

Village of Windham, Ohio

Minutes of Council Meeting

Held June 28, 2015

At 7:07 PM Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of allegiance to the flag of our country.

Roll Call: Rachel Barrett – present Deborah Blewitt – present
 Scott Garrett – present Sheryl Prem – present
 Linda Rininger – present Randal Slusher – absent

Also present were: Jim Moore, Bill Pennington, Eric Breiding, Ryan Wagner, Sandy Patty, Phil Snyder, Greg Trask, and Tom Brett.

Mr. Garrett made a motion to approve the minutes of the June 23, 2015 Council Meeting which was seconded by Ms. Blewitt and carried by a 5 – 0 vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date June 30, 2015 was \$299,007.36. The expenditures for the month of June 2015 were \$230,700.89 in checks and charges. Check numbers 31284 through 31381 were paid from the primary checking account during June 2015 with one check, number 31317, voided during the month. Direct Deposit Vouchers 246-2015 through 268-2015 and 274-2015 through 291-2015 were also paid during the month of June 2015. The all funds reconciled balance for June 2015 was \$1,397,623.68.

Village Council President's report by Deborah Blewitt – Ms. Blewitt requested a status report on the progress of the new administration building. Mayor Donham said he brought plans in and they are in the conference room. He made some changes to the plans. He wants council to look at the plans and make sure that they are okay with the changes before he sends the final plans back. As soon as the final plans are sent back they can be submitted to the building department. He also made a change to the location of the garage, which is going to require a lot consolidation. We are going to have to hire a surveyor to do a lot consolidation. He doesn't want to finalize anything without council's approval. We are looking at the playground installation starting next week. The community center is up and running. The open house went well and we are doing the National Night Out there also.

The Mayor then suggested an executive session to discuss the resignation of a council member and filling that vacancy. Mrs. Barrett said that normally you advertise for the vacant position and Ms. Blewitt said she checked with Solicitor Reitz and he said it is not a requirement to advertise for the open position

Ms. Blewitt made a motion to enter into executive session to discuss the open council position and Mrs. Prem seconded that motion. It passed by a unanimous vote at 7:14 p.m.

Ms. Blewitt made a motion to return from executive session and Mr. Garrett seconded. It passed by a unanimous vote at 7:28 p.m.

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Ms. Blewitt made a motion to accept the resignation of Randy Slusher from council and Mr. Garrett seconded that motion. It passed by a unanimous vote. The Mayor then said that Randy has done an excellent job on council at several times for several years and he will be missed. Should his work schedule ever afford him the opportunity to serve on council again, he would be welcomed back with open arms.

Ms. Blewitt made a motion to elect Phil Snyder to serve the remainder of the vacant council seat created by Randy Slusher and Mr. Garrett seconded this. The mayor then asked if there were any other nominations for the council seat and Mrs. Barrett nominated Sandy Patty, however there was not a second so therefore Mr. Snyder was the only one nominated. The vote was as follows: Mrs. Barrett – no, Mrs. Prem – yes, Ms. Blewitt – yes, Mrs. Rininger – yes, Mr. Garrett – yes.

The Mayor then invited Mr. Snyder to join the council at the table. Mr. Snyder thanked council for appointing him to the position and promised to do the best possible job. Solicitor Reitz then swore in Mr. Snyder.

Ms. Blewitt said that Sheila Moore contacted her about doing a parcel split from her parents property and Ms. Blewitt wanted to know what kind of action needed to be taken. Solicitor Reitz explained that the person who wants to parcel split needs to fill out an application explaining the split and ask for it to be approved. The application has to be approved by Tom Brett and then it will come before the Zoning Committee at the next meeting. Jim Moore then asked how many members were on the Zoning Committee and if there would be a quorum at the next meeting to vote on this. Mayor Donham explained that there are five seats and currently one is vacant so there would have to be three members present and a unanimous vote to pass this. The Mayor told Mr. Moore that as long as Tom Brett is satisfied with what they submitted then it would be voted on at the next committee meeting. Ms. Blewitt then mention that Bob Cline, the village resident seat for the Zoning Committee has not been to a meeting in over a year and we need to think about replacing him with another village resident. The Mayor said that the Zoning Committee has already discussed and voted on replacing him, however there have been no new names brought forward. Mrs. Barrett also pointed out that Randy Slusher position needs to be filled also and the Mayor said council would do that at the end of this meeting.

Dispatchers Police, Fire Rescue Squad Report for June 2015 by Deborah Blewitt. Ms. Blewitt said she asked at the last Fire Board Meeting that they go back to the negotiating table with the Village. The Fire Board said they didn't want to make that decision without Dan Timmons being present. Mrs. Rininger then mentioned that at this time shouldn't Mr. Snyder resign from the Fire Board. Mayor Donham said that has to be directed to the Fire Board. Ms. Blewitt said that we need someone to represent the Village on the Fire Board if anyone had any suggestions. Ms. Blewitt also mentioned that there is another council person resigning, so there will be a council seat open. Ms. Blewitt made a motion to accept the reports which was seconded by Mr. Garrett. This passed by a 6 – 0 vote.

Mayor's Communication by Rob Donham – Mr. Donham had nothing more at this time.

Prior requests of guests to speak – Greg Trask with the Portage County Library wanted to make everyone aware that there will be a 1 mil. Levy on the ballot this November for the Library, that will restore services and hours. He also offered his assistance in doing research for the council.

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The Mayor offered his support in getting the levy passed. Sandy Patty, a Village Resident, had some complaints. The first being the building in front of and to the left of the Community Center, she said the siding is coming off and it's an embarrassment to the community. Also she mentioned that the sidewalks are uneven and covered in mud. She wanted to know who was in charge of the sidewalks. How do we expect to attract new businesses, when we have siding and gutters falling off the buildings? She said these are little things that people see when they drive through our town. She said that Windham used to be called "welfare city" and we still have that reputation. She said just because we have a lot of people on public assistance doesn't mean we have to look that way. The third thing she wanted to address was the vacant property behind her house. She said she had tried to purchase it, however there is \$14,000.00 of property taxes assessed to this lot. She said that the Village does not keep up with the lawn mowing and she is having problems with wild animals. She said she is mowing some of that property and doesn't know if Jake Eye is getting paid to mow it all, because he's not. And she is doing it to keep the animals away from her house. She wanted to know if the Village would set traps to catch these animals. She said she always has live traps set. The Mayor asked her what she was doing with the animals after she catches them. She said she is not telling. She said she called the Animal Protective League and they said that you cannot release them on someone else's property. She said you can kill them, but according to the Village you cannot discharge a firearm. She said her son killed them with a pellet gun. She has lived in Windham for 63 years and she loves this town and would like to see other people move here. Her class is celebrating their 50 year class reunion this year and they want to do a fund raiser for the Village and they want to have it at the Community Center, but they want the rental fee waived. Mayor Donham was not sure if the property behind her house was on the mowing list this year. He said if it's not we can add it to the list and it will be mowed. Ms. Blewitt addressed this issue of the sidewalks. She explained that the sidewalk in front of your house is your responsibility. She said that the Village can take care of the sidewalks in front of their property, which includes the Community Center. She said personally, she has never seen the town look better. The American flags on North Main Street look tremendous. The park looks better than it has in her lifetime. The Community Center has been redone. She said we are trying to take forward steps and we are doing it with a minimal amount of money. She said the summer youth program has helped tremendously. She said we will spend \$10,000.00 this year mowing empty properties. Ms. Blewitt said that as we continue to make improvements, everyone will see a lot of things change. Mr. Garrett explained that you can have perfectly mowed lawns and these animals will still try to burrow, because that's what they do. He suggested treating your lawn for grubs because that is what skunks eat. Mr. Snyder pointed out that the skunk problem is county wide and we are not the only town that has problems with skunks. Mayor Donham said as for the property behind Sandy's we now have the mechanism to get that \$14,000.00 tax assessment gone and be able to get that property to her for a minimal cost. He said for hundreds of dollars instead of thousands of dollars. It will have to go through the Portage County Land Bank. He said this is only a two year old organization and Sandy said it was three years ago when she contacted Janet Espisito about it. Mr. Donham said this would be a perfect property for the side lot program. The property has no owner, it was in an estate and it has this huge debt of taxes and Village assessments. The Land Bank can take it through an administrative foreclosure and then the Land Bank will own it and sell it to a side lot owner for like \$200. Mayor Donham said he would give them Sandy's name and number and that property number. Mayor Donham said the buildings that are in bad shape is a long standing problem that will be discussed further at the committee meeting. He said that when the Village does not own the property, it becomes about enforcement issues and then a battle between money and priority. Mayor Donham said the sidewalks are a little bit complicated, but we have two options. He said the sidewalks are not owned by the Village,

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they are owned by the property owners and in order for the Village to maintain them there has to be a tax levy. He said the Village can fix them, but then we would have to assess the cost to the property owner, which becomes a combative process. He said something needs to be done, but we need to come up with a more regimented solution. He said we have had a suggestion in the past about a 50/50 program, where the Village can apply for grants or use general fund money to pay for half the cost and the owner would pay for the other half. Mayor Donham said he doesn't think that anyone disagrees with Sandy's sentiments and there is a lot of work that still needs done. But he does agree with Ms. Blewitt, the progress has been tremendous over the years and the Village does look as good as it has the past ten years. Mayor Donham suggested that Sandy attend the committee meetings because that is where most of the discussion and work is done.

Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of June 2015 in the amount of \$230,700.89 in checks and charges with check numbers 31284 through 31381 paid from primary checking during June 2015 with one check, number 31317, voided during the month. Direct Deposit Vouchers 246-2015 through 268-2015 and 274-2015 through 291-2015 were also paid during the month of June 2015. Ms. Blewitt seconded the motion which carried by a 4 – 2 vote, with Mrs. Rininger and Mrs. Barrett being the dissenting votes. Mr. Donham then asked if there was a questionable expenditure to propagate the dissenting votes. Mrs. Barrett said she was questioning money paid out of a particular fund that she did not know what it was for.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for June 2015 in the amount of \$1,397,623.68 and the following monthly reports distributed to Council for the month ending June 30, 2015: Fund Summary, Expenditure Summary, Cash Summary by Fund and the following Year to Date Reports through June 2015: Cash Summary by Fund, Comparison of Budget and Appropriated. Mr. Snyder seconded the motion which carried by a 6 – 0 vote.

Mr. Garrett read Resolution R-2015-15 **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-2015-15, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2015-6 **AN ORDINANCE TO AMEND SECTION 927.05 WATER METER REPLACEMENT FEE OF THE WINDHAM CODIFIED ORDINANCES AND DECLARING AN EMERGENCY** (See Attachment) and made a motion to take this off the table, which was seconded by Ms. Blewitt and carried by 4-2 vote with Mrs. Rininger and Mrs. Barrett being the dissenting votes. Mr. Garrett made a motion to adopt Ordinance O-2015-6, which was seconded by Ms. Blewitt. Mayor Donham wanted to clarify that this ordinance is changing the codified ordinance to reflect what are actual laws are. We have already passed a resolution stating that are water replacement fee covers the entire cost of meters, which includes meters, installation, and software. This is just to clear up any gray areas that may arise if one of our residents reads the code. This was carried by a 4 – 2 vote, with Mrs. Rininger and Mrs. Barrett being the dissenting votes.

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Safety, Personnel, Rules (SPR) by Deborah Blewitt – Ms. Blewitt had nothing at this time.

Utilities by Rachel Barrett

Mrs. Barrett read Ordinance O-2015-7 **AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN OPT-OUT NATURAL GAS AGGREGATION PROGRAM PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Ms. Blewitt and carried by a 6 – 0 vote. Mrs. Barrett made a motion to adopt Ordinance O-2015-7, which was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Mrs. Barrett read Ordinance O-2015-8 **AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN OPT- OUT ELECTRIC AGGREGATION PROGRAM PURSUANT TO SECTION 4928.20, OHIO REVISED CODE, DIRECTING THE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Ms. Blewitt and carried by a 6 – 0 vote. Mrs. Barrett made a motion to adopt Ordinance O-2015-8, which was seconded by Ms. Blewitt and carried by a 6 – 0 vote.

Service Committee by Scott Garrett

Mr. Garrett made a motion to accept the Service Committee's recommendation from the June Committee Meeting setting the rental fees for the Community Building at \$50 for Village residents, \$75 for Township residents, and \$150 for anyone outside of Windham. Free for Non-Profit Organizations and Village Employees. There is a \$200 refundable deposit for everyone. Ms. Blewitt seconded this motion. Mayor Donham wanted to add to the motion that it is free just for Windham Non-Profits. Mayor Donham also explained that he added that these fees were just for 4 hours, because sometimes there would be two bookings in one day depending on the event. However, he did say that if council wants to make that an all-day rate, they can do so. Ms. Blewitt said that in the committee meeting they did not specify certain hours, therefore we should not do that now. She thought it should just be a flat rate for the day. She said unless in the future we need to adjust it due to high utility bills, we should keep it at what was originally agreed upon. Mayor Donham suggested that we keep the rates the same, being if you need it for 8 hours it's \$50 and if you need it for 4 hours it's \$50. It will stay a per day rate, however if someone needs it until 4 p.m. and then someone else needs it after 4 p.m. then we can double book for that day. Mr. Snyder was wondering if there would be negative feedback from letting the Village Employees have the hall for free and if it was legal. Solicitor Reitz confirmed that it is legal to do this. This motion passed with a 6 – 0 vote.

Mr. Garrett read Resolution R-2015-16 **A RESOLUTION ESTABLISHING RENTAL RATES FOR THE COMMUNITY CENTER OWNED BY 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. Solicitor Reitz pointed out the italicized section of the resolution, because he wanted to bring it to council's attention. The italicized section was a reference to the 4 hour time limit. There was then a discussion

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about the Village Employees not abusing the free rental and Mayor Donham said that it would be under his and council's control. Ms. Blewitt made a motion to amend Resolution R-2015-16 by the deletion of the paragraph set forth under section 1 number 5 and to amend section 1, paragraph 4 by adding the following phrase after the word organizations – the phrase is “benefiting the Village of Windham and Windham employees. Mr. Snyder seconded this motion and it carried by a 6 – 0 vote. Mr. Garrett made a motion to adopt Resolution R-2015-16 as amended, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Economic Development by Sheryl Prem – Mrs. Prem said that she will be giving council all of her paperwork and contacts for Economic Development. Mr. Snyder then commended Mrs. Prem on all of her hard work on the Economic Development Committee over the years.

Parks and Recreation by Mr. Snyder – Mayor Donham said he would keep everyone up to date on the playground equipment and when it was ninety percent complete and we'll schedule an open house for that. Mr. Snyder said he spoke to the Art teacher at the High School, and the art classes would like to paint murals on the restroom and concession stand buildings. Mr. Snyder would like to pursue the idea of painting a big mural on the back of the garage because it backs up to the park. Mayor Donham said to speak to Matt Hill because the baseball program was also interested in doing something similar.

Planning and Zoning by Deborah Blewitt—Ms. Blewitt had nothing at the time.

Solicitor's Report by Tom Reitz—Mr. Reitz informed council that Resolution R-2015-12, the resolutions for the tax exemptions, the first two steps have been accomplished in this process. The County Auditor had indicated that the taxes on these properties are current. Janet Espisito has completed her review and has recommended to the State of Ohio Department of Taxation that the tax exempt status be granted.

Guest Recognition – Jim Moore asked about his parcel split and Mayor Donham said council will approve the parcel split at the planning commission. Jim Moore also wanted to know what the difference was in the Community Center rental rates from what they used to be. Mayor Donham said he would have to look at the past rates, but he believes that they were about \$350 for the day. Ms. Blewitt said she thinks it was \$250. The refundable security deposit did increase from \$150 to \$200. Mayor Donham said there used to be one rate for everyone. Jim Moore also asked about serving alcohol at the Community Center. Mayor Donham confirmed that in order to serve alcohol, you have to hire one of our off-duty police officers for the event. Sandy Patty then asked for 3 or 4 suggestions from council, for which her class could sponsor for their class reunion. Sandy also wanted to know if there was someone they could hire to clean up the Community Center after their class reunion. Mayor Donham said we could arrange that and Ms. Blewitt said her daughter was actually looking to start that up. Sandy said that her class is looking into a masquerade sock hop as the fundraiser. Mayor Donham said we can set up a list of vendors that would be willing to do the clean-up and then she could contact whomever she wanted. The mayor then suggested to Sandy that the Community Center would be a great cause to donate to. We still need to do landscaping, down spouts, exterior work, and lighting. Also we are looking to renovate the old library to house all of the old historical records so that the public can view them.

Council then discussed the August calendar. Everyone decided to move the first Tuesday meeting to August 10th, due to the fact that the first Tuesday is National Night Out.

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Mr. Garrett asked about the recycling again and Mayor Donham said he would try and have that ready by the next council meeting. Ms. Blewitt said that she thinks the Township is on board with the curbside recycling.

Ms. Blewitt made a motion to appoint Phil Snyder to fill the vacant position on the Zoning Committee, which was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Mayor Donham informed everyone that Mrs. Prem has put in her resignation, effective July 29, 2015. Mr. Donham said that Mrs. Prem has been one of the most compassionate, thoughtful council members he has ever worked with. She will be missed and very hard to replace. He also thanked Mrs. Prem for all of her hard work. He said that we will fill her position at the next council meeting.

Chief Breiding wanted to remind everyone that National Night Out is Tuesday, August 4, 2015. The parade starts at 5:00 p.m. leaving the Renaissance Center and ending at the Police Station. There will be activities at the Community Center following the parade.

Mr. Snyder made a motion to adjourn the meeting which was seconded by Mrs. Barrett and by unanimous vote the meeting was adjourned at 8:41 PM.

Respectfully submitted,

Attest,

Cheree M. Taylor, Clerk of Council

Robert W. Donham II, Mayor

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

All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.