 – 0 vote, with Mr. Garrett abstaining.

Mayor Blewitt said we also need an alternate delegate for RITA and she would like to appoint Fiscal Officer Taylor because she has been involved with this process from the beginning. Ms. Patti made that motion to appoint Fiscal Officer Taylor as the alternate for RITA, which was seconded by Mr. Garrett. When the vote was taken Mrs. Taylor asked if she should abstain and Mr. Reitz said Cheree doesn't live with you. Ms. Moore said they are still mother and daughter. Mr. Reitz asked if Mrs. Taylor got any monetary benefit from Fiscal Officer Taylor. Mrs. Taylor laughed and said she could only hope and Mr. Reitz said that sounds like a no, so he does not believe there is a conflict. The motion was carried by a 6 – 0 vote.

Mr. Garrett made a motion to use the \$90,000 for the sale of the land to NDS for the rest of the improvements and repairs to the Community Center. This motion was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2018-14 **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 Ms. Brown and carried by a 6 – 0 vote. Mr. Garrett made a motion to adopt O-2018-14, which was seconded by Ms. Brown and carried by a 6 – 0 vote.

Safety, Personnel, Rules (SPR) by Stacy Brown

Ms. Brown read Ordinance O-2018-12 **AN ORDINANCE AMENDING THE CURRENT PAY ORDINANCE TO ESTABLISH AND REVISE THE SALARIES AND WAGES OF FULL-TIME AND PART-TIME EMPLOYEES WITHIN THE VILLAGE OF WINDHAM, COUNTY OF PORTAGE AND STATE OF OHIO, REPEALING ALL PRIOR INCONSISTENT ORDINANCES.** This was a third read. Ms. Brown made a motion to adopt O-2018-12, which was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Ms. Brown made a motion to approve promoting Bill Pennington to Sewer Superintendent 2 – Specialist at a pay rate of \$23.23/hr. This motion was seconded by Ms. Patti and carried by a 6 – 0 vote.

Ms. Brown read O-2018-15 **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.

Utilities by Cheryl Taylor

Mrs. Taylor made a motion to approve placing a Single Trash Hauler on the ballot in November. This motion was seconded by Ms. Brown and carried by a 5 – 1 vote, with Ms. Patti being the dissenting vote.

Mrs. Taylor read Resolution R-2018-15 **A RESOLUTION AUTHORIZING A CONTRACT WITH ROBERT W. DONHAM, II, FOR ENGINEERING DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE WINDHAM WATER TOWER IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY.** This was a first read.

Rob Donham then addressed Council. Mr. Donham said it has been two years since he has seen Council operate in person and it is good to be home. Mr. Donham thanked Council for their hard work because he said it is a thankless position and he speaks from several years of battle wounds and experience. Mr. Donham said he wanted to make himself available tonight for the meeting to address any questions that Council might have about the resolution for his engineering services and he will also be home in about a week and a half if there are any other questions after tonight. Mr. Donham said he wanted to explain the scheduling of the Water Tower Project because it does have a timeline and that will depend on when Council passes the

resolution for his engineering services. Mr. Donham said this should be a 60 day project, barred no weather delays and the bidding goes well. Mr. Donham said he would just work the project backwards, this is a painting project and there is 40 degree weather specifications and humidity specifications, which is usually around November 1st for this construction season, which would be the completion date, so going back 60 days that's September 1st, which is when Council will need to award that contract, which would be the end of August, there is a three week bidding phase prior to awarding the contract, so by August 1st, the Village needs to advertise the project. Mr. Donham said that at the Council Meeting in July, Council will need to authorize advertising, which means that the Village will need bid documents for the project. Mayor Blewitt asked if Mr. Donham if he was handling the bid documents. Mr. Donham said that depends on if Council wants to hire him to do the engineering and that is included in his contract as part of his engineering services and that is a 4 or 5 week process to get the final engineering plans and bid documents together, which basically backs the Village up to tonight. Mr. Donham said if Council decides to bump it a month, we can see where it goes and maybe build it in the spring, and he is not opposed to that, it just depends on when the Village needs to get this project done, but certainly if Council wants to complete the project this season, time is closing in, so Council needs to consider that at this meeting or a special meeting because the Village will not be able to bid the project this season if they consider it over a 90 day period because you will just run out of weather. Mr. Donham said he believes that Council has been able to look over his contract and he has spent 10 years being the city engineer for the Village, with about a one year hiatus in the past 18 months, where he has done the work for free and he also did all the work for free when he was the Mayor, but he does have a business and Council wanted an official contract, bonding, insurance and the risk associated with that, and what he is offering is a bare bones contract with about a 30% rate of what he usually gets for market engineering, and we're using the Village's staff, which is saving money on the inspection side, which is the really expensive part. Mr. Donham said he appreciates the opportunity and he is more than happy to do the work, and he is also more than happy not to do the work if Council so chooses and he understands that. Mr. Donham said he knows sometimes things become pretentious because of the politics surrounding it, but he has talked to some Council members about this, he is not in politics anymore, he is not an elected official, this is a business relationship. Mr. Donham said he has always prided himself, whether he was in politics or not, on being above board and transparent as possible, so if there's a question feel free to call him, Tom, or Debbie. Mr. Donham said he has certainly heard some negative stuff come out, whether it's about him being qualified or not qualified, whether this work has been done before, kickbacks, bribes, legal things, and he understands how politics rule into some of these things, but he is not into politics, Council is, and he would appreciate that type of stuff to be left out, if there is something wrong with the contract, or there is something wrong with him and you don't like him personally, that's fine because a lot of people don't, those are all good reasons for elected officials to exercise their judgement and say they just don't want that working relationship, but to bring up that other stuff he would just ask Council to refrain from that because that hurts him on a personal level, hurts his business, hurts his ability to make income for his three children, his family, and to grow his business. Mr. Donham said he is more than happy to continue to help the Village, he loves doing it, he still has a large family here, he spends a good deal of his summer's here, he pays taxes here, he owns two homes here, his final resting place will be on Main Street in Windham Cemetery, he loves the place, he's more than happy to do it, but certainly he would love it to be nonpolitical, and to be able to answer questions and be an engineer and not a Mayor or a Council person. Mayor Donham said if Council has any questions he would be glad to take them here or in executive session. Ms. Patti asked if we could do the second and third reading for this, if we post it twenty four hours in advance, on the 3rd and the 10th before Committee meetings. Mayor Blewitt said she was just asking Mr. Garrett if we could just suspend the rules and take care of it this evening and be ahead of the game. Mr. Reitz said if you have the votes, but he would suggest that perhaps that's a little bit ahead of the game, he suggests opening it up for discussion among the members of Council and an opportunity for any Council member to ask Mr. Donham any questions they may have, that's the next thing that should be available. Mayor Blewitt said that is why she is asking to see what can be done tonight. Mr. Garrett said as a Council person that has served with Mr. Donham for a long time, he appreciates Mr. Donham's past service and he knows since he has been on Council how much money Mr. Donham has saved the Village by doing these projects the entire time he was Mayor, for free, and we appreciate Mr. Donham still taking an interest in Windham. Ms. Belknap said Mr. Donham is a hometown guy who doesn't forget where he came from. Mayor Blewitt asked if any other Council members had any other questions or comments for Mr. Donham. Ms. Moore asked why everyone was looking at her; she has no questions or comments. Mr. Reitz said Ms. Moore has raised questions before so he thought she might have some. Ms. Moore said she has no questions or comments, thank you. Mr. Reitz said so now if Council wants to suspend the rules it is an opportunity that is available now, you need five positive votes to suspend the rules, would anyone like to make that motion.

Ms. Patti made a motion to suspend the rules for Resolution R-2018-15, which was seconded by Mr. Garrett and carried by a 6 – 0 vote. Ms. Patti made a motion to adopt Resolution R-2018-15, which was seconded by Mrs. Taylor and carried by a 5 – 1 vote, with Ms. Moore being the dissenting vote. Mr. Donham thanked Council and said he is looking forward to working for the Village and he will get started on getting the bid documents done. Ms. Patti said she knows there were some things that transpired, but it wasn't anything personal on her part, she just felt we needed to have a contract listing everything, and Mr. Donham provided that and she appreciates that.

Service Committee by Sandy Patti – Ms. Patti had nothing at the time.

Economic Development by Scott Garrett – Mr. Garrett had nothing at the time.

Parks and Recreation by Ms. Belknap – Ms. Belknap showed Council the flyers she had made and is putting up around town and in surrounding communities for the Car Show. Ms. Belknap also showed Council the postcards she had made that she are going to pass out at the Garrettsville Car Show. Mayor Blewitt said there is also going to be a Car Show in Ravenna and she would get Ms. Belknap the date for that. Ms. Belknap said she is very proud to be able to put this Car Show on and she hopes it is a success; there's been a lot of hard work put into it. Ms. Belknap said she is going to put flyer up in Newton Falls also. Ms. Belknap said she talked Ann Taft about the article she writes about Windham for the Record Courier and she is going mention the Car Show in that article. Ms. Belknap said the Villager put an article about the Car Show in the paper for free. Ms. Belknap said at the beginning of next month she is going to put an ad in the Villager about the Car Show. Ms. Belknap said she talked to Rich Gano and asked him to use the Fire Levy signs and she is going to cover them with information and arrows directing people to the Car Show, she has about ten signs. Mayor Blewitt said she already had the Car Show put on the electric sign by the Fire Station. Ms. Belknap said she is going to go to Shalersville and Stoney's to see if they will put it on their signs. Larry Kuhlman said the Lion's Club has committed to selling the steak sandwiches for the Car Show. Ms. Belknap said this is the first year for the Car Show and she hopes that it is a success and maybe next year we can build on that. Mayor Blewitt said she got three bids from Lawrence Eckman from Windham, Greg Masick from Garrettsville, and Dominic's Tree Service from Ravenna, to cut down dead trees in the Park, 2 bids came in at \$3,000 and Lawrence Eckman came in at \$2,800, and she went with Lawrence Eckman because those trees are a danger. Mayor Blewitt said there are other trees that need to come down, but she will see if Rich Lair who took trees out for free last year to do those, as long as he doesn't need a bucket truck. Mr. Reitz asked when the Car Show was and Mayor Blewitt said July 21st.

Planning and Zoning by Deborah Blewitt – Mayor Blewitt had nothing at the time.

Solicitor's Report by Tom Reitz – Mr. Reitz requested an executive session to review pending and eminent litigation. Ms. Brown made the motion to enter into executive session to discuss pending and eminent litigation, which was seconded by Ms. Patti and carried by a 6 – 0 vote at 7:46 p.m.

Ms. Brown made a motion to return from executive session, which was seconded by Mrs. Taylor and carried by a 6 – 0 vote at 7:55 p.m.

Mr. Reitz said he just explained to Council that a release agreement has been forwarded to the Village, it is a release that allows your insurance company to try and recover some of the money that they paid on your behalf with respect to an automobile accident about a year ago and Mr. Reitz inquired whether Council would be disposed to authorize in the execution of this release, that does not mean any money is coming to the Village, but it does assist the insurance company in recovering the money that they have already paid on the Village's behalf and so Mr. Reitz requested that Council pass a motion authorizing the execution of a release, the amount is \$16,617.50, and it settles the lawsuit entitled "The Village of Windham Ohio et al versus Paul Burrows in the Trumbull County Court of Common Pleas – Case number 2017CV1029". Ms. Patti made the above motion, which was seconded by Ms. Belknap and carried by a 6 – 0 vote.

Guest Recognition – Ryan Wagner said he got a couple of quotes for the electric for the Police garage and the cheapest was JC Electric for \$5,000 and he would like Council's permission to use the rest of the Cortland Bank loan to pay for this, and if there isn't enough left to pay for the whole thing the rest would come out of the Police budget, but he would like that permission before the loan expires at the end of the month so that we can use the remaining money. Mayor Blewitt asked if there was \$5,000 left and Fiscal Officer Taylor said she doesn't have an exact

figure because she just sent Mike Mikulski's final invoice to the bank today and asked for a balance after that is paid out, but doing math in her head she thinks the remaining balance is around that amount, but we might have to come out of the General Fund with a couple hundred dollars. Ms. Patti asked what Mike Mikulski's price was to build the garage and Fiscal Officer Taylor said it was \$47,400. Ms. Patti said we had \$57,000 left on the loan and Fiscal Officer Taylor said it was \$56,000 and some change, but there were also some permit costs and she just wanted the exact verification from the bank as to what was left on the loan, but her guess is between \$5000 and \$6,000. Mr. Reitz asked what this was for and Chief Breiding said it was for the electric for the Police garage. Ms. Patti said electric was not included in the bidding for building the garage. Mayor Blewitt said the final inspection for the garage was done today. Mr. Garrett made a motion to approve the \$5,000 expenditure for electric for the garage, which was seconded by Ms. Belknap and carried by a 4 – 2 vote, with Ms. Moore and Ms. Patti being the dissenting votes. Ms. Belknap asked Ryan Wagner if he got any estimates to fix the basketball courts. Mayor Blewitt said she has a meeting with Jarrod Ronyak and he said he would give an estimate for what could be done this year to make it safe and also a quote for replacing the basketball court with a new one, which he said would probably be about \$80,000. Ms. Moore said we had asked some months back to get three bids, Ryan was supposed to get three bids. Mayor Blewitt said we are having a hard time getting anyone else out to give us bids, Ronyak's came out and Ms. Belknap had a company come out, but she couldn't remember the name right now. Mayor Blewitt said as soon as Ronyak's gets the quote to replace the basketball court to her, she will provide Council with a copy of that. Mrs. Taylor said she checked into the Lebron James Foundation to possibly replace the basketball court (she works with a guy who's niece works for the Lebron James Foundation), but unfortunately Lebron keeps his foundation money within his own community. Mayor Blewitt said we should check with the Cleveland Cavaliers. Ms. Belknap gave Mayor Blewitt a list of the asphalt companies she contacted to replace the basketball court and Mayor Blewitt said she would give Ms. Moore a copy that. Ms. Patti said she would contact the contractors she knew to see if she could get some referrals. Mayor Blewitt said she expects to get a quote from Ronyak's and he said that the cracks can be sealed up this year, but it's going to have to be replaced. Jim Moore said he sent the Mayor and Fiscal Officer an email concerning the Housing Rental License Fee and asked that it be put in Council's mailboxes and Council said they got that. Mr. Moore said his concern is that as far as he knows the Village has never enforced landlords paying fees for the Housing Rental License Inspection, assuming all landlords were paying, so at the Service Committee Meeting you had Mike Mikulski, Tom Mikulski, and a couple of others, it became known that Mike Mikulski said he had a lease option and he never paid, assuming that he can do that especially without talking to anybody, he did say he talked to the Mayor but Mr. Moore didn't know which Mayor because this has been effective for 6 or 7 years. Mr. Moore said he talked to Mayor Blewitt and she said she did talk to Mike Mikulski and told him that a lease option won't work. Mr. Moore said he doesn't know what Tom Brett has found out about this, but he wants to raise this now because July 31st the Village will be assessing past due water bills and the language he pointed out in his email is the same thing, so these Housing License Fees can be assessed to the property taxes in August. Mayor Blewitt said she has pulled all of Mike Mikulski's leases and gave copies of those to Tom Brett and he is checking with the Recorder's office to see if Mike has recorded any options to purchase these properties, none of our records indicate that is the case, but he could have something on file with the Recorder. Ms. Patti asked how many properties Mike Mikulski owns. Mayor Blewitt said she is not sure. Jim Moore asked if there were other landlords that haven't paid. Tom Brett said yes and they are going to assess property taxes in the future. Mr. Moore said he and a lot of other landlords pay the fees and Mayor Blewitt said she gets it. Ms. Patti said she spoke with Tom Brett about possibly charging a fee over and above their inspection fee. Mayor Blewitt said the Village has a record of who pays the inspection fees. Mayor Blewitt says she thinks the problem is individual people because she is a renter and she has never had an inspection at any place she has lived. Ms. Moore said so those landlords are on the list with Mike Mikulski. Patty Moore asked if they should quit paying until this gets resolved. Mr. Reitz said no this is a bad time to stop paying because the Village is going to start assessing property taxes. Mayor Blewitt said the house she lived in by Mr. Moore has since been purchased and she is not sure if Mr. Harmon has ever had inspections, but he also owns the home across from Shepherd's Joy and Mr. Weiss needs put on that list also. Mr. Moore said the Service Committee has not got into any detailed discussion about what they are going to do about making changes to the Housing Code. Mr. Moore said Cheree brought it up first about possibly doing the inspections bi-annually, which Mr. Moore thinks is a good idea, but the Service Committee has to meet and talk about that. Mayor Blewitt said that should be on the Service Committee's agenda and she is sure that Ms. Patti will address that at the next meeting. Ms. Patti said there had been some discussion, but there needs to be more and it will definitely be discussed again, and the sooner the better.

Last Chance of Council to Speak on Any Subject – Ms. Patti said it was nice to see Mr. Donham and anytime she votes against something it is a matter of principal or she just wants more information and she appreciates what Mr. Donham did.

Council looked at the calendar for July. The Committee Meetings will be Tuesday, July 3rd 2018 and Tuesday July 10th 2018 at 6:00 p.m. There will also be a Public Hearing on the 2019 Budget on Tuesday July 10th 2018 at 5:30 p.m. and then a Special Council Meeting to pass the 2019 Budget on Tuesday July 10th 2018 at 5:45 p.m. There will be a Planning Commission Meeting on July 19th 2018 at 6:00 p.m. The Council Meeting will be Tuesday, July 24th, 2018 at 7:00 p.m.

Ms. Moore asked if we have enough time to get the legislation ready for the Single Trash Hauler and Mr. Reitz said yes, it has to be to the Board of Elections by August 8th. Mr. Reitz said it would be nice to get a draft of the legislation to Council before the Committee Meetings so that they could look it over. Fiscal Officer Taylor said Utilities Committee is July 3rd. Mayor Blewitt said she doesn't know if everyone has the information they were supposed to get and she asked Ms. Moore if she had the pricing and Ms. Moore said they had to get the template first and then the pricing would come. Mr. Garrett said he called a couple of communities to see what the savings would be, but it depends on the number of customers you have. Ms. Moore asked if we were about 700ish. Mayor Blewitt said we send out 760 water bills, but we're going to have to try to persuade the Township to come in on this or Wolf and Horn Roads will be in bad shape. Mr. Garrett said the number will be less because of the dumpsters, but when he talked to Mantua he was told that customers were paying \$45 every three months. Ms. Moore asked if that was more or less. Fiscal Officer Taylor said that is about \$30 cheaper than what she is paying right now. Mr. Garrett said that pricing was for Kimble.

Ms. Brown made a motion to adjourn the meeting which was seconded by Ms. Patti and by unanimous vote the meeting was adjourned at 8:18 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.