

# *Village of Windham Ohio*

## Minutes of Council Meeting

Held November 28, 2017

At 6:59 p.m. The 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                               Cheryl Belknap – present  
                  Scott Garrett – present                           Phil Snyder – present  
                  Cheryl Taylor – present                            Stacy Brown – present

Also present were: Thomas Reitz, Sheila Moore, Tom Brett, Eric Breiding, Ryan Wagner, Samantha Kropp, Tommy Douglas, and Jim Moore.

Mr. Snyder made a motion to approve the minutes of the October 24, 2017 Regular Council Meeting, which was seconded by Ms. Patti and carried by a 6 – 0 vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date October 31, 2017 was \$400,958.82. The expenditures for the month of October 2017 were \$135,122.41 in checks and charges. Check numbers 33604 through 33680 were paid from the primary checking account during October 2017 with no checks voided during the month. Direct Deposit Vouchers 528-2017 through 557-2017 and 562-2017 through 583-2017 were also paid during the month of October 2017. The all funds reconciled balance for October 2017 was \$1,485,269.52.

Village Council President's report by Scott Garrett – Mr. Garrett said he wanted to throw a positive shout out to Coach Maiorca and the Windham Football team for all the accolades that they've got on the state level and all the recognition. Mr. Garrett said he thought that was fantastic and great PR for the Village of Windham.

Dispatchers Police, Fire and Rescue Reports for September 2017 by Mrs. Taylor – Mrs. Taylor made a motion to accept the Police, Fire and Rescue Reports for October 2017, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Mayor's Communication by Deborah Blewitt – Mayor Blewitt said she had a pre-construction meeting for the Community Building and the Commissioners signed the contract and the work should be starting at any time. Mayor Blewitt said they had to remove the concrete pad that was out back by the old dance studio and that was completed today. Mayor Blewitt said that the records that were left at the Old Administration building have been moved, as of today, and they are all secure in the Tax office.

Prior requests of guests to speak – Samantha Kropp from Howland Alarm presented her alarm proposal to Council for the Police Station and the Administration Building. The Mayor explained to Ms. Kropp that the Safety Committee would decide which company to go with and then the contract would have to be approved by the Council at a Council Meeting. Mrs. Taylor asked Ms. Kropp if Howland Alarm made you sign a contract and Ms. Kropp said no.

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of October 2017 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 2017 in the amount of \$1,485,269.52 as reported. Mr. Snyder seconded the motion which carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2017-23 **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-2017-23, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2017-21 **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 second read.

Mr. Garrett read Resolution R-2017-18 **A RESOLUTION AUTHORIZING AN ADDENDUM TO THE EXISTING LEASE WITH SPRINTCOM, INC. FOR SPACE ON THE VILLAGE CELL TOWER.** This was a second read.

Mr. Garrett read Ordinance O-2017-24 **AN ORDINANCE TO AMEND CHAPTER 182 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM REGARDING MUNICIPAL INCOME TAX** 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-2017-24, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Mr. Garrett read Resolution R-2017-21 **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR 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-2017-21, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Safety, Personnel, Rules (SPR) by Phil Snyder

Mr. Snyder made a motion to remove Ryan Wagner from paid administrative leave for the Village Administrator's position and reinstate him back to his full duties as Village Administrator, which was seconded by Ms. Patti and carried by a 6 – 0 vote.

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

Service Committee by Sandy Patti

Ms. Patti read Resolution R-2017-20 **CONSENT LEGISLATION RC5521.01 FOR RESURFACING OF STATE ROUTE 303 WITHIN THE VILLAGE OF WINDHAM 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. Ms. Patti made a motion to adopt Resolution R-2017-20, which was seconded by Mr. Garrett. Mayor Blewitt this project will not be completed until 2019 and they will start by Windham Alloy Metals and pave all the way to the Trumbull County line at no expense to the Village of Windham. Mayor Blewitt said normally within your own municipality you are responsible for the roads even if it is a State Route. This motion was carried by a 6 – 0 vote.

Ms. Patti made a motion to approve an additional \$5,000 (total of \$20,000), if necessary to complete the Community Center Grant Project. This motion was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Ms. Patti made a motion to approve the Mayor looking into possible funding from NDS (Revolving Loan Fund), with terms and conditions, to complete improvements to the Community Center. This motion was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Economic Development by Phil Snyder – Mr. Snyder had nothing at the time. Mayor Blewitt said she contacted Todd Peetz, so that he can come to the next Economic Development Committee meeting and give Council and update on where Regional Planning is on the Land Use Map.

Parks and Recreation by Mr. Snyder – Mr. Snyder said the Parade of Lights will be December 10, 2017. He hopes that everyone will be able to participate. Mr. Snyder asked Ryan Wagner where we were at on the swing set for the park. Mr. Wagner said he was sorry; he has still no got that quote. Mr. Snyder asked Mr. Wagner to please get the quote and Mr. Wagner said yes he would do that. Ms. Belknap said she got Sandy Smith to be Mrs. Clause for the Parade of Lights to read to the kids. Ms. Belknap said she got Windham, Garrettsville, and Braceville Fire Departments to participate in the Parade of Lights. Mr. Snyder said Dollar General is donating candy canes. Mayor Blewitt said that Kim and Jerry Kiser are also donating candy canes.

Planning and Zoning by Deborah Blewitt – Mayor Blewitt said to Mr. Douglas that the Village has taken Mr. Owens to court over cleaning up his property and they will continue to take him to court until it is cleaned up. The Mayor apologized to Mr. Douglas because it is taking so long and Mr. Douglas said he realizes that the Village is doing all they can do. Chief Breiding said the court gave Mr. Owens 60 days to clean up the property and at the end of December that time will be up. The Mayor told Mr. Douglas that she appreciated his patience with this matter.

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

Guest Recognition – Jim Moore asked if the tax Ordinance that was passed tonight was the State changes. Mr. Reitz said the State of Ohio tinkered with Chapter 718 of the Ohio Revised Code, which is the chapter that controls how municipalities administer their income tax. Mr. Reitz said the long series of changes that were attached to the legislation that was passed tonight are all word for word right out of the Ohio Revised Code. Mr. Reitz said these changes were not elective and the State used its usual soft approach, that said if a municipality does not have this change to the tax code enacted by January 1, 2018, then the State will take away the municipality's right to collect income tax. Mr. Reitz said the legislation was passed tonight, but it was not done as an emergency and that was intentional, so if there are citizens who want to circulate a petition for a referendum then they have the time to do that. Mr. Reitz said if residents ask about it, Council should tell them that to a large degree the Council's hands were tied on this matter because the State of Ohio imposed this on the Village and every single municipality in the state has to make the same changes. Mr. Reitz said if Council would like to look into these changes further, they should go to the Ohio Municipal League's website because they monitor this legislation. Mr. Reitz said that there is a fairly strong consensus that says this is an incremental step, year after year, for the State of Ohio to remove local municipal income tax collection from the municipalities and take it over at the state level. Mr. Reitz said that some people think that's a good thing and other people think it's a bad thing, but whatever your opinion is, the Ohio Municipal League is a good source to get information about this. Mr. Garrett said if the state does take the tax collection over there will be a fee. Mr. Reitz said there are a couple of things he can use as examples of the way things have gone at the state level. Mr. Reitz said Council has heard the Mayor talk of the loss of Local Government Funds and when the Local Government Funds were first enacted the state indicated that the money that was being collected on behalf of municipalities and being distributed between and among municipalities and for an extended period of time, probably 30 plus years, it was, but over the last 10 years or so the whole amounts have no longer been distributed to municipalities. Mr. Reitz said if Council has been watching the budget they will know that the amount keeps going down. Mayor Blewitt said that the Local Government Fund has been cut by half over the last couple of years. The Mayor said at one point the Village was getting about \$120,000 and now we are getting \$68,000. Mr. Reitz said another example is that there was a time when every county in the State of Ohio ran its own local Child Support Enforcement Agency, and if you were obligated to pay child support through the courts you would send your money to the local Child Support Enforcement Agency and they would process the money and send it to the people who were supposed to receive the money and in Portage County the turnaround time to get this set up was about a month and once it was set up the payments were processed in about two weeks. Mr. Reitz said about 5 or 6 years ago the State of Ohio changed the Ohio Revised Code so that the financial guarantee that an organization that would process all of these payments would have to make, was substantially higher than it was in the past and the only organization within the State of Ohio that has the financial where with all to meet these statutory requirements, is the State of Ohio. Mr. Reitz said now Ohio does have centralized Child Support collection and payment and if you are someone that has to set up an account with Child Support, the set up now takes 2 to 3 months and most people rely on their child support a little quicker than that. Mr. Reitz said he admits that the things he said make it appear that the centralized management at the State level is not as attractive as what you can do at the local level. Mr. Reitz said the changes that were made to the Tax Code in Ordinance O-2017-24 were literally taken word for word, right out of the Ohio Revised Code. Mayor Blewitt said she would print things out for the Council when she receives them from the Ohio Municipal League. Mr. Reitz said House Bill 5 is the State of Ohio's Budget Bill and that was passed on June 27, 2017 and he had been monitoring this because he knew there was going to be a change in the Tax Code this year. Mr. Reitz said he almost missed the Tax Code change because it was buried in the budget legislation; there wasn't any separate passage of legislation to amend the Tax Code. Mr. Reitz said he does not like to bring tax code changes to Council and have them pass it on first read; however he just found these change in the budget bill about 3 weeks ago.

Last Chance of Council to Speak on Any Subject – Ms. Patti said she was going back through her 2017 minutes and she saw the Operation Renovation, that never happened to put a volleyball court in at the park. Mayor Blewitt said that the people that work with the high

school kids move on because they are college students and the fact that they couldn't get a tri-axle truck is the reason it did not get completed. Mayor Blewitt said this program is still at the school and possibly the funds are still there. Mayor Blewitt said to contact Mr. Isler and Ms. Patti said okay. Mr. Snyder commended the Mayor on her due diligence with staying on top of the Community Center Grant Project.

Council looked at the calendar for December. The Council Meeting will be Tuesday, December 19th, 2017 at 7:00 p.m. and the committee meetings will be the first Tuesday, December 5th, 2017 and the second Tuesday, December 12<sup>th</sup>, 2017, both at 6:00 p.m. Mr. Snyder made a motion to accept the calendar, which was seconded by Ms. Brown and carried by a 6 – 0 vote.

Mr. Snyder made a motion to adjourn the meeting which was seconded by Ms. Patti and by unanimous vote the meeting was adjourned at 7:36 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.