

## Minutes of Regular Council Meeting

Held September 22, 2020

At 7:00 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 – present Lawrence Cunningham – present  
Terrie Altieri – present Cindy Cale – present  
Cheryl Taylor – present Sherri Pennington – present

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

Mrs. Cale made a motion to make an addition to the agenda under 10.4, a motion to hire Jeff Scott as a part time police officer effective October 1, 2020. This motion was seconded by Mrs. Taylor and carried by a 6 – 0 vote. Mr. Reitz said Council can make additions or amend the agenda as long as it is a Regular Council Meeting, this does not apply to Special Council Meetings.

Mrs. Altieri made a motion to approve the minutes of the August 25, 2020 Regular Council Meeting, which was seconded by Ms. Belknap and carried by a 6 – 0 vote.

Fiscal Officer Cheree Taylor gave the Financial Reports as follows: The Income Tax collected year to date August 31, 2020 was \$341,207.15. The expenditures for the month of August 2020 were \$120,572.82 in checks and charges. Check numbers 36306 through 36370 were paid from the primary checking account during August 2020 with no checks, voided during the month. Direct Deposit Vouchers 428-2020 through 453-2020 and 459-2020 through 480-2020 were also paid during the month of August 2020. The all funds reconciled balance for August 2020 was \$1,722,743.50.

Village Council President's report by Terrie Altieri – Mrs. Altieri had nothing at the time.

Dispatchers Police, Fire and Rescue Reports for August 2020 by Cindy Cale – Mrs. Cale made a motion to accept the Police, Fire, and Rescue Reports for August 2020, which was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

Mayor's Communication by Scott Garrett – Mr. Garrett thanked Elizabeth Derthick for her effort to get the Village residents registered for the Census. Mrs. Pennington seconded that sentiment.

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 August 2020 as reported. Mrs. Altieri seconded this motion and it carried by a 6 – 0 vote.

Mrs. Cale made a motion to approve the all funds reconciled bank balance for August 2020 in the amount of \$1,722,743.50 as reported. Ms. Belknap seconded the motion which carried by a 6 – 0 vote.

Mrs. Cale read Resolution R-2020-19 **A RESOLUTION AUTHORIZING A CONTRACT WITH BRENNAN, MANNA & DIAMOND, LLC AND REITZ, PAUL & SHORR PERTAINING TO THE PENDING PURDUE PHARMA L.P. BANKRUPTCY AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Ms. Belknap and carried by a 6 – 0 vote. Mrs. Cale made a motion to adopt Resolution R-2020-19, which was seconded by Mrs. Taylor and carried by a 6 – 0 vote.

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

third read. Mrs. Altieri made a motion to adopt O-2020-18, which was seconded by Ms. Belknap and carried by a 6 – 0 vote.

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 second read.

Mrs. Altieri read Ordinance O-2020-22 **AN ORDINANCE APPROVING THE RECODIFICATION, EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF WINDHAM, OHIO.** This was a first read.

Mrs. Altieri made a motion to hire Jeff Scott as a part time police officer effective October 1, 2020. This motion was seconded by Mrs. Cale and carried by a 6 – 0 vote.

Utilities by Cheryl Taylor

Mrs. Taylor read Ordinance O-2020-19 **AN ORDINANCE TO ENACT SECTION 927.07 INTERFERENCE WITH METERS PROHIBITED.** This was a second read.

Service Committee by Cheryl Belknap – Mrs. Belknap had nothing at the time.

Economic Development by Lawrence Cunningham

Mr. Cunningham read Resolution R-2020-13 **A RESOLUTION ADOPTING THE WINDHAM VILLAGE LAND USE PLAN.** This was a third read. Mr. Cunningham made a motion to adopt Resolution R-2020-13, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote.

Parks and Recreation by Sherri Pennington – Mrs. Pennington said the first Fall Fest Meeting was a couple of weeks ago, several Council Members and one community member attended that meeting. Mrs. Pennington said they scheduled an additional meeting on October 21, 2020 at 6:00 p.m. at the Community Building and she will put out additional flyers to try to get more community members to attend.

Planning Commission by Scott Garrett

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

Solicitor's Report by Tom Reitz – Tom Reitz said he has filed a complaint against Elmer and Judy Owens with respect to their nuisance property on Horn Road and they were served with the complaint on September 16, 2020, they have 28 days to file a legal response which states their position on the matter and Mr. Reitz will keep Council updated on the progress of this lawsuit. Tom Reitz said he sought and received a search warrant from Judge Becky Dougherty in regards to 2 dilapidated homes on Center Street owned by Gary Spencer and Howard Spencer, which gave the authority to inspect the homes. Mr. Reitz said the inspections took place on September 16, 2020; this included the Portage County Building Department, Windham's Fire District, Housing Inspector Tom Brett, and the Health Department. Mr. Reitz said all 4 entities determined these houses were dilapidated and unfit for human habitation and have filed reports stating this. Mr. Reitz said he will be writing letters to both owners indicating that they must vacate immediately, the timeframe for compliance is at most 60 days and at the end of 60 days he will state that he will bring suit against them and have them forcibly removed. Mr. Reitz said shortly after the inspection Gary Spencer transferred his property by quick claim deed and so Mr. Reitz's letter will go to the new owner; this will not slow the enforcement process at all. Mr. Reitz said he is requesting an executive session to discuss pending litigation. Mayor Garrett and Council agreed to move executive session to the end of the agenda because there would be no further action taken by the Council, except to adjourn the meeting after returning from executive session.

Guest Recognition – Sheila Moore said she missed the reason for the executive session and Mr. Reitz said pending litigation.

Last Chance of Council to Speak on Any Subject – Mrs. Cale said she sent Council an idea to have Trick or Treat in a central area and she suggested K.T. Elementary School where it can be

monitored and abide by the COVID guidelines. Mr. Cunningham suggested the possibility of having 2 locations by adding the Renaissance Center. Council and Chief Breiding discussed the different scenarios available for Trick or Treat. Council decided to have Trick or Treat on October 28, 2020 from 5 – 7 p.m. and it will be a walk up at either K.T. or the Renaissance Center and all candy will be passed out by the Police Department and the Fire Department. Any residents that would like to donate candy can drop it off at the Administration Building.

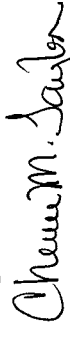
Council looked at the calendar for October 2020. There will be a Public Hearing on Tuesday, October 13, 2020 at 5:30 p.m. There will be a Planning Commission Meeting on Tuesday, October 13, 2020 at 5:50 p.m. The Committee meetings (Parks & Recreation and Committee of the Whole) will be Tuesday, October 13, 2020 at 6:00 p.m. The Council Meeting will be Tuesday, October 27, 2020 at 7:00 p.m. All meetings will be virtual meetings on Zoom. Mrs. Cale made a motion to approve the calendar, which was seconded by Mrs. Altieri and carried by a 6 – 0 vote.

Mrs. Cale made a motion to enter into executive session to discuss eminent litigation and to invite Chief Breiding. This motion was seconded by Mrs. Altieri and carried by a 6 – 0 vote at 7:38 p.m.

Mrs. Cale made a motion to return from executive session. This motion was seconded by Mrs. Pennington and carried by a 6 – 0 vote at 7:46 p.m.

Mrs. Cale made a motion to adjourn the meeting which was seconded by Mrs. Taylor and by unanimous vote the meeting was adjourned at 7:47 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.

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3