

them. Solicitor Tom Reitz informs David Belknap and Council that they should be knowledgeable about the things that they are voting on. David Belknap abstained due to not reading the minutes for the Regular Council Meeting on April 26th, 2023.

Financial Officer's Financial Reports by Fiscal Officer Katrina Washington

Income Tax collected Year to date April 29, 2023: \$190,990.72

The Expenditures for the month of February 2023: \$151,655.23 in checks and charges. Check numbers 38442 through 38448, 38457, 38467 through 38484, 38486 through 38501, 38503, 38504 and 38506 through 38508 were paid from the primary checking account during April 2023 with 2 checks voided during the month. Direct Deposit Vouchers 286-2023 through 302-2023, 305-2023 through 323-2023, 326-2023, 328-2023 through 334-2023, 344-2023 through 361-2023, 364-2023 through 370-2023, 373-2023 through 379-2023 and 427-2023 were also paid during the month of April 2023. The all funds balance for April 2023 was \$2,195,543.13.

Old Business / Topics to discuss

Acting Mayor Lawrence Cunningham informs Council that it will discuss any changes Council would like to make to the Zoning Code. Example, the two and a half (2 ½) foot fences. Solicitor Tom Reitz informs Council that the reason he requested this topic be added to the agenda was because he doesn't think the Zoning Code has been changed since this group was on Council. There is a very cumbersome procedure to changing the Zoning Code, so Solicitor Tom Reitz wanted to walk Council through the procedure. There have been multiple conversations with Zoning Inspector Nick Bellas who has requested penalty increases for some of the violations, which he presented a pretty good case for doing so. That proposal change is what is being proposed in legislation tonight. Informing Council that Zoning Inspector Nick Bellas is asking Council to pass a motion that says we are going to change the Zoning Code where the maximum penalty is no longer just a minor unclassified misdemeanor, but rather a third (3rd) degree misdemeanor. The difference there is a with a third (3rd) degree misdemeanor the fine is five hundred dollars (\$500). Previously it could only be one hundred and fifty dollars (\$150). There is also the potential for up to sixty (60) days in jail time. There is no potential for jail time under the current penalty. The procedure is Council would pass the motion to have the Planning Commission consider that change. Then the Planning Commission would consider that change. At the same time, Council would set the matter for a Public Hearing before the Village Council. Solicitor Tom Reitz refers to the Resolution on the Agenda with the date being blank pertaining to this step. Council will select the date for the Public Hearing and write it on the Resolution; which is thirty (30) days after the Resolution as been passed and thirty (30) days after the advertisement is run in the paper. The hearing would be held here, in Council Chambers. By that point Council should have a recommendation from the Planning Commission and; if a Public Hearing was held; Council would be in the position to change the Zoning Code. If that sounds cumbersome to Council, it is. So, Council should only go through that process if they want to really make and feel that the changes are appropriate, If Council decides that they are going to go through with the process, see if there are any other changes that need to be made. They can be included in the process so Council does not have to go through the process again a few months down the road. Solicitor Tom Reitz opens the floor for questions from Council. Maurina Collins asks if this would also include increasing the height of front yard fences. Solicitor Tom Reitz says yes, Council will find in Chapter eleven forty-seven (1147) of the Zoning Code. It's pretty encumbers. Solicitor Tom Reitz informs Council that changes to the Zoning Code have been done while he was the Solicitor, so he knows that this is the way that it will work.

Village Council President Report represented by Acting Mayor Lawrence Cunningham

Acting Mayor Lawrence Cunningham informs Council that Village Administrator Maurice Hankins and himself met with the Grant Writer. They are going to look into a US Congressional Grant to try and help with the water line. They will also look into a USDA Grant that will help with a few other things. Acting Mayor Lawrence Cunningham also sent the Grant Writer plans for a waterless bathroom. It's used as a septic tank system instead of how porter pots operate. It takes two to three (2-3) months to fill them up if it's in regular use. Plans for an amphitheater and/or a shelter that could be put somewhere over there were also sent to the Grant Writer. The Grant Writer also said that he would look into helping with the basketball court.

Dispatchers Police, Fire and Rescue reports for April 2023 represented by Terrie Altieri

Terrie Altieri makes a motion to accept the Dispatchers Police Report for April and May of 2023 and table the Fire and Rescue and Fire Board Reports from April 2023. Terrie Altieri seconded the motion and it carried with a 4-0 vote.

Mayors Communication represented by Acting Mayor Lawrence Cunningham

David Belknap asks about the Coffee and Conversation on June 10th. Sherrie Pennington shares that it was canceled. Asking Maurina Collins if she updated the website. Maurina Collins did not. Sherrie Pennington says just take it off. Maurina Collins suggests having Acting Mayor Lawrence Cunningham do it. Acting Mayor Lawrence Cunningham informs Council that he can do the Coffee and Conversation Saturday June 10th, 9AM-10AM. Fiscal Officer Katrina Washington says that she will get it out on the Facebook page and website calendar. Maurina Collins will bring her coffee machine and Acting Mayor Lawrence Cunningham will get the donuts.

Finance represented by Maurina Collins

Maurina Collins made a motion to approve the Fiscal Officer's expenditures for the month of April 2023 as reported. Terri Altieri seconded the motion and it carried by a 4-0 vote.

Maurina Collins made a motion to approve the all Funds Bank Balance for March 2023 in the amount of two million one hundred ninty-five thousand five hundred forty-three dollars and thirteen cents (\$2,195,543.13) as reported. David Belknap second the motion and it carried by a 4-0 vote.

Safety, Personnel, Rules (SPR) represented by Terrie Altieri

Nothing to report at this time.

Utilities represented by David Belknap

Nothing to report at this time

Service Committee represented by Cheryl Belknap

Nothing to report at this time

Economic Development represented by Acting Mayor Lawrence Cunningham

First Reading of **ORDINANCE NO. 2023-05 AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING CODES WITH RESPECT TO ENFORCEMENT PENALTY.**

Solicitor Tom Reitz informs Council that this is the Ordinance he mentioned earlier in the meeting. Once a date is picked a date will be filled in on the blank line.

Resolution No. 2023- 04 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.

Acting Mayor Lawrence Cunningham makes a motion to suspend the rules. Clerk of Council Katrina Washington reminds Council that since former Council President Lawrence Cunningham is now Acting Mayor Lawrence Cunningham, he can not make a motion to suspend the rules. He can only request for a motion be made.

Maurina Collins moves to make a motion to suspend the rules. Cheryl Belknap seconds the motion. David Belknap abstains during voting stating that he did not get a chance to read the Resolution. Solicitor Tom Reitz and other Council members explain the Resolution to David Belknap (talking over top of each other, so unaidable). David Belknap then changes his vote to yes. The vote carries with a 4-0 vote.

Maurina Collins makes a motion to approve **Resolution No. 2023- 04 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.**

Solicitor Tom Reitz requests that the Resolution gets completed before Council acts. Section one (1) talks about the Public Hearing, which would be after the next Planning Commission. Solicitor Tom Reitz does not know when the next Planning Commission is. Zoning Inspector Nick Bellas informs Solicitor Tom Reitz and Council that they next Planning Commission will be June 27th, 2023. Solicitor Tom Reitz informs Council to write on the Resolution June 27, 2023. Solicitor Tom Reitz informs Council that the Resolution states in Section one that the Public Hearing will be help immediately

after the Planning Commission on June 27th, 2023, but before the Regular Council Meeting. Council agrees that the Planning Commission will begin at 5:30pm, the Public Hearing begins at 5:45pm, and the Regular Council meeting will begin at 6:00pm. Solicitor Tom Reitz advises Maurina Collins how to proceed now that the Resolution has been amended.

Maurina Collins makes a motion to approve **Resolution No. 2023-04** as amended. David Belknap seconds the motion and it carried by a 4-0 vote.

ORDINANCE NO. 2023 -06 AN ORDINANCE AUTHORIZING THE SALE OF VARIOUS PARCELS OF REAL ESTATE OWNED BY THE VILLAGE BUT NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND RATIFYING AND CONFIRMING THE ACTIONS OF THE VILLAGE ADMINSTRATOR AND DECLARING AN EMERGENCY

Maurina Collins makes a motion to suspend the rules. Cheryl Belknap seconds the motion and it carried with a 3-0 vote. David Belknap abstains from the vote stating that he did not see the list of properties. Acting Mayor Lawrence Cunningham explains that these are the properties The Village has for sale so we don't have to give authorization each time properties are sold. David Belknap says that he misunderstood. The vote remains a 3-0 vote due to no official change of vote stated by David Belknap.

Village Administrator Maurice Hankins shares with Council that the title company shared all the information with him. By time the properties were sold and fees were deducted, The Village only makes two hundred and seventy-six dollars and nineteen cents (\$276.19) on each lot sold.

Maurina Collins makes a motion to approve ORDINANCE NO. 2023 -06. Cheryl Belknap seconds the motion and it carried by a 4-0 vote.

RESOLUTION 2023-03 A RESOLUTION TO APPROVE AN AGREEMENT WITH OHIO EDISON TO INSTALL LED STREET LIGHTS IN THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY.

Maurina Collins makes a motion to suspend the rules. Sherrie Pennington seconds the vote and it carried with a 3-0 vote. David Belknap abstained. Maurina Collins explains to David Belknap that this the contract for the LED lights. David Belknap asks which agreement, stating that there were three options. Maurina Collins and Sherri Pennington inform David Belknap that this is to replace with LED lights. David Belknap changes his vote from abstain to yes. The vote carried with a 4-0 vote.

Maurina Collins makes a motion to approve RESOLUTION 2023-03. Cheryl Belknap seconds the motion and it carried by a 4-0 vote.

Parks and Recreation represented by Sherrie Pennington

Sherrie Pennington has nothing to report at this time

Acting Mayor Lawrence Cunningham shares with Council how the National Society students coming to volunteer in The Village went.

Planning Commission represented by Acting Mayor Lawrence Cunningham

The Planning Commission meeting will be June 27th, 2023 at 5:30pm. Following that meeting will be a Public Hearing.

Zoning and Housing Reports presented by Zoning Inspector Nick Bellas and Housing Inspector Damel Walker

Housing Inspector Damel Walker has nothing to report at this time.

Zoning Inspector Nick Bellas has nothing to report at this time. David Belknap reminds Zoning Inspector Nick Bellas that he wants to advise Council that he found a computer. Zoning Inspector Nick Bellas informs Council that he found a computer, printer, scanner, monitor and everything for under budget. Will work with the Fiscal Officer to get that paid for and picked up. Chris from the Police Department was vary helpful in getting the files organized on the current computer. Acting Mayor Lawrence Cunningham asks Zoning Inspector Nick Bellas if he will still keep the current computer for older stuff. Zoning Inspector Nick Bellas is hoping that everything will easily transfer to the new computer, but he will know better when the new computer is up and running. Acting Mayor Lawrence Cunningham asks for an update on Zoning Inspector getting out

into The Village. Zoning Inspector Nick Bellas informs Council that he has about twenty (20) violations that he is getting ready to work on. Probably about five to ten (5-10) are fairly gringos to work on. Stating that without a computer working in order to access the files made it difficult. Council should start seeing more violations on the monthly report within the next month or two.

Village Administrator Report presented by Village Administrator Maurice Hankins

Village Administrator Maurice Hankins speaks with the owners of a property that they were told had sewer hook up but does not. Explaining that when the apartment buildings were torn down there, the sewer line was cut and capped by Maple Grove Road. Somewhere in that process, the previous owners tapped into that line. The cap wasn't holding and leaking the water. When Dollar General built their building, they saw that something wasn't right with the sewer line so they forced him to cut that off. Issuing a lease agreement with the property owner to run the sewer line to Community Road. There were two houses on Community Road that tied into a small catch basin located in a back yard. It has been recommended to request permission to tie into that same catch basin. The property owner said that Water Superintendent Tony Blewitt brought them a water meter, but nothing was discussed about what The Village Administrator explained. The Village Administrator Maurice Hankins explains that there is a ten (10) foot easement on the South side of Dollar General, but Dollar General put in a fence. The owner shares that the house with the catch basin is owned by an investment company. He can't get ahold of the company or to return phone calls. Police Chief Rick Garinger offers to contact the company.

Village Administrator Maurice Hankins shares information about the mower for the Wastewater department. Sharing that the final price is one thousand one hundred three dollars and twenty-five cents (\$1,103.25). That is the mower that Wastewater Superintendent Billy Pennington recommended. David Belknap asks how long the quote is good for because Fiscal Officer Katrina Washington said we would have to get financing, so will that go through before then. Village Administrator Maurice Hankins asked Fiscal Officer Katrina Washington if she was able to get financing for the mower. Fiscal Officer Katrina Washington shares with Council that she recommended for Council to get financing because she is not comfortable with the Wastewater Department spending that much money at one time. Sherri Pennington asks how much they have in their budget. Fiscal Officer refers them to the reports Acting Mayor Lawrence Cunningham and Maurina Collins have. Fiscal Officer shares that the fund balance for the Wastewater department right now is four hundred eighty-six thousand four hundred thirty-eight dollars and thirty-nine cents (\$486,438.39). David Belknap shares with Council that the sales rep at the company recommended to Wastewater Superintendent Billy Pennington to break it down into two (2) payments. Acting Mayor Lawrence Cunningham says if we could do that, that would be fine. Wonders what it would look like with interest if financed. Fiscal Officer Katrina Washington informs Council that she does not know what the final numbers would look like with interest. Further sharing that when the John Deere Skid Steer was financed, going through John Deere Finance was the lowest interest there was. Sherri Pennington asks what the interest was. Fiscal Officer Katrina Washington says she does not remember exactly what it ended up being and does not want to give Council wrong numbers. Advises that; if Council decides to finance; they could make extra payments without getting penalized for paying off early. Fiscal Officer Katrina Washington informs Council that in the end it is up to Council how they want to move forward. She's just informing them of what she would recommend doing. Which is not to pay for it outright, but rather finance it in some way. Sherri Pennington says they don't know what the interest rate would be. Fiscal Officer Katrina Washington says that she does not have those numbers right now. She's just fearful of spending a lot of money upfront, then something big happens. Further explaining to Council the dollar amounts on the reports in front of them, we don't even currently have right now. That's money that we are going to get through the course of the year, and it's not even guaranteed money. Because it's just a guesstimate of what The Village will receive throughout the year. A lot of that money is also already allocated to other things like payroll, Medicare, social security, federal taxes and more. So while that says four hundred and some thousand dollars (\$400,000), you guys don't actually have that much money available to spend out of the Wastewater Department. The proposed mower will be used to cut the yard at the Wastewater Plant, so that money will only be coming out of the Wastewater's budget. It will not be split between multiple departments like the John Deere Skid Steer Machine was. Sherri Pennington changes topics and asks what the Police Department's budget is. Fiscal Officer Katrina Washington says four hundred and some thousand dollars (\$400,000). Sherri Pennington asks where is that on the report

Acting Mayor Lawrence Cunningham and Maurina Collins were given because she did not see that. Fiscal Officer Katrina Washington explains that the Police Department is not broken up individually, it is part of the General Fund. Further explaining that she did send out the appropriation budget report by email. Acting Mayor Lawrence Cunningham brings Council back to the original topic of the mower for the Wastewater Department. Maurina Collins states that it is obviously needed, if we could go with a low interest rate and not penalty to pay if off early. David Belknap looks at the quote and advises Council that it says the quote is subject to acceptance within fifteen (15) days. Terrie Altieri recommends going with Fiscal Officer Katrina Washington's recommendation. Maurina Collins agrees. David Belknap and Sherri Pennington say they don't know how much we have. Acting Mayor Lawrence Cunningham asks Council if we say yes on financing with the contingency that the interest rate is below five or four percent (5% or 4%). Fiscal Officer Katrina Washington informs Council that we will not be able to find those interest rates. There was nothing that low when she was looking for financing the John Deere Machine. Farmers fee to death and there were other companies she spoke with, but they didn't allow early pay off. Terrie Altieri asks about if the company selling the machine offers financing. Fiscal Officer Katrina Washington informs Council that she has not talked to the company. Council has more discussion about financing through the company selling the mower. Fiscal Officer Katrina Washington shares an email she found that states the interest rate was seven percent (7%). That could have been an older email and not the final interest rate when everything was finalized, but it at least gives Council an idea on what they could be looking at. John Deere was the cheapest around and she spoke with four or five (4-5) different companies. There is further discussion about the mower, with Fiscal Officer Katrina Washington informing Council that they need to decide at this meeting because the fifteen (15) day deadline is tomorrow. She will not have an answer on interest rates by then.

David Belknap makes a motion to get the mower without financing. Sherri Pennington seconds the motion. Clerk of Council Katrina Washington asks if rules need to be suspended. Solicitor Tom Reitz says the correct steps are making a motion to purchase the mower without financing, hold discussion, and then any member of the Council can all for a vote during the discussion. Clerk of Council Katrina Washington advises Council that they are in discussion right now then. Maurina Collins asks what about doing it in two (2) payments then. Terri Altieri asks if the company would accept it. Sherri Pennington said she thinks Wastewater Superintendent Billy Pennington talked to the owner and he said it could be done in two (2) payments, but she did not know. David Belknap said he was told that if The Village could do it in two (2) then we could do it in two (2). Terrie Altieri suggests make it two (2) payments then. Solicitor Tom Reitz asks how much each and how far apart. David Belknap informs Council that he does not know that information. Council agrees to just purchase the mower outright; no vote was taken. Solicitor Tom Reitz instructs Clerk of Council Katrina Washington to do a roll call vote which is carried by a 4-0 vote.

Village Administrator Maurice Hankins there were two addresses that needed mowed, but had just been mowed. He looked into the situations further and saw that the back was the section needing mowed. Council all agree that they have never enforced the back yards, only the front yards.

Village Administrator Maurice Hankins asks Zoning Inspector Nick Bellas if he had a letter sent for the hay field. Zoning Inspector Nick Bellas confirms a letter has been sent. Village Administrator Maurice Hankins informs Council that field is agricultural, they grow that field for hay. Zoning Inspector Nick Bellas informs Council that he has sent the Solicitor Tom Reitz some information for review when he got a chance about that situation. Solicitor Tom Reitz informs Council that the classification agricultural is a tax classification. Not a zoning classification. They are not the same thing. Maurina Collins explains that it is used for hay and is only cut when needed. Solicitor Tom Reitz explains that is in violation of The Village's mix use zoning district then. Which is one of the things he wants to talk to Council about with the entire maintenance code. Village Administrator Maurice Hankins informs Solicitor Tom Reitz that they have been using that field to grow hay for their horses and sell to Village residents for many years. Solicitor Tom Reitz says that The Village has not enforced their Zoning Code on that property for twenty years (20), that's not permission. Acting Mayor Lawrence Cunningham asks Zoning Inspector Nick Bellas what can be done about the back yards no getting cut. Zoning Inspector Nick Bellas informs Council that the Code does not differentiate between a front and a back yard. One of the issues will be how do you get the equipment into the back year. Council further discuss what can be done and how notices can be delivered. With Zoning Inspector Nick Bellas explaining that is a topic for further discussion that he will be proposing to Council for review down the road.

Guest Recognition that did not request to be added to the agenda

None

Last Chance for Council to speak on any subject

None

Solicitor Report represented by Tom Reitz

Solicitor Tom Reitz informs Council that after multiple conversations with Zoning Inspector Nick Bellas has expressed concern about the codes not explicitly explaining what can be done for violations. It says that enforcement may take place here, but only against rental properties and only by a housing official. Not by the Zoning Inspector. Zoning Inspector Nick Bellas then asked Solicitor Tom Reitz if it is possible for him to get some of the same enforcement responsibilities as the Housing Inspector. Zoning Inspector Nick Bellas is asking for exterior enforcement only, not interior. As Solicitor Tom Reitz thought about that request he remembered that several years ago a previous Council considered an Exterior Property Maintenance Code, was not of one mind. Eventually, after lengthy discussions, decided not to peruse it. Solicitor Tom Reitz opens the floor to Zoning Inspector Nick Bellas to discuss what is being proposed or give more examples. Zoning Inspector Nick Bellas shares with Council that as he drives around he sees broken windows, gutters falling and a lot of properties that need entire improvements. When you see a City or Village with communities that look nice, it is because they have enacted an Exterior Property Maintenance Code. Giving somebody the Authority to enforce how those properties look. The International Property Maintenance Code is a very large document. This document has been used by a lot of cities across the country. He is not interested in that, but rather something very simple. The goal is not to make HOA, just regular common-sense things. There will be numerous items to consider when presented. Acting Mayor Lawrence Cunningham asks if Zoning Inspector Nick Bellas and Housing Inspector Damel Walker will be working together on this. Zoning Inspector Nick Bellas says yes. The same goes with the Police Department. They share information when they see things as well. He also shares that most cities have a stronger enforcement policy that The Village does. He will also discuss getting an Enhanced Enforcement penalty. This will hit the repeat offenders hard the second time. Zoning Inspector Nick Bellas opens the floor for questions. With no questions from Council, Solicitor Tom Reitz asks Council for their direction. Last time this was proposed, Council said they were not interested. So, he needs to know if they would like him to move forward with this proposal. Acting Mayor Lawrence Cunningham is in support of pursuing the proposal. Village Administrator Maurice Hankins asks how much will all this end up costing The Village. Solicitor Tom Reitz informs Council that he really does not know. Zoning Inspector Nick Bellas will be the one putting the draft together to present to Council for review and modifying. Solicitor Tom Reitz will review the final draft to ensure that there are good enforcements and legal enforcement procedures. Solicitor Tom Reitz further advises Council to turn Zoning Inspector Nick Bellas and Housing Inspector Damel Walker loose on putting together a draft and present it to the Planning Committee.

David Belknap asks Solicitor Tom Reitz what the correct wording would be to have Zoning Inspector Nick Bellas and Housing Inspector Damel Walker work together to accomplish what has been discussed. Solicitor Tom Reitz gives the correct wording: makes a motion to charge Zoning Inspector Nick Bellas and Housing Inspector Damel Walker with providing a list of Exterior Maintenance Enforcement items to the Village Council Committee of the whole for review. David Belknap says that he makes a motion for what Solicitor Tom Reitz said. Maurina Collins seconds what Solicitor Tom Reitz said and it carried with a 4-0 vote.

Acting Mayor Lawrence Cunningham asks Zoning Inspector Nick Bellas is he has anything further to discuss. Zoning Inspector Nick Bellas thanks Council for the computer.

June meetings

Committee Meeting Tuesday June 13, 2023 at 6:00 p.m.

Clerk of Council Katrina Washington informs Council that there is a possibility that she will not be in attendance for the Committee meeting. Council says that is fine

Planning Committee Tuesday June 27, 2023 at 5:30 pm

Public Hearing Tuesday June 27, 2023 at 5:45 pm

Council Meeting Tuesday June 27, 2023 at 6:00 p.m.

David Belknap informs Council that he will not be able to attend the meetings held on June 27, 2023

Solicitor Tom Reitz informs Council that if Sitting Mayor Scott Garrett is not available to be the Mayor, and Davide Belknap can't attend that meeting. Council will need a unanimous vote in order to pass anything. Acting Mayor Lawrence Cunningham acknowledges.

There being no further business, Maurina Collins made a motion to adjourn the Council Meeting. Cheryl Belknap seconds the motion and it carried by a 4-0 vote. The meeting was adjourned at 7:19 pm.

Respectfully Submitted,
Katrina Washington
Clerk of Council

Attest,
Scott Garrett
Mayor

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