VILLAGE OF OAKWOOD

COUNCIL MEETING MINUTES

March 24, 2020

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| ATTENDED |  |
| Johnnie Warren – Council President | Gary Gottschalk - Mayor |
| Elaine Gaither – Council-at-Large | James Climer – Law Dept |
| Chris Callender – Ward 1 | James Schade – Fire Chief |
| Eloise Hardin – Ward 2 | Brian Thompson-Finance Director |
| Patricia Rogers – Ward 4 |  |
| Candace Williams – Ward 5 |  |
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| ABSENT: |  |
| Melanie Sanders – Ward 3 | Tom Haba – Service Dept |
| Ed Hren - Engineer | Danielle Marinucci – CBO |
| Carlean Perez-Recreation Director | Crystal Williams – Housing Inspector |
| Mark Garatt-Police Chief |  |
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*\*= Late**Arrival***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Meeting opened by Warren at 7:05pm

Motion to approve minutes of March 3, 2020 Council meeting made by Hardin seconded by Callender

6 YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

Motion to approve minutes of March 3, 2020 Finance meeting made by Hardin seconded by Callender

6 YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

*Departmental Reports*

*Fire*-**Schade**: We have been following Covid-19 guidelines. We are working with the federal, state and county to keep supplies coming. We are working to keep the Village safe. We are following protocols to keep everyone safe.

*Law*-**Climer**: As you might guess, in the present crises, questions for municipal lawyers are being asked and the most pressing for you is public meetings. The Attorney General issued an opinion in which he implied it is acceptable under the present state of the law to hold meetings via video. The consensus among Law Directors is, it is not based on an interpretation of the law. The legislature is now working to allow public meetings to take place by alternate means via teleconference. Hopefully, something will be in place by the next time we meet. We had our first meeting of the Charter Review Commission (CRC) a few weeks ago. It went quite well. We have some recommendations from the Law Dept. to the CRC. I am finalizing those and will get them to the CRC. If Council wishes, I can provide those to you. The Vaccarina property has closed and is now ours..There have been a number of questions from the Police Dept. about the OVH orders in various aspects. The order itself is 15 pages long and is hard to follow at times. We are doing our best.

*Finance*-**Thompson**: Other than topics discussed during the Finance meeting, we have our 2020 budget for approval tonight.

*Mayoral* *Report*-**Mayor**: To maximize the revenue for this community a few weeks ago, Council passed minimal CRA and TIFs. Nichols accepted theirs and I look forward to that being signed. McDonalds, Federal Metal, Quality Inn were passed ass well. Hotels are getting beaten badly. The largest revenue loss to us is the bed tax. Its ugly. Ohio Cat is another one. Bugarcic Market wasn't passed because the property on Hickory in Ward 4. It is illegal to hold up one property due to another property. We have talked to Mr. Bugarcic and he understands by the end of summer to have that property in question gone; to be sold. Let's be grateful he didn't sell the farm to another entity. The Law Director is in support, you can't use the property at Hickory and Garden Road for not moving forward with the grocery store. **Warren**: These are the words of the Law Director? **Climer**: You can't withhold a public benefit to require compliance of a party based on another property. **Warren**: It is based on our own interpretation, whether it is a public benefit or not. **Climer**: It is a tax break. **Warren**: It is our interpretation whether it is a public benefit or not. **Climer**: It is. **Warren**: That is your position. It is our equal responsibility to determine whether it is a public benefit. **Climer**: I am not sure I follow you. **Warren**: You said, Council cannot hold off something that is a public benefit for something else or another issue. Council determines whether it is a public benefit or not. **Climer**: The courts define what a public benefit is and a tax break is definitely a public benefit. **Warren**: For the developer? **Mayor**: It's a grocery store. **Rogers**: Is it a benefit to the public for deteriorating properties he has in the Village? **Warren**: Giving someone a tax abatement isn't a public benefit and we can go to court on that. **Climer**: It is a public benefit. **Warren**: You are speculative that he will succeed and benefit the residents. That is subjective. **Williams**: If we are giving a tax reduction, that is a public benefit? **Climer**: It is a benefit to him most certainly. It is also on the assumption it is going to benefit the public. With that said, you are not permitted to condition the granting or denial of a benefit to an individual. **Hardin**: Who said we are withholding? **Mayor**: The passing of the legislation; McDonalds, Federal Metal, Quality Inn, Ohio Cat and Rock the House were all passed by Council but Bugarcic's Market was not passed. **Warren**: We haven't determined it is a public benefit on its own, at this point. It has nothing to do with any of his other properties because I haven't seen any of his other properties. If I choose to say I am against it, it has nothing to do with other properties. As Chair, I warn and urge Council not to consider the other properties. We have to consider whether it is a public benefit. **Climer**: As long as it isn't conditioned upon the compliance of another issue. **Warren**: We haven't made that a condition. **Hardin** and **Williams**: It is a separate issue. **Warren**: We are talking about demonstration of their ability or desire to maintain something; to keep the image of the Village pristine. If a person has a raggedy house, how do we expect him to maintain a business? That is a demonstration of that person's ability to maintain property. Everyone says we want to maintain properties the best way they can be maintained. This property is something we will support and have tax breaks but that person has a history of not maintaining property. **Mayor**: Let's take the tax break away, we are wasting time here. **Williams**: We aren't wasting time. **Mayor**: The tax break will be taken away, just pass the... **Warren**: We aren't going to pass anything. **Mayor**: You are on your own. **Warren**: If you want to raise your voice go ahead. **Mayor**: The guy sold us property. **Warren**: He sold it to the developer, not to us. **Mayor**: I don't need this. **Warren**: He has a lot of things going on. **Mayor**: He will comply and have that house out of the way. **Hardin**: What is wrong. **Mayor**: He isn't going to allow that legislation to be passed **Warren**: When the Law Director said you can't hold a piece of legislation hostage because of another issue. I was just explaining to the Law Director there are a lot of components that factor into our decision. It isn't to hold nothing hostage, I never said that. **Mayor**: I thought you were. The legislation is clear, we have the right to rescind it. **Warren**: Who asked you that? **Williams**: You don't want to deal with the details. **Mayor**: That legislation hadn't been passed but the others were. **Williams**: You just blow up about an issue when we are just asking you about something that has been going on for some time. **Hardin**: All you had to do was to talk to him and have it taken care of. **Mayor**: It is in the legislation, we can rescind it if we aren't satisfied. **Warren**: The Law Director is scratching his head because he is telling you, you can't. I am saying you can't rescind legislation based on his houses because we are voting on this based on the merit of the legislation. For the record, I haven't seen either of the properties. It has nothing to do with my support of this legislation. **Hardin**: I mentioned it, I have an issue with it but I haven't had an intent to hold up legislation because of it. **Warren**: If it passes, it passes. **Climer**: I was trying to explain the hypothetical proposed to me, I understood it was a question as to whether legislation can be held up that either grants or denies a public benefit in order to force compliance. The answer is, no. That being said, if the benefit is granted, it cannot be taken away based on trying to force an unrelated issue. You need to vote on the legislation based on its own merit. There are other ways to force compliance on the other issues. **Hardin**: If you have a rapport with him, to talk to him. **Mayor**: We have provisions on  incentivizations that Council can impose, rescinding the exemption. **Climer**: That is partly based on... **Williams**: We understand that. This is a seperate issue based on the relationship you say you have with him, to make sure these two houses are taken care of. **Mayor**: I would like to have it in words. **Williams**: This is all we are asking for. **Mayor**: Also we are going to improve Petitti's as he is expanding back here to maximize our returns, we got $70,000 in TIFs in 2019. I expect that to be $120,000 in 2020. With the big project on Macedonia, it could be another $150,000 alone. Mt. Zion has voiced a concern over the legislation passed in which they would be an entity for a house of refuge in case of a disaster. They aren't ready yet for that so they want to rescind that for now. The legislation is ready. Once they have the generator and other equipment, we can the pass legislation whwn they are ready. Other churches weren't ready for it but were designated as centers for refuge and were criticized for it. At the next meeting we will have Petitti's and other companies. I am concerned about our hotel situation but it is what it is. It is a tough time. There are only five or so people staying there. I don't know if there is a way to make it easier for them. **Rogers**: In the ordinance, section 2 states if the property isn't maintained, the agreement can be terminated. **Mayor**: That is the property we are dealing with. **Rogers**: That is what we can expect. **Hardin**: The President spoke for all of Council; there was never an attempt to hold up legislation until he did anything with his current properties. **Mayor**: I saw the legislation last week and that was the only one not passed. **Hardin**: That was a bad assumption. **Callender** asked about PPE donations. **Schade**: Everyone is asking for it but everybody only has so much. We haven't received much support from other entities. We are holding on. We also support two other communities. We have seniors and residents to keep safe. **Warren**: Sam's Club Manager told me PPE's are all being diverted to hospitals. **Mayor**: Both the Police Chief and Captain are all taking days. The last thing we need is our Safety Forces being down. They are isolated in the back, Mayor's Court is suspended indefinitely. This building is sprayed every three days. All senior activities are suspended except for food. This week House of Rose brought packages of five meals for seniors to have for the week. Next week they will be delivered. **Warren**: All our meetings are being done via Webex, every morning. **Mayor**: Our exercise programs are being terminated. What is not mentioned is vitamin C, D, magnesium builds up your immune system and working out increases your pulse rate. **Climer**: Keep in mind an excess of 10 people is prohibited. **Mayor**: A person is answering Village phones 9am-3pm. We have our van service maintained. **Hardin** asked if the van drivers have protective gear. **Mayor**: John does, it is up to them. The vans are sprayed every day. **Schade**: They have masks and gloves. The public doesn't know how to use them. The drivers come in with their gloves on, touching everything. Doing that contaminates everything. **Hardin**: How much longer will this last? **Schade**: I hope two-three weeks. Like the Mayor said, go outside. In your house, you are breathing the same air. Open the windows. You don't have to wear a mask outside. Wash a lot and hopefully we will get through it.

*Legislation*

2015-16 An emergency ordinance determining the period of tax exemption for an improvement to real property

 owned by Bugarcic, Julia & Sveltana, located in Oakwood Community Reinvestment Area No. 1 and

 authorizing the Mayor to enter into a Municipal Revenue Sharing agreement with the Bedford City

Schools District

*Second reading*

Motion to suspend made by Hardin seconded by Rogers

5 YES: Gaither, Callender, Hardin, Rogers, Williams Abstention by Warren

Motion to adopt made by Hardin seconded by Callender

5 YES: Warren, Gaither, Callender, Hardin, Rogers, NO: Williams

2020-17 An ordinance declaring improvements to certain parcels of real property to be a public purpose,

 describing the public infrastructure improvements to be made to benefit those parcels requiring the

owners of the improvements thereon to make service payments in lieu of taxes, establishing the Bugarcic,

Julia & Sveltana, Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of such

service payments and declaring an emergency

*Second reading*

Motion to suspend made by Hardin seconded by Rogers

6 YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

Motion to adopt made by Hardin seconded by Gaither

4 YES: Gaither, Callender, Hardin, Rogers Abstention by Warren NO: Williams

*Not* *enough votes for passage*

2020-18 An emergency ordinance determining the period of tax exemption for an improvement to real property

 owned by Federal Metal Co. located in Oakwood Community Reinvestment Area No. 1

*Second reading*

Motion to suspend made by Hardin seconded by Gaither

6 YES: Warren, Gaither, Callender Hardin, Rogers, Williams

Motion to adopt made by Hardin seconded by Gaither

6 YES: Warren, Gaither, Callender Hardin, Rogers, Williams

2020-19 An ordinance declaring improvements to certain parcels of real property to be a public purpose,

 describing the public infrastructure improvements to be made to benefit those parcels requiring the

owners of the improvements thereon to make service payments in lieu of taxes, establishing the Federal

Metal Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of such service

payments and declaring an emergency

*Second reading*

Motion to suspend made by Rogers seconded by Gaither

6 YES: Warren, Gaither, Callender Hardin, Rogers, Williams

Motion to adopt made by Hardin seconded by Callender

6 YES: Warren, Gaither, Callender Hardin, Rogers, Williams

Ord 2020-26 An emergency ordinance repealing ordinance no. 2008-31 designating the Fine Arts Center of the Mt.

 Zion Baptist Church as a place of refuge during a disaster

Motion to adopt made by Hardin seconded by Callender

6 YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

Motion to adopt made by Hardin seconded by Callender

6 YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

Hardin asked about it. Warren: Mt. Zion does not want to be a place of refuge at this time until they have everything in place. Hardin: This takes them off the list. Warren: Yes. Mayor: Until a future time.

Res 2020-27 A resolution of congratulations on the 21st Annual Timothy Leadership Conference to be held at the

 Apostolic Church of Christ April 22-25, 2020

**Hardin** asked the location of the church. **Clerk**: They are located on Free Avenue. They are being recognized nationally. Whether it goes forward, we do not know. **Hardin** asked about the long history, do we know that is a fact? **Gather**: That is what they are doing.

Motion to suspend made by Hardin seconded by Callender

6 YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

Motion to adopt made by Hardin seconded by Rogers

6 YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

Res 2020-28 An emergency ordinance to make appropriations for current expenses and other expenditures of the

 Village of Oakwood, Ohio for the year 2020

**Gaither**: Did we discuss this in the Budgetary meeting? **Hardin**: Yes.

Motion to adopt made by Rogers seconded by Callender

6 YES: Warren, Gaither, Callender Hardin, Rogers, Williams

Motion to adopt made by Hardin seconded by Callender

6 YES: Warren, Gaither, Callender Hardin, Rogers, Williams

**Mayor** mentioned he will have Petitti's legislation for the next meeting. **Williams** asked for a draft of legislation establishing a minimum threshold in the account. **Thompson**: Yes. **Williams**: Can you have the budget for review so we aren't doing this again next March? **Thompson**: Yes. **Williams**: We missed a quarterly meeting and I don't think it is fiscally responsible doing it like this. **Warren**: Yes. **Williams** asked to come up with an idea for a contingency fund. **Thompson**: An emergency fund. **Mayor**: We had $25,000 in the General Fund when I first came into office and we were burdened with debt from the previous administration. Roads were done but indebted. **Williams**: We need to have something in place. **Mayor** asked if Council wants a meeting every other month. **Williams**: We should be meeting monthly as we discussed with the State Auditor. **Mayor**: The meeting should begin at 6:30? **Hardin**: Council meets on the second and fourth Tuesday. We should meet before one of those meetings. **Thompson**: We are required to close by the 15th so we can meet the fourth week. **Rogers**: That is what we were doing. **Hardin**: Human Resource Committee will meet on the second Tuesday and Finance on the fourth week. **Mayor**: Brian's staff aren't in at the moment. **Thompson**: Depending on how long the lock down is. **Warren**: No matter what happens we are to be fiscally responsible for the Village even if they did Webex or social distancing. The Village finances shouldn't be compromised. The Finance Director and staff should be fiscally responsible and make sure they monitor finances. It is more of an urgency now than before because, we don't know what our revenue stream will be. There is no reason that shouldn't be done. **Thompson**: We will get them together. **Mayor**: Every month we want a report of what we are getting every month and what we were getting the year before.

Motion to adjourn by Hardin seconded by Callender.

6 YES: Warren, Gaither, Callender Hardin, Rogers, Williams

Adjourned at 7:55 pm

Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Johnnie Warren, Council President Debra L. Hladky, Clerk of Council

VILLAGE OF OAKWOOD

COUNCIL WORK SESSION MINUTES

March 24, 2020

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| ATTENDED |  |
| Johnnie Warren – Council President | Gary Gottschalk - Mayor |
| Elaine Gaither – Council-at-Large | James Climer – Law Dept |
| Chris Callender – Ward 1 | James Schade – Fire Chief |
| Eloise Hardin – Ward 2 | Brian Thompson-Finance Director |
| Patricia Rogers – Ward 4 |  |
| Candace Williams – Ward 5 |  |
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| ABSENT: |  |
| Melanie Sanders – Ward 3 | Tom Haba – Service Dept |
| Ed Hren - Engineer | Danielle Marinucci – CBO |
| Carlean Perez-Recreation Director | Crystal Williams – Housing Inspector |
| Mark Garatt-Police Chief |  |
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No meeting was held

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Johnnie Warren, Council President Debra L. Hladky, Clerk of Council