

*Village of Windham, Ohio*  
**Minutes of Council Meeting**

Held July 25, 2017

At 7:00 p.m. The Honorable Mayor Deborah Blewitt called the meeting to order and led in the pledge of allegiance to the flag of our country.

Roll Call:	Sandy Patti – present	Cheryl Belknap – present
	Scott Garrett – present	Phil Snyder – present
	Cheryl Taylor – present	Stacy Brown – present

Also present were: Thomas Reitz, Ryan Wagner, Tommy Douglas, and Bill Chochko.

Mr. Snyder made a motion to approve the minutes of the June 27, 2017 Regular Council Meeting, which was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Fiscal Officer Taylor gave the Financial Reports as follows: The Income Tax collected year to date June 30, 2017 was \$283,423.10. The expenditures for the month of June 2017 were \$206,581.00 in checks and charges. Check numbers 33270 through 33357 were paid from the primary checking account during June 2017 with no checks voided during the month. Direct Deposit Vouchers 283-2017 through 308-2017, 314-2017 through 333-2017, and 336-2017 through 353-2017 were also paid during the month of June 2017. The all funds reconciled balance for June 2017 was \$1,429,144.43.

Village Council President's report by Scott Garrett – Mr. Garrett had nothing at the time.

Dispatchers Police, Fire and Rescue Reports for June 2017 by Mrs. Taylor – Mrs. Taylor made a motion to accept the Police, Fire and Rescue Reports for June 2017, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Mayor's Communication by Deborah Blewitt – The Mayor said she met with Amy Craft and a gentleman that is interested in buying the old Mexican Restaurant across the street to open a market with grant funding. The market will be mainly meat and produce and hopefully will be funded by the grant that Senator Ecklund brought forward that is for food deserts. Amy Craft will be writing the grant. The Mayor said she wants to write letters to Senator Ecklund, Sherod Brown, and Tim Ryan to hopefully get their support for this grant. The top amount for this grant is \$250,000. The Mayor said she spoke with Tom Brett about the fencing issues around town. She said Tom Brett will start with two streets at a time and start addressing any fence issues in the Village. The Mayor also asked Tom Brett to look at 9051 Spring Drive. It is an abandoned house, for about 3 years, and the Mayor believes it to be a nuisance property. The Mayor said the Land Bank has an additional \$250,000 and if the Village has nuisance properties that need taken down, she would like to use the Land Bank for this so the Village does not have to pay for the demolitions. The Mayor said we will be moving to the New Administration Building, Saturday, July 29, 2017 and she asked Council to help if they are available. The Mayor said that JC Electric will be putting in additional electrical outlets in the Safety Clerk's office tomorrow. The Mayor asked Council to please be available on August 1, 2017 to help with National Night Out.

Prior requests of guests to speak – None  
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Finance by Scott Garrett

Mr. Garrett made a motion to approve the Fiscal Officer's expenditures for the month of June 2017 as reported. Ms. Patti seconded this motion and it carried by a 6 – 0 vote.

Mr. Garrett made a motion to approve the all funds reconciled bank balance for June 2017 in the amount of \$1,429,144.43 as reported. Mrs. Taylor seconded the motion which carried by a 6 – 0 vote.

Mr. Garrett read Ordinance O-2017-16 **AN ORDINANCE ELIMINATING THE POSITION OF UTILITIES CLERK SPECIALIST (PART TIME) 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.** Mr. Garrett asked if this was going to be three reads or if Council was passing this as an emergency. Tom Reitz explained that the only thing that has changed on this Ordinance is the removal of the Utilities Clerk Specialist position. Tom Reitz said he has been told that there is no further need for the position, due to the fact that there is better equipment, which reduces the need for certain manpower and the current Utilities Clerk is the person that is actually doing this job. Tom Reitz said this is a reduction in staff and considered a cost savings move. Tom Reitz said that when he was asked to draft this legislation he was not told anything that would make him think this was an emergency, so he did not draft it as such. Tom Reitz told Council that they also have the discretion to suspend the rules that each piece of legislation should be read on three separate occasions. Tom Reitz said that by suspending the rules, by a super majority of five, that Council can act on this tonight and it will take effect 30 days from now. Mr. Snyder made a motion to suspend the rules, which was seconded by Ms. Patti and carried by a 6 – 0 vote. Mr. Garrett made a motion to adopt Ordinance O-2017-16. This motion was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Safety, Personnel, Rules (SPR) by Phil Snyder – Mr. Snyder had nothing at the time.

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

Service Committee by Sandy Patti – Ms. Patti had nothing at the time.

Economic Development by Phil Snyder

Mr. Snyder made a motion to approve the Mayor appointing Sheila Moore to the Economic Development Committee. This motion was seconded by Ms. Patti and carried by a 6 – 0 vote.

Parks and Recreation by Mr. Snyder

Mr. Snyder made a motion to approve the Mayor appointing Casey Timmons-Blewitt to the Parks & Recreation Committee. This motion was seconded by Mr. Garrett and carried by a 6 – 0 vote.

Mr. Snyder made a motion to approve raffling the donated Step 2 play equipment at National Night Out. This motion was seconded by Mrs. Taylor and carried by a 5 – 1 vote.

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Tom Reitz asked if this is equipment that has been owned by the Village for quite some time. The Mayor said that this equipment was donated years ago and no one ever put it up and it is really not anything that the Village can put up and ground properly so that it will be safe to play on, so the Parks & Recreation Committee voted to raffle it off at National Night Out to raise some money for this committee. Tom Reitz asked if the value of the equipment was less than \$100. The Mayor said she did not know and in fact she did not know if the equipment was even still any good because it had been sitting in the garage for years. Tom Reitz said the reason for his question was because Council cannot give away property owned by the Village. Mr. Reitz said that he didn't just pick the figure of \$100 and by statute in Ohio it is permissible to dispose of property that is no longer needed for municipal purpose and that is probably found pretty easily since the Village has owned this equipment for several years and you don't really know what the equipment is worth. Mr. Reitz requested that Council pass another motion stating that the total sum of this equipment, regardless of its value, is no longer needed for any municipal purpose and for that reason the raffle Council discussed should be approved. Mr. Garrett made this motion and Ms. Belknap seconded the motion. The motion was carried by a 6 – 0 vote.

Planning and Zoning by Deborah Blewitt – Mayor Blewitt had nothing at the time.

Solicitor's Report by Tom Reitz – Mr. Reitz asked Council to recall the Kubota tractor that was leased by the Village and damaged when the earth gave way and it flipped on its side while the Village was using it. It was a rented piece of equipment and a claim was submitted to the Village's insurance company, who promptly investigated this claim and payed approximately \$8,000 for the damages on the Village's behalf. About a month after the initial claim, a subsequent claim was made by the owner of this equipment, stating that the equipment was damaged more than the initial claim paid for. The Village's insurance sent out an investigator who determined that there were 10 hours of use on this piece of equipment between the time the Village's insurance paid to have it repaired and the subsequent claim was filed. This brought into question that the equipment had been used additionally or if it was still broken from the incident of the Village's rental and it was being used in a broken condition. Tom Reitz said that the owner was asked to submit in more detail either an invoice or an evaluation from a dealer stating the additional damage. The owner did submit the additional details; however the submission was over a period of about 33 months. This amount of time creates the opportunity for all kinds of additional things to have occurred to this equipment, and in fact if the equipment just sat for the 33 months, there would be some deterioration to the equipment. Tom Reitz said that he received a letter from the owner of this piece of equipment (PCMT) stating he wanted to be compensated for this additional damage. Mr. Reitz said he submitted the letter to the insurance company this afternoon and the adjustor replied back stating that this does not add up and Mr. Reitz was in agreeance with this. Mr. Reitz said he will receive a letter from the insurance company stating that this does not add up and he will then forward this letter to the owner of this equipment. Mr. Reitz said that he thinks he can convince the insurance company to pay some nominal amount to settle the matter and close the claim. Tom Reitz said if he cannot convince the insurance company to pay a nominal amount and settle this, the owner of this equipment is not going to be happy. Tom Reitz said he does not think the amount involved is enough for the owner to sue the Village and he also does not think that the owner would prevail in court if he did sue. Tom Reitz said that he does believe the owner of the equipment will say that the Village rented his equipment and damaged it and only partially paid to fix it. Tom Reitz said in his view that is not an accurate statement of what happened and he did not want Council to hear about this second hand. Ms. Patti asked what additional compensation the owner was asking for. Mr. Reitz said the owner is claiming another \$3,000 in damages. The insurance adjustor who went to look at the equipment after the initial \$8,000 repair said that the \$3,000 might be a fair amount; however the owner cannot show that this additional damage was

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caused by the Village's operation. Mr. Reitz said if the owner had acted on this additional damage claim sooner, before there was an additional 10 of use put on the equipment, then his case would be much stronger because the additional 10 hours of use brings into question whether the equipment was damaged again during those 10 hours and whether the equipment was properly fixed the first time.

Guest Recognition – Tommy Douglas asked how long it takes the Village to clean up junk on someone's property. Mr. Douglas was talking about Elmer Owen's property on Horn Road. He said Mr. Owen's fence is falling down and he cannot mow around it. Mr. Douglas said Mr. Owens tied the fence up with rope and did not really fix it. The Mayor said the Village has been battling this issue for a while and he is not the only one who has complained about this property. The Mayor asked Tom Reitz what can be done about this property. The Mayor said the Police Chief has fined him previously. Tom Reitz said there are two enforcement procedures that can be done, however the Village should only use one. The first procedure is a criminal charge (maintaining a nuisance) and Mr. Reitz said that is sounds like that are taking place. He said each day is a separate violation and that often that is the path of least resistance because it is not taking any money out of the Village's pocket. Mr. Reitz said the other procedure is a civil suit, where the Village would send a notice for an inspection and the zoning inspector would go and take pictures of the nuisance property. Mr. Douglas said he has taken pictures and he would allow the Village on his property to take pictures also. Mr. Reitz said the Village would then send Mr. Owens an enforcement letter, with a 30 day deadline to correct this nuisance and then the Village would go back out to the property and do a reinspection and take more pictures. If at reinspection the property is not cleaned up then the Village would take it to court and file a civil lawsuit asking the court to grant the Village authority to go on this property and clean it up and then assess the property taxes. Tom Reitz said this procedure can get costly. Mr. Reitz said that without seeing the property he is not comfortable advising the Village as to what procedure to take. Tom Reitz said he would look at the property this evening and discuss the options with the Police Chief. The Mayor said Mr. Reitz will go look at the property this evening and Sandy Patti will come out and take pictures and the Village will go after him to clean it up. Mr. Douglas also said he is having problems with his water. Ryan Wagner said he would look into it. Bill Chahko said he just wanted to introduce himself to Council. He recently purchased Jim and Patty Moore's property, the white quadplex next to Stoney's. Mr. Chahko asked if Windham was still in consideration for the Missile Defense Program and wanted to know if Council had heard anything on this subject. The Mayor said we are still in the final three for this project and said that there is a Missile Defense website that will give you information on this project. The Mayor also told Mr. Chahko that Tom Brett is the current housing inspector.

Last Chance of Council to Speak on Any Subject – Mr. Snyder addressed Council and said he will not be seeking reelection in November; however he would like to continue to sit on the Parks & Recreation and Economic Development Committees as a Village resident. Mr. Snyder said he will continue to support the Council and he really appreciates the opportunity to have worked with everyone on Council and he is very proud of everything Council has accomplished. Mr. Snyder also commended Mayor Blewitt on the job she has done as mayor. Ms. Patti said she would like to declare her support for Mayor Blewitt in the upcoming election.

Council looked at the calendar for August. The Council Meeting will be Tuesday, August 22nd, 2017 at 7:00 p.m. and the committee meetings will the second Tuesday, August 8th, 2017 and the third Tuesday, August 15th, 2017, both at 6:00 p.m. Ms. Patti made a motion to approve the August calendar, which was seconded by Mr. Snyder and carried by a 6 – 0 vote.

Mr. Garrett made a motion to adjourn the meeting which was seconded by Mrs. Taylor and by unanimous vote the meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Attest,

Cheree M. Taylor, Clerk of Council

Deborah Blewitt, Mayor

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