

Minutes of Regular Council Meeting

Held August 25, 2020

At 7:09 p.m. the Honorable Mayor Scott Garrett called the meeting to order and led in the pledge of allegiance to the flag of our country.

Roll Call: Cheryl Belknap – absent Lawrence Cunningham – present
Terrie Altieri – present Cindy Cale – present
Cheryl Taylor – present Sherri Pennington – present

Also present were: Tom Reitz, Eric Breiding, Elizabeth Derthick, Tom Brett, Debbie Blewitt, Denise Bly, and Sheila Moore.

Mrs. Cale made a motion to approve the minutes of the July 21, 2020 Special Council Meeting, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote.

*Cheree Taylor said the agenda Council received in their packets is correct; she just forgot to change the date at the top. The date has been changed and is correct in her system.

Fiscal Officer Cheree Taylor gave the Financial Reports as follows: The Income Tax collected year to date July 31, 2020 was \$289,646.64. The expenditures for the month of July 2020 were \$147,668.97 in checks and charges. Check numbers 36246 through 36305 were paid from the primary checking account during July 2020 with no checks, voided during the month. Direct Deposit Vouchers 372-2020 through 399-2020 and 407-2020 through 425-2020 were also paid during the month of July 2020. The all funds reconciled balance for July 2020 was \$1,564,656.97.

Village Council President's report by Terrie Altieri – Mrs. Altieri said the new Dollar General is looking good and the landscaping at the new apartments is done and looks very nice.

Dispatchers Police, Fire and Rescue Reports for July 2020 by Cindy Cale – Mrs. Cale made a motion to accept the Police, Fire, and Rescue Reports for July 2020, which was seconded by Mrs. Taylor and carried by a 5 – 0 vote.

Mayor's Communication by Scott Garrett – Mr. Garrett said his focus for the upcoming month is the Census. Mr. Garrett wants to get a message put on the electronic sign and he wants to set up a station with laptops (possibly at Dee's Diner), to help people complete the Census who have not done so thus far.

Prior requests of guests to speak – None

Finance by Cindy Cale

Mrs. Cale made a motion to approve the Fiscal Officer's expenditures for the month of July 2020 as reported. Mrs. Altieri seconded this motion and it carried by a 5 – 0 vote.

Mrs. Cale made a motion to approve the all funds reconciled bank balance for July 2020 in the amount of \$1,564,656.97 as reported. Mrs. Taylor seconded the motion which carried by a 5 – 0 vote.

Mrs. Cale read Ordinance O-2020-17 **AN ORDINANCE AMENDING CHAPTER 182.07 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM.** This was a third read. Mrs. Cale made a motion to adopt Ordinance O-2020-17, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote.

*Cheryl Belknap joined the meeting at 7:17 p.m.

Safety, Personnel, Rules (SPR) by Terrie Altieri

Mrs. Altieri read Ordinance O-2020-18 **AN ORDINANCE ENACTING SECTION 139.09 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM.** This was a second read.

Mrs. Altieri read Ordinance O-2020-21 **AN ORDINANCE AMENDING SECTION 521.08, LITTERING AND DEPOSIT OF GARBAGE, RUBBISH, JUNK, ETC. AND SECTION 1341.03 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.** This was a first read. Mr. Reitz told Council that this legislation was drafted to allow the Police and Housing Inspector authority to address these violations and asked Council to review and consider these changes over the next two months.

Utilities by Cheryl Taylor

Mrs. Taylor read Resolution R-2020-14 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM UNDER SECTION 735.29 OF THE OHIO REVISED CODE TO CERTIFY THE FOLLOWING SUMS TO THE PORTAGE COUNTY AUDITOR TO BE ASSESSED AND COLLECTED AS DELINQUENT WATER/SEWER RENTS TOTALING \$2399.51 AS SET FORTH HEREIN AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Altieri and carried by a 6 – 0 vote. Mrs. Taylor made a motion to adopt Resolution R-2020-14, which was seconded by Mrs. Cale and carried by a 6 – 0 vote.

Mrs. Taylor read Resolution R-2020-17 **A RESOLUTION TO AUTHORIZE CANCELLATION OF THE CONTRACT WITH THE PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT FOR COLLECTION OF RECYCLABLES AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mrs. Belknap and carried by a 6 – 0 vote. Mrs. Taylor made a motion to adopt Resolution R-2020-17, which was seconded by Mrs. Altieri and carried by a 6 – 0

Mrs. Taylor read Ordinance O-2020-19 **AN ORDINANCE TO ENACT SECTION 927.07 INTERFERENCE WITH METERS PROHIBITED.** This was a first read. Mr. Garrett explained that there is an item that can be purchased to disconnect the water line above the meter in order to bypass the meter and this was discovered during home inspections. This legislation will allow the Village to prosecute if someone tampers with their water meter.

Service Committee by Cheryl Belknap

Ms. Belknap read Ordinance O-2020-14 **AN ORDINANCE AMENDING SECTION 1341.03(G) OF THE VILLAGE OF WINDHAM CODIFIED ORDINANCES.** This was a third read. Ms. Belknap made a motion to adopt Ordinance O-2020-14, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote.

Ms. Belknap read Ordinance O-2020-15 **AN ORDINANCE AMENDING CHAPTER 521.06 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM.** This was a third read. Ms. Belknap made a motion to adopt Ordinance O-2020-15, which was seconded by Mrs. Cale. Mr. Reitz said number four in the Exhibit had been changed as requested by Council. This motion was carried by a 6 – 0 vote.

Ms. Belknap read Resolution R-2020-15 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM UNDER SECTION 715.261 OF THE OHIO REVISED CODE TO CERTIFY THE FOLLOWING SUMS TO THE PORTAGE COUNTY AUDITOR TO BE ASSESSED AND COLLECTED AS TAXES FOR THE MOWING OF LOTS CONTRACTED BY THE VILLAGE OF WINDHAM TOTALING \$4025.00 AS SET FORTH HEREIN AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote. Ms. Belknap made a motion to adopt Resolution R-2020-15, which was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Ms. Belknap read Resolution R-2020-16 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER UNDER SECTION 715.261 OF THE OHIO REVISED CODE TO CERTIFY THE FOLLOWING SUMS TO THE PORTAGE COUNTY AUDITOR TO BE ASSESSED AND COLLECTED AS DELINQUENT HOUSING LICENSE FEES TOTALING \$5674.00 AS SET FORTH HEREIN AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mrs. Cale and carried by a 6 – 0 vote. Mr. Garrett asked Tom Reitz if the landlords that are not current on the Housing License are still able to rent their properties. Mr. Reitz said technically no, but enforcement is difficult because it is the landlord that is in violation, and if you tell the landlord to stop renting their property, you will essentially be evicting your citizens and Mr. Reitz said this is not an approach that he would suggest using. Mr. Reitz said the Village could send a letter to the tenant saying the property is not in compliance with the law and they should talk to

their landlord about it. Mr. Reitz said if Council wants further enforcement on this issue then they should discuss it in the Committee meeting. Ms. Belknap made a motion to adopt Resolution R-2020-16, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote. Mrs. Cale asked if the names of the landlords on this legislation were public record. Mr. Reitz said upon passage of the legislation it becomes public record and it could be posted on the Village website if so desired.

Economic Development by Lawrence Cunningham

Mr. Cunningham read Resolution R-2020-13 **A RESOLUTION ADOPTING THE WINDHAM VILLAGE LAND USE PLAN.** This was a second read.

Parks and Recreation by Sherri Pennington – Mrs. Pennington said she put together a flyer to ask for volunteers for the Fall Fest and she shared the flyer on her screen with Council and asked for Council’s input. Mrs. Pennington said in order for the Fall Fest to be a separate Committee outside of the Village government she will be applying for a 501C (non-profit) and at the September 9th meeting a name, a director, and a trustee has to be elected.

Planning Commission by Scott Garrett

Mr. Garrett read Resolution R-2020-18 **A RESOLUTION FIXING THE TIME AND PLACE OF THE PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE WINDHAM VILLAGE ZONING CODE AND DECLARING AN EMERGENCY.**

Council decided to hold the Public Hearing on Tuesday, October 13, 2020 at 5:30 p.m. and Elizabeth Derthick will be the person to contact for the Zoom link to join the meeting. Mrs. Cale made a motion to suspend the rules, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote. Mrs. Cale made a motion to adopt Resolution R-2020-18, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2020-20 **AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING ORDINANCE WITH RESPECT TO FENCE REQUIREMENTS.**

This was a first read.

Solicitor’s Report by Tom Reitz – Tom Reitz said he will have legislation at the next Council meeting to hire attorney’s to assist in filing claim on behalf of the Village in the bankruptcy of Purdue Pharma. Mr. Reitz said several months ago the Village passed legislation for the Village to participate in a class action lawsuit against Purdue Pharma (opioid lawsuit) and Purdue Pharma declared bankruptcy, so the Village needs an attorney who is experienced in class action bankruptcy proceedings. Mr. Reitz said this is at no cost to the Village, the attorneys will only get a percentage of whatever the amount is that is awarded to the Village. Mr. Reitz said he emailed Council a proposed revision to section 505.15 of the Village Code (Farm Animals). Mr. Reitz said he does not feel that the Village could prosecute anyone for violating this code because the current legislation that was enacted many years ago is in contradiction with itself and the proposed changes to the code would allow for prosecution at the criminal level. Mr. Reitz asked for an executive session to discuss eminent litigation and invited Eric Breiding, Tom Brett, and Debbie Blewitt to join the executive session.

Mrs. Altieri made a motion to enter into executive session to discuss eminent litigation. This motion was seconded by Ms. Belknap and carried by a 6 – 0 vote at 7:50 p.m.

Mrs. Altieri made a motion to return from executive session. This motion was seconded by Mr. Cunningham and carried by a 6 – 0 vote at 8:16 p.m.

Guest Recognition – Sheila Moore asked for the proposed changes to section 505.15 (Farm Animals). Denise Bly asked for tonight’s agenda and the proposed changes to section 505.15. Cheree Taylor said she would email those tomorrow.


Last Chance of Council to Speak on Any Subject – Council discussed Trick or Treating and said they will come to a decision at September’s Council Meeting.

Council looked at the calendar for September 2020. There will be a Planning Commission Meeting on Tuesday, September 8, 2020 at 5:30 p.m. There will be a Planning Commission Meeting Tuesday, September 8, 2020 at 5:50 p.m. The Committee meetings (Parks & Recreation and Committee of the Whole) will be Tuesday, September 8, 2020 at 6:00 p.m. The Council Meeting will be Tuesday, September 22, 2020 at 7:00 p.m. All meetings will be virtual meetings on Zoom.

Mrs. Taylor made a motion to adjourn the meeting which was seconded by Mrs. Altieri and by unanimous vote the meeting was adjourned at 8:29 p.m.

Respectfully submitted,


Cheree M. Taylor, Clerk of Council

Attest,

Scott Garrett, Mayor

**** NOTE: THESE MINUTES ARE SUMMARY BY DIRECTION OF COUNCIL.****
All Council & Committee Meetings will be held in Windham Council Chambers, unless otherwise noted.