

Village of Windham Ohio

Minutes of Regular Council Meeting

Held September 25, 2018

At 7:00 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:	Cheryl Belknap – present	Phil Snyder – present
	Scott Garrett – absent	Terrie Altieri – present
	Cheryl Taylor – present	Stacy Brown – absent

Also present were: Patty Moore, Kay Friend, Tom Brett, Maurice Hankins, Tom Reitz, Michele Pallo, Sheila Moore, Sandy Patti, Cory Kuzyk, Jaime Cain, Dion Delphia, Cindy Cale, and Kyle Breiding.

Mr. Snyder made a motion to approve the minutes of the August 24, 2018 Special Council Meeting, which was seconded by Mrs. Altieri and carried by a 4 – 0 vote, with Mrs. Altieri abstaining.

Mr. Snyder made a motion to approve the minutes of the September 5, 2018 Special Council Meeting, which was seconded by Mr. Garrett and carried by 4 – 0 vote, with Mrs. Altieri abstaining.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date August 31, 2018 was \$274,766.03. The expenditures for the month of August 2018 were \$120,301.54 in checks and charges. Check numbers 34429 through 34495 were paid from the primary checking account during August 2018 with check number 34490 voided during the month. Direct Deposit Vouchers 454-2018 through 485-2018 and 491-2018 through 511-2018 were also paid during the month of August 2018. The all funds reconciled balance for August 2018 was \$1,524,142.13.

Village Council President's report by Scott Garrett – Mr. Garrett said he wanted to congratulate Ms. Belknap on the wonderful job she did putting on the Car Show, there were 38 cars that came. Ms. Belknap said she had a lot of help and she appreciates that. Mr. Snyder said the attendance for the Car Show was great and commended Ms. Belknap on her efforts to organize the Car Show. Ms. Belknap said she donated the pizza and pop and took in \$171 in profits from the raffle sales.

Dispatchers Police, Fire and Rescue Reports for August 2018 by Mrs. Taylor – Mrs. Taylor made a motion to accept the Police, Fire and Rescue Reports for August 2018, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mayor's Communication by Deborah Blewitt – Ms. Blewitt said a couple of people have picked up the bid books for the Water Tower Project and the bids will be opened on October 4, 2018. Ms. Blewitt said we're getting ready to put the rest of the grant together for OPWC for the road resurfacing of Blanton, Bright, and Belden. Ms. Blewitt said Octoberfest is October 13, 2018 and most of the planning for that is done and if there are any community volunteers, all help will be appreciated. Ms. Blewitt commended Ms. Belknap on her work for the Car Show.

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 August 2018 as reported. Mr. Snyder seconded this motion and it carried by a 5 – 0 vote.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for August 2018 in the amount of \$1,524,142.13 as reported. Mr. Snyder seconded the motion which carried by a 5 – 0 vote.

Mr. Garrett read Ordinance O-2018-23 **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 5 – 0 vote. Mr. Garrett made a motion to adopt Ordinance O-2018-23, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mr. Garrett read Resolution R-2018-26 **A RESOLUTION AUTHORIZING THE LEASE AND SUBSEQUENT PURCHASE OF A 2019 FORD UTILITY POLICE INTERCEPTOR ALL WHEEL DRIVE VEHICLE AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mr. Snyder and carried by a 5 – 0 vote. Mr. Garrett made a motion to adopt Resolution R-2018-26, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Mr. Garrett read Resolution R-2018-28 **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 5 – 0 vote. Mr. Garrett made a motion to adopt Resolution R-2018-28, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote.

Mr. Garrett explained to Mr. Reitz that in Finance Committee they had agreed to give Fiscal Officer Taylor a raise and he wanted to know if it was appropriate to do that as a motion vote because her pay scale is a range on the Pay Ordinance and the raise does fall within that range. Mr. Reitz said yes, it was acceptable to do that as a motion vote. Mr. Garrett made a motion to increase the pay rate of Cheree Taylor to \$17.50/hr. as discussed in Finance. Mr. Snyder seconded this motion. Fiscal Officer Taylor said she thinks the motion needs to be stated as \$36,400/yr. because she is salary and that is how it is stated on the Pay Ordinance. Mr. Reitz agreed and Mr. Garrett amended the motion to increase the pay rate of Cheree Taylor to \$36,400/yr. This amended motion was seconded by Mr. Snyder and carried by a 4 – 0 vote, with Mrs. Taylor abstaining.

Safety, Personnel, Rules (SPR) by Stacy Brown (Scott Garrett)

Mr. Garrett read Ordinance O-2018-20 **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 asked Mr. Reitz how to go about changing the Village Administrator's pay to reflect a range. Mr. Reitz said Council could make a motion vote to reflect the change or Council could just direct the Administration to make the change on the Ordinance so that it is reflected next Council meeting. Mr. Reitz explained that both ways are acceptable because this is only the second read. Mr. Garrett said he will give the Fiscal Officer the changes to be reflected on the legislation for next month's Council meeting.

Mr. Garrett read Resolution R-2018-23 **A RESOLUTION APPROVING AN AGREEMENT BETWEEN OPTOTRAFFIC, LLC AND THE VILLAGE OF WINDHAM.** This was a second read. Mr. Snyder said there is a person from OptoTraffic here tonight to answer questions (Cory Kuzyk). Mr. Reitz asked how OptoTraffic obtains the information about who owns the car after they have the picture of the license plate. Mr. Kuzyk said they work with Inlets (which is national) for out of state license plates and the Ohio BMV for in-state license plates; they do not work with LEADS. Mr. Reitz asked what happens if a disgruntled citizen damages OptoTraffic's equipment because he did not feel that the contract was clear on that. Mr. Kuzyk said that OptoTraffic is responsible for replacing the equipment at no charge to the Village. Mr. Reitz asked about testimony about the science behind the calibration and said they need to demonstrate that at least once. Mr. Kuzyk said OptoTraffic has done that in multiple courts in Ohio and they can do this for the Village at any time. Mr. Reitz asked for three references in the state of Ohio and Mr. Kuzyk said he would provide those. Mr. Reitz asked about the termination fee and what happens if this program is not beneficial to the Village. Mr. Kuzyk said this is a convenience clause, so if the law changes this termination fee will not be charged. Mr. Reitz said he was thinking more along the lines of financially beneficial. Mr. Kuzyk said if OptoTraffic and the Village are not making money, then that would be a conversation to have about terminating the contract. Mr. Reitz asked what happens if citizens do not pay their fines. Mr. Kuzyk said by law the Village has the right to go

to collections. Mr. Reitz asked if OptoTraffic gets paid regardless if the Village collects. Mr. Kuzyk said no, OptoTraffic only gets paid if the Village gets paid and it is a fixed fee. Mr. Kuzyk suggested Mr. Reitz contact Youngstown because they have been customers for a long time and could answer any questions.

Mr. Garrett read Ordinance O-2018-22 **AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 307 ENTITLED “AUTOMATED SPEED ENFORCEMENT PROGRAM”, AMENDING THE CIVIL PENALTIES FOR AUTOMATED SPEED VIOLATIONS IMPLEMENTING AN ADMINISTRATIVE HEARING PROCESS AND ESTABLISHING A PLACEMENT FEE TO BE ADDED FOR ANY EXISTING CITATION PLACED WITH OUTSIDE COUNCIL FOR LITIGATION AND/OR COLLECTION.** This was a second read. Mr. Reitz asked Council for direction on whether to proceed and take the time to adapt this legislation to fit the Village’s Code because it will take some time and cost the Village some money. Council agreed that Mr. Reitz should proceed with adapting this legislation to fit the Village’s Code.

Mr. Garrett read Resolution R-2018-27 **A RESOLUTION AUTHORIZING A CONTRACT WITH THE PORTAGE COUNTY PUBLIC DEFENDER FOR DEFENSE OF INDIGENT PERSONS CHARGED WITH CRIMINAL OFFENSES UNDER THE VILLAGE ORDINANCES.** This was a first read.

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

Service Committee by Phil Snyder

Mr. Snyder read Ordinance O-2018-17 **AUTHORIZING THE VACATION OF BROOK COURT AND ADJACENT AREAS ON MAPLE GROVE ROAD IN THE AREA OF BROOK COURT.** This was a third read. Mr. Snyder made a motion to adopt Ordinance O-2018-17, which was seconded by Mr. Garrett and carried by a 5 – 0 vote.

Mr. Snyder read Ordinance O-2018-21 **AN ORDINANCE AMENDING CHAPTER 555, WEEDS, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM.** This was a second read.

Mr. Snyder made a motion to accept the donation of parcel 41-057-10-00-076-000 (8972 Maple Grove) from the Portage County Land Reutilization Corporation. This motion was seconded by Mr. Garrett and carried by a 5 – 0 vote.

Mr. Snyder read Resolution R-2018-30 **A RESOLUTION TO AUTHORIZE MAYOR AND FISCAL OFFICER TO EXECUTE A MORTGAGE SATISFACTION ON BEHALF OF THE VILLAGE 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. Mr. Snyder made a motion to adopt Resolution R-2018-30, which was seconded by Mrs. Taylor. Mr. Reitz explained that last month the Council released two mortgages and it was brought to his attention that this mortgage also belongs to the Village and needs to be released so that NDS can proceed with building the multi-family housing on the land they purchased from us. This motion carried by 5 – 0 vote.

Economic Development by Terrie Altieri – Mrs. Altieri had nothing at the time.

Parks and Recreation by Ms. Belknap – Ms. Belknap said she did get some really good ideas for next year’s Car Show and people would like to see this be an annual event. Ms. Belknap said it needs to be moved to North Main Street next because it was quite crowded this year.

Planning Commission by Deborah Blewitt

Mayor Blewitt read Resolution R-2018-29 **A RESOLUTION FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE WINDHAM VILLAGE ZONING DISTRICT MAP AND DECLARING AN EMERGENCY.** Mr. Garrett made a motion to suspend the rules, which was seconded by Mrs. Belknap and carried by a 5 – 0 vote. Mr. Snyder made a motion to adopt Resolution R-2018-29, which was seconded by Mr. Garrett. Council set the Public Hearing for Monday, November 5, 2018 at 5:30 p.m. This motion carried by a 5 – 0 vote.

Mayor Blewitt read Ordinance O-2018-24 **AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING MAP BY REPEALING THE EXISTING MAP AND AUTHORIZING AND APPROVING A NEW MAP ESTABLISHING ADDITIONAL AREA ZONED R-3.** This was a first read.

Solicitor's Report by Tom Reitz – Mr. Reitz said he prepared a memo for Council because he was asked to find out if the Village is required to provide recycling services. Mr. Reitz said the Village is not obligated to provide recycling services. Mr. Reitz said there is nothing in the statute saying the Village is required to provide recycling services, however just to make sure that he did not miss anything, Mr. Reitz contacted the Ohio EPA and they do not think there is an obligation for the Village to provide recycling.

Guest Recognition – None

Last Chance of Council to Speak on Any Subject – Mrs. Altieri said she met with Ruth from the My Choice Clinic and she would like to meet with the Economic Development Committee to discuss future opportunities, such as getting a grocery store in the Village. Mr. Garrett and Mayor Blewitt said to have her come to the next Economic Development meeting.

Council looked at the calendar for October. The Committee Meetings will be Tuesday, October 2, 2018 and October 9, 2018 at 6:00 p.m. There will be a Planning Commission Meeting before the October 9, 2018 Committee Meetings at 5:30 p.m. The Council Meeting will be Tuesday, October 23, 2018 at 7:00 p.m. Council also decided that Trick or Treat will be Wednesday, October 31, 2018 from 5 – 7 p.m.

Maurice Hankins said the parking signs are in and this week they will start putting them up. Mr. Hankins said he will get quotes to have the stop lights taken down by Dollar General and get a quote to have the LED stop lights installed.

Mr. Snyder made a motion to adjourn the meeting which was seconded by Mrs. Altieri and by unanimous vote the meeting was adjourned at 7:53 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.