

Village of Windham Ohio

Minutes of Regular Council Meeting

Held November 27, 2018

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 Phil Snyder – present
Terrie Altieri – present
Cheryl Taylor – present Stacy Brown – present

Also present were: Patty Moore, Kay Friend, Maurice Hankins, Tom Reitz, Sheila Moore, Cindy Cale, Eric Breiding, Debbie Blewitt, Elizabeth Derthick, Jim Moore, Sandy Patti, Kim Kiser, Trisha Fall, David Fall, Rich Gano, Danny Burns, Ryan Wagner, Sam Knight, Rusty Maiorca, Keith Owen, Nate Garrett, Randie Garrett, Nick Garrett, Dion Delphia, Jamie Cain, and Bob Gaetjens.

Tom Reitz swore in Scott Garrett as Mayor.

Mrs. Altieri made a motion to approve Mayor Garrett's appointment of Deborah Blewitt as the Village Administrator. Mr. Snyder seconded this motion. Mrs. Taylor asked if her recusal because her husband applied for the position, does that carry through for the entire interviewing process even though her husband was not interviewed for the position. Mr. Reitz said yes because once there is a conflict of interest, that causes there to be a conflict throughout the entire process and so Mrs. Taylor did the right thing by recusing herself from the entire process and that put her in compliance of the Ohio Ethics Law. Mr. Reitz said that Mrs. Taylor can vote for the appointment of Debbie Blewitt because her husband is not a consideration at this point. Mrs. Taylor asked why she would vote on this if she knew nothing about the interviewing process that took place. Mr. Reitz said it would be appropriate for Mrs. Taylor to abstain from this vote because she doesn't have the background to make that decision. This motion carried by a 4 – 0 vote, with Mrs. Taylor abstaining.

Mrs. Altieri nominated Mr. Snyder for Council President. Mrs. Taylor seconded this nomination. The vote was as follows: Mrs. Belknap, yes; Mrs. Taylor, yes; Ms. Brown, yes; Mrs. Altieri, yes; Mr. Snyder, yes.

Mr. Snyder made a motion to approve the minutes of the October 23, 2018 Regular Council Meeting, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote.

Mr. Snyder made a motion to approve the minutes of the November 5, 2018 Public Hearing, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date October 31, 2018 was \$358,121.69. The expenditures for the month of October 2018 were \$153,547.91 in checks and charges. Check numbers 34580 through 34668 were paid from the primary checking account during October 2018 with no checks voided during the month. Direct Deposit Vouchers 574-2018 through 604-2018 and 610-2018 through 633-2018 were also paid during the month of October 2018. The all funds reconciled balance for October 2018 was \$1,534,673.66.

Village Council President's report by Mr. Snyder – Mr. Snyder said he would like to make Ms. Brown the chair of the Finance Committee, since Mr. Garrett is now the Mayor. Mr. Snyder thanked the Council and said he will do the best job that he can as Council President.

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

Mayor's Communication by Scott Garrett – Mr. Garrett said this is a new position for him and he will work hard and try to put the Village's interests first and push our agenda forward. Mr. Garrett gave a shout out to Ryan Wagner, our former Water Superintendent, he has moved on to pursue other endeavors, but he did a fantastic job for the Village and we appreciate everything he did for the Village.

Prior requests of guests to speak – Ms. Moore said on the 24th she sent an email to Mr. Reitz, Cheree, and Debbie asking if there was anything in the minutes about a 6 – 0 vote for Sensible Windham at the Council table at any time. Ms. Moore said she got from Cheree that there was not. Ms. Moore asked if anyone found anything on this matter. Debbie Blewitt said herself and Cheree researched that and if she were sitting up there tonight, she would owe Ms. Moore an apology because the 6 – 0 vote was to put the single trash hauler on the ballot and Ms. Blewitt said that was her mistake. Ms. Moore said she doesn't really believe that, so she is going to start her three minutes now. Ms. Moore said this evening Council approved the minutes from last month's Council meeting that were not accurate, they were not inaccurate because of how they were transcribed, but in the information that was given by the Mayor last month at the end of the meeting regarding Sensible Windham topic that Ms. Moore asked about at the end of the meeting. Ms. Moore said Ms. Blewitt's comments were not only misleading, but in fact 100% false. Ms. Moore said she asked how this ballot issue came to Windham and Ms. Blewitt gave her rendition of events and of course as we know now, left out a lot of things, but that is not what Ms. Moore's concern is tonight. Ms. Moore said her concern is that Ms. Blewitt said and this is from the minutes, "Mayor Blewitt said we had to approve it and Ms. Moore was on Council at that time and the vote was 6 – 0". Ms. Moore said she asked when this vote was because she didn't remember it, she said no one had an answer at that time so she went home and went through all the Council and Committee minutes from June forward, after that research she immediately that evening sent an email to Cheree, the solicitor, and the Mayor asking "I have looked for the 6 – 0 vote for Sensible Windham mentioned by Debbie tonight and I don't see anything in any meeting, I would appreciate it if someone would direct me to that vote, I don't recall it and again I don't see it. Thank you, Sheila". Ms. Moore said to this moment, except for right now, she had heard, only from Cheree, that Ms. Taylor went back through the minutes and didn't find anything on Sensible Ohio, but Ms. Taylor did find an email from Tom Reitz about the initiative petition and it was her thought that Council did not vote on this, nor was it required to be voted on and if Ms. Taylor found anything else she would forward this to Ms. Moore. Ms. Moore said the Solicitor's letter to the Mayor refers to Ms. Blewitt asking on behalf of her friends from Sensible Windham to research this matter, should it be on the ballot or not and the quote from the Solicitor is "no statute I found requires action by this Council on this matter", for that reason Mr. Reitz said he did not prepare any legislation for Council on this matter and this email was on July 20th. Ms. Moore said it was clear over and over that she was talking about Sensible Windham and not a trash hauler. Ms. Moore said her concern that night and today is that she has spent most of her life, with her feet firmly planted as a proponent in any effort against illegal drugs, she has lost and suffered and prayed with friends and loved ones that have had drug addictions, currently and in the past, and she has worked with organizations in different cities where she has traveled in the fight against drug abuse. Ms. Moore said she believes that illegal substance use and abuse is not only a killer of an individual, but it's a killer of families and communities. Ms. Moore said if this was just a one of a kind situation, where Ms. Blewitt misspoke, she would still have to go on record and correct it, but this is routine, this is a pattern behavior that has gone on since Ms. Moore was on Council, for several years now. Ms. Moore said since now Council has put Ms. Blewitt in a position with different authority and contact with more of our Village vendors and people that come into town, Ms. Moore remains concerned about Ms. Blewitt's veracity of any of her comments and her work in the future for the Village.

Jim Moore said he is not sure what the plan is for the recycle bins in the future. He knows that they need to be moved off of school property. The cost of recycle bins is split between the Township and the Village, each paying \$800 for the year. Mr. Moore said he is concerned that there may be an effort to try and get rid of the recycle bins, there are a lot of constituents in the Village and the Township that use the recycle, sometimes it's picked up twice a week. Mr. Moore said the drop dead date to move the bins is December 1st but he spoke with Mr. Isler and he said that the bins can remain where they are until March 1st. Mr. Moore said he spoke with Rich Gano and asked him if the Township has some place to put the recycle bins. Rich Gano said thanked the Village for housing the recycle bins for all these years. Mr. Gano said he will get in contact with the EPA about the Rubino property in the Township and if that property is given to the Township, they will put the recycle bins out there. Mr. Garrett said he doesn't to see the recycle go away either. Debbie Blewitt said she thought about the property behind the Post Office, and the access would be the road to the old KT property. It has to be in the open, there is lighting back there. The school doesn't like that idea because of the blowing trash, but the Village and the Township are both responsible for keeping that cleaned up. Cindy Cale asked if that would hinder where Life Flight lands. Rich Gano said that there is plenty of room in that field for Life Flight to land. Jim Moore asked what the plan is for addressing the Housing Rental License Fee for the landlords that are not paying. Mr. Garrett said the plan is to assess property taxes if these fees aren't paid. Mr. Garrett said they are also looking to up the fee and make it an every other year requirement.

Finance by Stacy Brown

Ms. Brown made a motion to approve the Fiscal Officer's expenditures for the month of October 2018 as reported. Mr. Snyder seconded this motion and it carried by a 5 – 0 vote.

Ms. Brown made a motion to approve the all funds reconciled bank balance for October 2018 in the amount of \$1,534,673.66 as reported. Ms. Belknap seconded the motion which carried by a 5 – 0 vote.

Ms. Brown read Ordinance O-2018-27 **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. Ms. Brown made a motion to adopt Ordinance O-2018-27, which was seconded by Mr. Snyder and carried by a 5 – 0 vote.

Ms. Brown read Ordinance O-2018-28 **AN ORDINANCE ADDING THE POSITION OF ADMINISTRATIVE ASSISTANT AND 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 AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote. Ms. Brown made a motion to adopt Ordinance O-2018-28, which was seconded by Mr. Snyder and carried by a 5 – 0.

Safety, Personnel, Rules (SPR) by Stacy Brown

Ms. Brown 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 third read. Mr. Snyder made a motion to adopt Resolution R-2018-27, which was seconded Ms. Brown and carried by a 5 – 0 vote.

Ms. Brown made a motion to enter into executive session to discuss hiring personnel. This motion was seconded by Mr. Snyder and carried by a 5 – 0 vote at 7:26 p.m.

Mr. Snyder made a motion to return from executive session. This motion was seconded by Ms. Brown and carried by a 5 – 0 vote at 7:56 p.m.

Mr. Snyder made a motion to hire Elizabeth Derthick as the Administrative Assistant at the rate of \$15/hour, effective December 17, 2018. This motion was seconded by Ms. Brown and carried by a 5 – 0 vote.

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

Service Committee by Phil Snyder

Mr. Snyder read Resolution R-2018-32 **A RESOLUTION AUTHORIZING A CONTRACT WITH ROBERT W. DONHAM, II, FOR ENGINEERING DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE WINDHAM ROAD IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote. Mr. Snyder made a motion to adopt Resolution R-2018-32, which was seconded by Mrs. Taylor and carried by a 5 – 0 vote.

Mr. Snyder read Ordinance O-2018-31 **AUTHORIZING THE VACATION OF PARK COURT AND ADJACENT AREAS ON MAPLE GROVE ROAD IN THE AREA OF BROOK COURT AND DECLARING AN EMERGENCY** and made a motion to suspend the rules, which was seconded by Ms. Brown and carried by a 5 – 0 vote. Mr. Snyder made a motion to adopt Ordinance O-2018-31, which was seconded by Mrs. Altieri and carried by a 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 delivered the Golden Tickets to KT today. Ms. Belknap said that Garrettsville and Braceville Fire Departments will be in the Parade of Lights. Ms. Belknap said she has distributed information on the house decorating contest.

Planning Commission by Scott Garrett

Mr. Snyder said he would take this section. Cheree Taylor said she thought the Mayor was the chair of the Planning Commission. Mr. Reitz said no, the Mayor has to attend, but the Mayor is not the Chair of the Planning Commission. Cheree Taylor said she thought that was what was stated in the Ordinance. Mr. Reitz said the Chair is Larry Kuhlman.

Mayor Garrett 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 third read. Mr. Snyder made a motion to adopt Ordinance O-2018-24, which was seconded by Ms. Belknap and carried by a 5 – 0 vote.

Mr. Garrett read Resolution R-2018-33 **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. Snyder made a motion to suspend the rules, which was seconded by Mrs. Altieri and carried by a 5 – 0 vote. Mr. Reitz said Council must decide on a date for the Public Hearing before adopting this Resolution. Council discussed possible dates and decided on Tuesday, January 8, 2019 at 5:45 p.m. and the Organizational Meeting will be at 6:00 p.m. Mr. Snyder made a motion to adopt Resolution R-2018-33, which was seconded by Ms. Brown and carried by a 5 – 0 vote.

Mr. Garrett read Ordinance O-2018-29 **AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING MAP BY REPEALING THE EXISTING MAP AND AUTHORIZING AND APPROVING A NEW MAP CHANGING THE ZONING CLASSIFICATION OF 9153 MAPLE GROVE ROAD AND OF 9486 COMMUNITY DRIVE FROM THE R-2 RESIDENTIAL ZONING DISTRICT TO C-1 COMMERCIAL ZONING DISTRICT.** This was a first read.

Mr. Garrett read Ordinance O-2018-30 **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 ZONING DISTRICT.** This was a first read.

Solicitor's Report by Tom Reitz – Mr. Reitz said the Council has 30 days to hold an election among themselves to fill the vacant Council seat that was left by Mr. Garrett. Mr. Reitz said the Council can advertise this position and they can hold the vote in any fashion, by ballot or by voice vote. Mr. Reitz said if Council does not fill the vacancy within 30 days, then the Mayor will appoint someone to fill that vacant Council seat. Council said to advertise in the Villager and put it on the Village website and tell the public to submit letters of interest. Cheree said to put it on the Facebook page and Debbie Blewitt said that was not a government page, it was just an information page and it has been gone for a couple of months. Cindy Cale said she had a comment for Mr. Reitz, according to our ordinance, 149.02, it says the Mayor shall be chairman of the Planning Commission. Mr. Reitz said thank you.

Guest Recognition – Ryan Wagner thanked Mr. Garrett for his kind words, but at the same time he is a little confused, he said in his contract he has it noted that he was supposed to have a 30 day notice. Mr. Wagner said he doesn't know if all of Council was aware, but he did leave his position at the Village to better himself, for a better opportunity. Mr. Wagner said that when the stuff happened at the plant he was coming in at 7:00 a.m. and he wasn't leaving until 9 or 10 o'clock at night. Mr. Wagner said as soon as he got the problem reconciled, he got officers showing up at his house, honestly it was like a slap in the face and kind of spineless, if he did such a great job, if he killed himself for 14 hours, why would the cops have to come to his house and tell him that he doesn't get a 30 day notice, we don't care that you got fired from your job, we need the laptop back. Mr. Wagner said he got a certified letter that said your services will no longer be needed. Mr. Wagner asked if someone could explain what the problem was. Mr. Garrett said typically we don't discuss personnel issues in open session, but we can have a meeting. Mr. Wagner asked if the Mayor can just terminate a contract without Council's knowledge. Mr. Reitz said a contract can be terminated for nonperformance, other than that Mr. Reitz said he would not elaborate any more in this meeting, but if Mr. Wagner

would like to talk about just ask the Mayor, they'd be happy to meet with him and Mr. Reitz would go over the specifics and hear his side of the story. Mr. Garrett told Mr. Wagner to get a hold of him and they could set up a meeting. Mr. Wagner asked if he should hold off submitting his bill because it was explained to him that it would be prorated and Mr. Reitz said to bring it to the meeting and they can discuss that also. Ms. Moore said she doesn't remember discussing Rob Donham having another contract in Committee because this just appeared on the agenda, what is he doing, it has the usual language, but we have someone working from three states away again. Ms. Moore said she's sure Council has back up documentation, what does it say. Mr. Reitz said the Village is obligated to hold meetings in open public, they do that, they have Committee meetings, which are also obligated to be held in open public, they have records which are available to people upon request. Mr. Reitz said when you get to the section of the meeting where the public can speak, it's not cross examination of the Council, you're permitted to speak you piece, but if you have a concern and you come to the meeting and expect the people up on the dais here to have the answer at their fingertips, it's pretty unlikely that's going to happen. Ms. Moore said they should have that in front of them at some point, so how come no one can answer that question or they just don't want to, she said she is not asking for details, just what is he doing. Mr. Reitz said it is to manage the repaving in the Village. Sam Knight asked why as the Village Council are we hiring someone who is so far away, is there nobody else that is qualified, it has to be Rob Donham. Mr. Garrett said Rob is a certified engineer and quite honestly has given us great deals on engineering, about half the price of what we would pay someone else. Mr. Garrett said when Rob was mayor; he did all of the Village's engineering for free because he was the Mayor. Ms. Moore said which was a violation. Mr. Reitz said it is not a violation. Mr. Garrett said after Rob resigned we hired him as a subcontractor from time to time, again we are on a limited budget, so when we can save thousands of dollars by doing so, that's what we do.

Last Chance of Council to Speak on Any Subject – There was nothing at the time.

Council looked at the calendar for December. The Committee Meetings will be Tuesday, December 4, 2018 at 6:00 p.m. and Tuesday, December 11, 2018 at 6:00 p.m. There will be a Planning Commission Meeting before the December 11, 2018 Committee Meetings at 5:30 p.m. The Council Meeting will be Tuesday, December 18, 2018 at 7:00 p.m. Fill-A- Cruiser will be Saturday, December 8, 2018 from 1 – 3 at Dollar General. The Parade of Lights will be Sunday, December 9, 2018 from 6 – 9.

Mr. Garrett said the Village is going to retain Maurice Hankins as a consultant for the month of December to train Debbie Blewitt as his current rate of \$578/month.

Mrs. Altieri made a motion to adjourn the meeting which was seconded by Mr. Snyder and by unanimous vote the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Attest,

Cheree M. Taylor, Clerk of Council

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.