
**VILLAGE OF OAKWOOD
SPECIAL COUNCIL MEETING MINUTES
July 30, 2019**

PRESENT:

Johnnie Warren-Council President
Chris C. Callender – Ward 1
Eloise Hardin – Ward 2
Anthony A. Akins – Ward 3
Patricia Rogers – Ward 4
Candace Williams – Ward 5

Gary Gottschalk-Mayor
James Climer-Law Dept.

ABSENT:

Elaine Gaither – Council-at-Large
Tom Haba – Service Director
Mark Garratt-Police Chief

Brian Thompson-Finance
Dan Marinucci-CBO*
Ed Hren-Engineer
Carlean Perez – Recreation Director
James Schade-Fire Chief

* Arrived after roll call

Warren opened the meeting at 6:15p

Pledge of Allegiance was recited, and roll call was taken.

2019-36 An ordinance to amend the Oakwood Village zoning map to change the zoning classification of certain property located on Forbes Road in the Village from residential one-family district (R1F) and office-laboratory planned development overlay district with an underlying classification of residential one-family district (R1F) to light industrial district (I-1) and submitting said rezoning issue to the electors at the election of November 5, 2019

3rd reading

Hardin: I will vote yes with my previous statements regarding having no egress and traffic on Forbes Road.

Motion to adopt made by Hardin seconded by Rogers

YES: Warren, Callender, Hardin, Akins, Rogers, Williams

2019-39 An ordinance to amend the Oakwood Village zoning map to change the zoning classification of certain property located on Oakwood Parkway and Mt. Zion Circle in the Village from public facilities district (PF) under CO. Ch. 1176, office-laboratory district (OL) under C.O. Sec. 1169.05 and residential one-family district (R1F) under C.O. Sec. 1165.03 to light industrial district (I-1) under C.O. Sec. 1173.02 and submitting said rezoning issue to the electors at the election of November 5, 2019

3rd reading

Motion to adopt made by Hardin seconded by Callender

YES: Warren, Callender, Hardin, Akins, Rogers, Williams

2019-44 An ordinance amending Oakwood codified ordinance 140.07 to remove limitations on use of the Village's recreational facilities

Climer: This is the issue I have discussed with Council in prior meetings. The parks ordinance limits the use of our parks to Village residents. By doing so, we forfeit recreational use immunity available under the Ohio Revised Code. If someone is injured there, we can be held liable for negligence that causes defect. There was an incident which caused our

insurer to pay a hefty settlement in a case where a gentleman was swinging on our swings when it broke; he suffered both ankles being broken. It is the insurers recommendation, and mine, to amend the ordinance. The Police Chief said this will cause an issue enforcing the basketball courts since there have been difficulties. Another reason for amending this for the Oakwood Park area, is the restrictions, due to the grant in which the land was purchased requires us to open it to the public. Technically we are in breach of the grant. The resolution we would recommend, all facilities be open except for the basketball courts and those be reserved for Oakwood residents. **Mayor:** With the basketball court on Booker and Kentucky, there is a set of swings. What does that mean? **Climer:** As the ordinance is presently phrased, it only addresses basketball courts. **Mayor:** That is fine since that is the issue. **Williams** asked the Police Chief's concern. **Climer:** His concern is the basketball courts are a place where a lot of enforcement issues occur. They can deal with those issues when something comes up, finding out if they are residents and if they are not, they are asked to leave due to the rule. Without that rule he is concerned about maintaining control. The issues have died down since he started enforcing the rules. There are a lot of reasons we need to open the rest of it. First, we have never historically limited the use of the other park. Secondly, we lose this immunity under state law if we have it limited to residents. Thirdly, we are in violation of the grant funds we were given to purchase the property. The U.S. Dept. of Interior may knock on our door. **Williams:** Did he counteract the problem he had? **Warren:** Everything will be open to the public with exception to the basketball courts. **Climer:** Correct. We are removing the residency restriction other than the basketball courts. **Rogers** asked the hours of operation. You mentioned 751.05. **Williams:** Why is this pulled into a special meeting? **Climer:** It was on the agenda for second reading. **Williams:** I thought when the meeting was set for the first two ordinances. **Climer:** Debbie's thought was, let's clear up the rest of the legislation since we are having a special meeting rather than leaving it on the next regular agenda. **Williams:** I want to talk about it. **Rogers:** Another time. **Mayor:** Regarding the basketball courts, our residents aren't the issue. Their friends, who are 18 years old, drive here from other communities when 13-year-old kids are playing there. That is where drugs, loud noise and other issues occur. **Hardin** asked about the ordinance. **Climer:** I do not have the red-lined version. It is amending 2018 to 2019. **Rogers** asked if the hours of operation should be included. **Climer:** They are referenced to section 541. We weren't addressing those. **Warren:** In larger cities, the Recreation Dept. controls the hours of operation. **Climer:** The hours will be posted. **Warren:** That hasn't changed. **Rogers** asked what the hours are. **Warren** asked who do residents see to rent the park. **Rogers:** The front office. Is there a sign posting hours at the park? **Warren:** We should post those within the rental agreement but like Councilpersons Rogers and Williams are saying, it should be posted. **Climer:** In the case I dealt with a few years ago, there was a posting of sunset to sundown. There is something in the rental agreement. **Warren:** We were just saying not incorporating it in the legislation but having administration deal with that. **Mayor** will have the hours of operation recommendations. **Williams:** There are no compliance issues with the basketball courts? **Climer:** Correct, it is with the Oakwood Park.

Motion to suspend made by Hardin seconded by Williams

YES: Warren, Callender, Hardin, Akins, Rogers, Williams

Motion to adopt made by Hardin seconded by Rogers

YES: Warren, Callender, Hardin, Akins, Rogers, Williams

2019-46 A resolution of congratulations to Sari Feldman on her retirement from the Cuyahoga County Public Library

Mayor: For several years their staff joined our Google class in camp and rendered their services free of charge.

Motion to suspend made by Akins seconded by Callender

YES: Warren, Callender, Hardin, Akins, Rogers, Williams

Motion to adopt made by Hardin seconded by Akins

YES: Warren, Callender, Hardin, Akins, Rogers, Williams

2019-47 A resolution of condolences to the family of Elizabeth "Liz" Walden

Hardin asked for the "introduced by" to include Callender instead of Hardin. **Warren** made a note.

Motion to suspend made by Hardin seconded by Callender

YES: Warren, Callender, Hardin, Akins, Rogers, Williams

Motion to adopt made by Williams seconded by Rogers

YES: Warren, Callender, Hardin, Akins, Rogers, Williams

2019-48 An emergency ordinance authorizing the Village's participation in a project to make concrete pavement repairs on Columbus Road from Richmond Road to the west corporation line with the City of Bedford Heights and authorizing the Mayor or his designee to execute documents in furtherance of this project, and declaring an emergency

First reading

Hardin asked about it. **Mayor:** They need us to approve the project. **Hardin:** They obtained the funding. **Mayor:** We paid a portion, but Bedford Heights initiated it. It hasn't been touched for 25 years. **Hardin:** How much did we pay?

Rogers: \$50,000. **Hardin** asked this to be first reading.

2049-49 An emergency ordinance amending existing sections 751.01, 751.02, 751.05, 751.06, 751.07 and 751.99,
Solicitation and repealing section 751.04 of the Oakwood Village codified ordinances

Climer: This is the solicitation ordinance presented, due to the court cases and to get ourselves legal. **Hardin:** Someone called and asked how this affects religious organizations. **Climer:** Religious and charitable organizations are exempted from the need to get a permit, due to a Supreme Court decision under first amendment rights. **Hardin:** Administration is offering signs for residents who don't want solicitors. All I do is call and I get a sign. **Mayor:** You will be put on a list and get signs soon. If you have a no solicitation sign, it has to be honored. **Warren** asked how it is enforceable. **Climer:** They aren't allowed to knock on your door. If they come into your yard when you are outside, and you engage in a voluntary conversation, they haven't violated anything. **Hardin:** I was talking to a neighbor and asked whose car was parked on the road. The young man was ringing doorbells in the area. I asked if he received a permit and he responded yes. What do you give them to show they are registered? They should have a permit or something from the Village. **Climer:** They receive a form. **Mayor:** They are given a copy. **Warren:** Someone must tell them they have to have that form with them to prove they are approved to solicit. **Hardin:** Date it as well. She asked the Mayor to include this in the next newsletter; I can ask to see what they are carrying. **Rogers:** I want it to state what ordinance we are amending. **Climer:** It is the solicitation ordinance. **Rogers:** Is it replacing it? **Climer:** It is amending certain sections in the codified. You have the red-lined version. **Warren:** That was in the last packet. **Climer:** A lot has to do with recent changes in the law; court decisions and a sixth circuit decision as to what we can do. **Hardin:** You have so much time after you sign a contract to change your mind; correct? **Climer:** In a consumer contract. **Hardin:** Is there any further way to protect our residents if I am solicited and not following these rules, could that negate the contract too? With the recent storm, we were bombarded with companies coming around who saw shingles on the road. They made certain agreements for residents to sign with 48 hours to change your mind for them to do the work. I think this is another opportunity to protect our residents locally. **Climer:** We have the state law which has spoken on the law of consumer contracts. We can't pass a local ordinance which directly conflicts with that law. I can check that out. **Warren:** There is a three-day rescission law. I agree for ordinance 2019-49 canvassing and solicitation should be included in the description. Someone just reading numbers doesn't have any reference point. **Climer** will change the preamble. **Warren:** We will ask Debbie for the official version. I will wait until Debbie amends it to sign it.

Motion to suspend made by Hardin seconded by Williams

YES: Warren, Callender, Hardin, Akins, Rogers, Williams

Motion to adopt made by Hardin seconded by Akins

YES: Warren, Callender, Hardin, Akins, Rogers, Williams

2019-50 A resolution of concern relating to the future of the former St. Peter Chanel facility and declaring an emergency

First reading

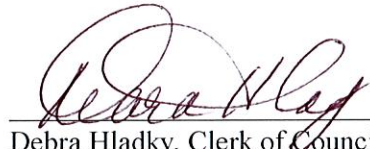
Hardin asked for a separate meeting night for a Finance meeting in September. **Warren** suggested the third Tuesday in September for a full review. **Williams:** We haven't had a full review of the finances since March. I want all the monthly reports we have requested through July. **Warren:** Year-to-date. **Williams:** We requested other reports we did not receive.

Motion to adjourn made by Hardin seconded by Akins
YES: Warren, Callender, Hardin, Akins, Rogers, Williams

Adjourned 6:29p

Approved: _____


Johnnie Warren, President


Debra Hladky, Clerk of Council