

VILLAGE OF OAKWOOD
COUNCIL
MEETING MINUTES
June 9, 2020

PRESENT:

Johnnie Warren – Council President
Elaine Gaither- Council at Large
Chris Callender – Ward 1
Eloise Hardin – Ward 2
Patricia Rogers – Ward 4
Candace Williams – Ward 5

Gary Gottschalk-Mayor
Jim Climer-Law Director
Tom Haba-Service Director
Mark Garratt-Police Chief
Brian Thompson- Finance Director
Dan Marinucci-Building Official

ABSENT:

Melanie Sanders-Ward 3
James Schade-Fire Chief
Carlean Perez-Recreation Director
** Arrived after roll call*

Crystal A Williams-Housing Inspector
Ed Hren-Village Engineer

Thompson opened meeting at 7:07p
Pledge of Allegiance
Roll Call

Hardin mentioned the United States is at a crossroads and we are fortunate to have Police Chief Garratt. I am sure we are secure here in Oakwood. I pray and hope we understand what is going on and pray for the United States of America.

Motion to approve minutes of May 26, 2020 Council meeting made by Gaither seconded by Callender
YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

Motion to approve minutes of May 26, 2020 Finance meeting made by Callender seconded by Gaither
YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

Motion to approve minutes of June 2, 2020 Special Council meeting made by Callender seconded by Gaither
YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

Departmental Reports

Finance-Thompson: We are working on reports for the upcoming Finance meeting. We are submitting information to the Auditors for 2018-2019. **Warren:** You are saying you will have everything we need prior to the meeting? **Thompson:** Yes, I will have everything to you by Friday prior to the meeting. We have been watching RITA numbers. **Warren** asked for a three-year spreadsheet through the month of May 2020. Each month of each year, the RITA receivables for each month then the total of all receivables for each month over the past three years including 2020. **Thompson** will do that. **Hardin** asked about cuts made. **Mayor:** I sent that out a month ago to each department.

Police-Garratt: We had our LEADS audit today from the State of Ohio. Thanks to Vickie Griminger and Captain John Freeman, we passed with flying colors again this year. It is a big deal. Also, I-271 Northbound and I-480 merge will be open northbound this weekend. It will not merge in Oakwood. It will

be an easier transition due to the overhead signage. It should help the flow of traffic. **Williams** asked about sensitivity and bias training for our officers. **Garratt**: We hold diversity classes for all officers prior to being certified as an Officer, in addition to continuing education in that regard. This is mandated by the State.

Law-Climer: I apologize for clogging up the agenda tonight. A lot of items came out of the Charter Review Commission. I have presented everything reviewed by the commission, even items not passed. The ultimate decision is up to Council. I sent a summary of the recommendations a few weeks ago. I will reiterate tonight whether an item was or was not recommended by CRC.

Service-Haba: We are planting flowers. The empty lots were cut up to four times. We are caught up. Waste Management is still recycling. They separate it. It is not a paying proposition. He offered assistance with the Village Shred Day.

Building-Marinucci: No report tonight. **Hardin** mentioned she is waiting to hear back from Crystal about Ward 2 issues. Please remind her to call me. **Marinucci**: I will follow up on that. **Warren** asked if she is doing the virtual RBI class. **Marinucci**: Yes. There are a lot more classes online now, several times a month. They are covering a lot more topics. Robert and Crystal are taking those classes.

Mayoral-Mayor: On Memorial Day, there were about 15 kids at the basketball court on Booker and Kentucky. Each weekend there are more. About six to eight youngsters were playing on the street since there were so many older ones playing on the court. There were many cars from outside Oakwood. I have asked the Police Chief about it. Although they were well behaved, the number will continue to grow. I don't like 18-year old with 12-year old kids. He asked Council their thoughts on the matter. We can either close it down or pay someone from 6-9 pm to monitor the area to keep it open. **Hardin** asked if there is signage stating how many can occupy the space. **Mayor**: There are many cars there which are not from the area. **Warren** asked about posted regulations. **Haba**: There is no sign. **Warren**: What is a suggested number of people to occupy that area? I understand what the Mayor is saying but we must identify the number of people permitted in the park. As far as hiring someone to monitor, it could go either way in the present climate. **Mayor**: We will continue to have more numbers. **Warren**: We just have to. **Mayor** interrupted: We can't have an Officer go there every hour to monitor. **Warren**: You don't have to have an Officer every hour. **Mayor**: We are moving on this. **Warren**: Council will override you. **Mayor**: You are not going to override me. You have no idea what goes on there. **Warren**: You are not going to take them down. **Mayor**: That is what you think. I am asking for suggestions. It would cost about \$2,000 to have someone monitor with the Police Chief's recommendation. We are not going to have a problem there. **Warren**: You can override. **Mayor**: We are not going to have a problem at the courts. **Warren**: How are you going to identify the people who are there? **Mayor**: I don't want to hear about it. **Warren**: Okay, Mr. Trump. I am telling you this is Oakwood Village and we are democracy. You always want your way. **Mayor**: This is a safety measure. Not a matter for Council. We are not going to have drugs and other issues there. **Warren**: You are speculating. **Mayor**: We have this problem every year. **Hardin**: We aren't going to listen to this the rest of the night. If it is a safety issue let the Police Chief give recommendations. **Williams**: Mayor, can you give us time to talk it through. I don't think there is an issue about giving us time to think it through just like you did. You just presented this. **Mayor**: I hear what you are saying, but we pointed this out last summer. It is different this year. I let it go at 15 and 20. The issue is, you have 15 cars in the lot with 25 on the parking lot with six to eight youngsters skateboarding on the street. We can't have that activity there. **Williams**: We agreed there must be signage and you didn't let us move on from there. **Mayor**: You can't get adults following signs and we can't have an Officer there every 10 minutes. The kids were behaving well. If we do it right, they will continue to behave well. We are not going in

there like the gestapo. **Warren:** That is what you are doing. **Mayor:** No, we are not doing that. We had an Officer last night talking with the kids. We will have one there tonight. I suggested to the Chief have older kids there from 8-9 pm but the Chief said the monitoring is too difficult. He asked the Chief for input. **Warren:** We don't want to hear his ideas right now. I am the one who chairs this meeting. We don't want to hear your ideas Chief. He called on the Law Director. Can we have a facility for Oakwood residents only? **Climer:** You can limit it to Oakwood residents, but it causes some civil liability issues. **Warren:** What is entailed in the civil liabilities? **Climer:** Recreational Use Immunity comes into play if it is open to the public at-large. If it is for residents only, you lose that immunity. **Warren:** Let's figure out how many people we want there and start with a sign limiting the number of people. **Williams:** You can't enforce something that is not posted. Everyone's ideas are good for the process. One person shouldn't make the decision and that be an end all. **Gaither:** We don't know if there is going to be a problem, plus there are already limitations due to the virus. **Climer:** The ordinances still limit the use of the parks to Oakwood residents. I recommended some revisions last year, but it didn't work out. **Williams:** In other cities, signs are up, and some parks are closed. **Warren:** Signage is the beginning at least. **Mayor** asked the Chief to point out the drug and gun activity on Booker. **Warren:** We don't want to hear it. **Mayor:** You don't want to hear it. It is not going to happen here in Oakwood. I am the one dealing with this. I am not having 30 people there with 25 cars in the parking lot. **Williams:** It sounds like it has been going on several years. If you haven't addressed it in years, there is no reason to jump in. **Mayor:** It is a different situation with everything going on in this country, we don't need the problem here. Things can turn. The residents aren't happy with kids driving through there with younger kids in the street. Image July 4th weekend. **Williams:** You were first talking about the courts then cars, it seems there are two issues. **Mayor:** They are the same issue. **Williams:** What about out kids playing basketball? **Mayor:** Exactly. The issue is, once you get over 20 there, it gets out of hand and you have an 18-year-old playing with a 13-year-old. It clearly isn't right. It leads to drug activity. **Warren:** There are 13-year-old drug dealers. **Mayor:** This happens every year. It is exacerbated this year due to what is going on in the country, although the Police have good judgment and relate well with the kids. **Williams:** I think you are making a good point; we don't need our Officers there. Many people don't feel safe during these times. We don't want to inject them into a situation. Maybe we should shut it down but to give this to us and expect an immediate decision, is unreasonable. **Warren** agreed. **Mayor:** When the Chief and I discussed this today, I didn't mention having a monitor there. That could be the alternative to keep it open. It is not just Oakwood kids. **Climer:** You can limit it to Oakwood residents only, but there are consequences. **Williams** asked him to review those again. **Climer:** When you offer recreational space free and open to the public at-large, you are immune to injuries that may occur. If it is limited to Oakwood residents, you forfeit that immunity. We had one case at the Community Park in which the person fell from the swing set and broke both ankles, but here is nothing illegal in limiting it. **Williams** asked if it limits our liability to residents only. **Climer:** It increases our liability to anyone. **Rogers:** Could a sign be posted stating we are not liable for injuries which occur there? **Climer:** Those are generally not legally enforceable. **Warren:** We need signage depicting the number permitted in that area. **Callender:** Also include the rules and times permitted. **Mayor:** You will have to have a monitor there with a sign, but the Police can't do that hourly. **Warren:** Who said monitoring it. First, put a sign there. A monitor could create an issue if you have a rowdy crowd. **Mayor:** We are not having 30 kids there. It keeps growing. It has grown from 10 to 30. A decision must be made by this Council by July 4th or the nets are going down. **Warren:** We can call a Special meeting anytime we want to. **Mayor:** Ok. **Williams** asked the Chief the number of people at the courts. **Garratt:** This is an annual thing. The numbers come in because other municipalities have closed theirs due to Covid. We haven't had any issues this year, but crowds are building. The Governor's orders are still standing. You don't have the radius of 6' which is still in effect. That is an issue before all the other concerns. **Williams** asked about the Governor's orders. **Garratt:** They haven't opened up

recreational activities yet. Many are still closed due to contact sports. I will have to check into basketball sports. **Williams:** If the Governor's order includes keeping them closed, it should be closed. **Garratt:** I understand. Signage may do the trick, but I will check into the orders. They change so often. **Williams** asked the square footage of the court as it relates to 6' distancing. **Garratt** asked Tom Haba if that is regulation size basketball size. **Haba:** It is about the size of a high school court. **Gaither:** You don't play basketball 6' apart. **Warren:** If we recommend the basketball court be open, we know the kids will be close together. Do you want the Police to tell them to get off the court or take the posts down? It could become a real hangout and a greater threat of harm because they don't have anything to occupy their time there. **Garratt:** We could figure out a reasonable number on the court and have it for residents only. **Williams** suggested liability posted on a sign, due to Covid-19, and only residents permitted and for limited time. **Climer:** I recommend leaving Covid out of it. It is a policy decision to be made whether limiting it to residents or not. **Williams:** That is the only basketball court in Ward 5. **Garratt:** It is the only basketball court in the Village. **Garratt:** The only time we enforce residency requirements is when we have issues. **Warren:** A sign can be a deterrent for those who want to obey the law. **Garratt:** We don't want to go there heavy handed as Police. **Mayor:** The last time I was there with 25 people there, no social distancing was being practiced; it was shoulder to shoulder. I let it go at that point, but it is growing every week. An alternative is limiting the number of people at a time. **Mayor:** Twenty is a good number. We will decide at the next meeting. **Williams** asked the Chief to keep a count of the number of people at the court and the time of day. He will do that.

Chickens

Rogers: The chickens are out of control at the Bugarcic property on Macedonia Rd. They are multiplying and now we have sea gulls there. We need to start citing the violations on him including the Hickory Road property. **Mayor:** We will have a response. **Warren** asked for a response from Mr. Marinucci. He gets tax breaks, but he can't do one thing and break the law on the other end. Let Debbie Hladky know. **Marinucci:** You can have chickens. **Warren** asked if it is limited in number. **Marinucci:** I am not finding any limitations. **Rogers:** They have become a nuisance now. **Williams:** We should have a nuisance law. **Climer** will investigate it for enforcement. **Williams** asked for feedback. **Climer:** By the end of the week. **Warren** asked the feedback to be given to the Clerk then if we don't have a nuisance ordinance, to create one. **Rogers:** I asked for copies of violations be provided by Crystal for Ward 4, but I haven't heard anything. **Marinucci:** Just give her a call or email her. **Williams** asked if that is being compiled for each Ward. **Marinucci:** Yes. Robert is doing Wards 1 & 3 and Crystal is doing Wards 2, 4 & 5. They are creating a spreadsheet. **Hardin** asked him to include that in his report. **Marinucci:** Yes.

Parked Vehicles

Hardin: Are you aware of vehicles parked on other than concreted area? **Marinucci:** I am aware. **Hardin:** We have legislation for that, correct? **Marinucci:** The problem we are having is regarding a truck being parked now and then. **Hardin:** It has not moved. **Marinucci:** It has moved. That property is being monitored. I don't see an issue with it. I have driven by and the truck isn't there. **Hardin:** It is parked on the lawn, is it a violation? **Marinucci:** It is a violation. If a person moves the vehicle to the lawn to get another vehicle out of the garage, that is not a violation. **Hardin:** That is correct, but if it is parked there overnight or a period of time, that is not acceptable. **Marinucci:** We have driven by that property numerous times and most often the truck is not there. There has to be evidence of a violation. **Hardin:** I will help you with evidence. **Warren:** The ordinance calls for the vehicle to be parked on a hard surface. I have seen neighbors park on stone, which I believe is considered a hard surface. **Marinucci:** If he plans to permanently do this, I can send a letter.

Open Floor Comments

LaShon Sawyer, 26275 Dennisport: I agree with the signage for residents at the court. First give the guidelines and expectations we want people to adhere to prior to penalizing them. The signage is a step in the right direction. It also gives direct enforcement to refer to signage, otherwise it creates tension between residents and the Police Dept. We do not need that in these current times. It can be perceived as aggressive or heavy handed. There seems to be additional comments beyond the court in playing basketball. I hope we move in the direction of informed decision making; spending money on lighting and more long-term purposes as opposed to spending money on a temporary fix as a monitor. It is always going to be an issue. We can use other strategies to deter negative behavior. **Williams**: That is a great idea. I appreciate your comments.

Floor closed.

Legislation:

2020-37 An ordinance permitting production-distribution described in Oakwood C.O. Sec. 1173.02, on the entirety of Permanent Parcel Numbers 795-50-009, 795-50-010, 795-50-011 and 795-50-012 to be known as the northerly production-distribution district

Second Reading

Williams: We discussed this over the last few years. If we don't need to declare something as an emergency, can we stop using that readily unless we do have an emergency? It seems ineffective to declare everything an emergency when an emergency should be deemed just that. **Climer**: I will be happy to do so. This is not on as an emergency measure.

2020-38 An ordinance permitting light industrial uses, described in Oakwood C.O. Sec. 1173.02, on the entirety or portions of Permanent parcel Numbers 795-18-034, 795-18-057, 795-18-033, 795-18-032, 795-18-031, 795-18-030, 795-28-006, 795-28-013, 795-28-005, 795-28-008 and 795-28-002 to be known as the southerly light industrial district

Second Reading

Williams: A resident asked me about a large amount being spent for the North Lane project. Do you know the total amount and is it coming from the Village funds or the developer? **Mayor**: That is from the developer.

2020-40 An ordinance permitting the construction and operation of video and audio recording, production and editing facilities as well as helicopter landing and take-off pads accessory to such uses, passive parks and nature preserves in the area contained within the following boundaries which area is presently zoned R1F residential: Solon Road on the north, Richmond Road on the east, Hawthorne Parkway on the south and the Oakwood Village boarder with the City of Bedford Heights on the west subject to all applicable standards contained in the Oakwood Village codified ordinances and such further standards as shall be specified by Council

Second Reading

Hardin: Can we get an update on this project? **Mayor**: A firm in New York is considering whether this is going to happen. A price was offered, and we are waiting for their response. **Hardin** asked if the park will go forward. **Mayor**: There is no purchase for the park because there is \$1/4 million in property tax, cleaning and excavating for another \$1/2 million. The County may forgive the property tax on this. Dakar may use some of this for temporary buildings. If the New York firm does not agree, then this area will

become a nature preserve – passive park. It is also zoned single family, and certainly no one will be building on a landfill. **Williams:** The hold up is the firm. **Mayor:** Council still needs to pass this, but it remains single family and the parcels in question can be used for audio video facilities and helicopter pad as well as nature preserve and passive park. **Williams:** This is not an either/or? **Mayor:** We are talking about the 8-acres owned by the New York firm which could be residential or a facility for audio video productions and the entire 45 acres can be a passive park and nature preserve (the landfill). The video production is only for Dakar. **Hardin:** What part is going to be residential? **Mayor:** All of it is currently residential; 45-acres of landfill and 8-acres owned by the New York firm. **Williams** asked about Dakar. **Mayor:** If the New York firm wants too much money for the property, Dakar will not purchase it and no audio video will be there. It will just be passive park and nature preserve. We don't want the apartments to move further out.

Williams asked if Council could address everything by the last meeting prior to recess. The last several years we have held special meetings during the recess.

2020-41 A resolution of congratulations to Anthony Akins (AJ)

Hardin asked the resolution to be read in its entirety. The other two HVYC students' resolutions are similar in nature. The Clerk read the resolution.

“A RESOLUTION OF CONGRATULATIONS TO ANTHONY AKINS (AJ)

WHEREAS, Anthony Akins is a resident of the Village of Oakwood and a member of the Hawthorne Valley Youth Council; and

WHEREAS, Hawthorne Valley Youth Council (HVYC) serves the youth and communities of Oakwood Village, Bedford, Bedford Heights, and Walton Hills since 2010 teaching youth about leadership and community service as well as how local and state governments operate. Participation in the program includes involvement in the YMCA and Ohio - West Virginia Youth Leadership Association and the annual Youth-in-Government conference held in Columbus, Ohio at the Ohio State House; and

WHEREAS, during his tenure with HVYC, AJ has exemplified himself as a valuable member of the organization with his leadership, relationship building and volunteerism; and

WHEREAS, AJ has contributed 124 hours to community service through HVYC since 2016 through local volunteerism and the YMCA, Ohio - West Virginia Youth Leadership Association; and

NOW THEREFORE LET IT BE RESOLVED THAT by the Village of Oakwood, County of Cuyahoga, and State of Ohio, that:

SECTION 1. The Village Council and Mayor wish to express their most sincere congratulations to Anthony Akins (AJ) and wish him success in all his high school and career plans.

SECTION 2. The Clerk is hereby authorized to present a copy of this resolution to Anthony Akins (AJ).

SECTION 3. This Resolution shall be in full force and effect immediately upon its adoption by this Council and approved by the Mayor, otherwise from and after the earliest period allowed by law.

Hardin asked the Clerk to explain the presentation program. **Clerk:** On June 29th at 6:30pm we will be at the Hemlock Park at Dunham and Tinkers Creek Road. We will be social distancing with each student receiving a resolution from their elected State Representative and the community in which they live and their certificate of hours they volunteered this year. These three students are Oakwood residents. We are proud of them. Five of the students are graduates this year and will receive a beautiful wooden pen set with their name engraved on each piece. **Williams** asked how many hours the other two students earned. **Clerk:** Ayanna Akins had 98 volunteer hours and Anyah Perry gave 44 hours.

Motion to suspend made by Hardin seconded by Gaither

2020-06-09 Minutes

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

Motion to adopt made by Gaither seconded by Rogers

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

2020-42 A resolution of congratulations to Ayana Akins

Motion to suspend made by Callender seconded by Rogers

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

Motion to adopt made by Gaither seconded by Hardin

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

2020-43 A resolution of congratulations to Anyah Perry

Motion to suspend made by Williams seconded by Rogers

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

Motion to adopt made by Hardin seconded by Callender

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

2020-44 An ordinance to submit to the electors of the Village of Oakwood the question of repealing Section 10.06 of the Village charter and declaring an emergency

Climer: I have included emergency clauses in the CRC ordinances because these must be passed prior to the break. These need to be to the Board of Elections by September. This is the Civil Service provision. It does not take effect until and if Oakwood becomes a city. However, a few provisions; subsections (e) and (i), have become unconstitutional via Supreme Court decisions. We recommended those be appealed and to my surprise it was recommended of the CRC to repeal the entire section. **Hardin:** You are saying based on the change in law these two should be completely removed. **Climer:** Yes, however the CRC decided the entire section be repealed. Civil Service rules should be made by the voters when the Village becomes a city. **Williams:** No apologies for the emergency.

Motion to suspend made by Rogers seconded by Callender

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

Motion to adopt made by Gaither seconded by Callender

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

2020-45 An ordinance to submit to the electors of the Village of Oakwood the question of amending Section 6.01 of the Village Charter so as to conform the dates of primary elections in the Village to those specified in State Law and declaring an emergency

Climer: This section presently provides elections in November and May. State Law recently was revised primaries be held in March in Presidential years. The is intended to get us in step with State Law and recommended by CRC.

Motion to suspend made by Hardin seconded by Rogers

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

Motion to adopt made by Hardin seconded by Rogers

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

2020-46 An ordinance to submit to the electors of the Village of Oakwood the question of amending Section 6.05 of the Village Charter so as to provide that a candidate for office is not eligible to file a nominating petition with the Board of Elections if he or she holds a different elected office of the Village, and declaring an emergency

Climer: This was recommended by the CRC.

Motion to suspend made by Hardin seconded by Gaither
YES VOTE: Warren, Gaither, Callender, Hardin, Rogers, Williams

Motion to adopt made by Hardin seconded by Rogers
YES VOTE: Warren, Gaither, Callender, Hardin, Rogers, Williams

2020-47 An ordinance to submit to the electors of the Village of Oakwood the question of amending Section 7.07 of the Village Charter so as to provide for stability and continuity of the Council of the Village by providing for the simplifying the determination of unexpired terms for Council offices within the Village and declaring an emergency

Climer: This originated by the CRC and is recommended. Persons appointed to vacant offices should simply fill out the remainder of the term as opposed to running for the remainder of the term if they are appointed more than two years prior to the term ending. **Hardin:** As long as there is a balance of two years left. **Climer:** No, either way. **Warren:** If a person is appointed to an office, they should just serve out the entire term because Council has done its due diligence to fill that vacancy. **Hardin:** I disagree. We will see what the electorate says. **Williams:** We need to accept it, or can we make adjustments? **Climer:** Either/or.

Motion to suspend made by Gaither seconded by Rogers
YES VOTE: Warren, Gaither, Callender. Williams NO: Hardin, Rogers
Second Reading

2020-48 An ordinance to submit to the electors of the Village of Oakwood the question of amending Section 7.13 of the Village Charter so as to dispense with the three-readings requirement for passage of ordinances in certain circumstances and declaring an emergency

Climer: This is recommended by CRC to make it clear on matters relating to zoning, changes in boundaries, surrender of Police powers, contracting, granting franchises, and levying taxes to be passed by suspension of the rules and $\frac{3}{4}$ votes of the members of Council. Emergency passage is prohibited. The current Charter is silent on passage by suspension of the rules with $\frac{3}{4}$ votes of Council, which is permissible under the law. It allows you to do that because it is silent, but this would clarify that. **Williams:** What would be the change if we vote yes? **Climer:** If you have 75% vote to change a zoning ordinance, you will not have to come back with three special meetings to make the Board of Election deadline. **Williams:** Is that eliminating our responsibility to inform the constituents to respond? **Climer:** I don't think so, we still have the process in which Council refers the matter to PC, which holds a hearing permitting people to voice their thoughts. PC refers it back to Council which then passes the ordinance. As it stands now, Council holds another hearing. There are suggested changes to that to include Council permitting public comment prior to passage. This speeds up the zoning process. It currently takes a year. **Williams:** The two hearings would not be eliminated if we vote yes. **Climer:** There is another revision that would suggest eliminating the hearing before Council but requiring public comment at the meeting.

Hardin asked about 2020-54. **Climer**: Under our present Charter, an ordinance begins with Council who refers it to PC, which holds a public hearing, takes a vote and refers it back to Council. Council gives 30 days' notice with another hearing and votes on it. **Hardin**: Would it make sense to change the notice?

Climer: We are simply trying to cut down the time for a zoning change and still give residents time to speak their thoughts on the matter.

Motion to suspend made by Hardin seconded by Rogers

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

Motion to adopt made by Hardin seconded by Gaither

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

2020-49 An ordinance to submit to the electors of the Village of Oakwood the question of amending Section 7.14 of the Village Charter so as to allow for the posting of ordinances and resolutions on the Village website, in the Village Hall Lobby and one other public place in the Village and dispensing with the requirement that they be posted in other places, and declaring an emergency

Climer: This is recommended by the CRC at the request of the Clerk who believes it will be more effective than placing the postings in five places around the Village which people really don't read. The website will get it out more effectively.

Motion to suspend made by Rogers seconded by Hardin

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

Motion to adopt made by Hardin seconded by Rogers

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

2020-50 An ordinance to submit to the electors of the Village of Oakwood the question of amending Section 7.16 of the Village Charter so as to include provisions relating to the salary of Mayors who have served the Village for less than two years, and declaring an emergency

Climer: This needs to be considered in tandem with ordinance 2020-52 which amends section 8.05 of the Charter at the request of Administration. This provides for a Mayor taking office with less than two years previous experience will receive 75% of the Police Chief salary and revert to the Mayor's base pay which is 105% of the Police Chief's salary thereafter. **Hardin** asked about it. **Climer**: It just considers the change to 8.05. It currently reads salaries of all employees of the municipalities will be fixed by ordinance. The words, except as provided in this Charter in respect to the Mayor, which is reflected in 8.05. **Williams**: Both were not recommended by the CRC. **Climer**: Correct. I suggest considering 2020-52 first, because 2020-50 becomes mute if 2020-52 doesn't pass. **Williams**: If the CRC didn't move on it, why are we considering it as a Council? **Climer**: Ultimately the decision is up to Council. **Williams**: We typically handle salaries by ordinance, so this would supersede a pay ordinance. **Climer**: Correct. **Mayor** interjected. The CRC thought it was Council's decision to begin with so why mettle with it. **Warren**: No, they didn't. The CRC said that is a payroll issue. We were all in the meeting. There was an array of things addressed, but nothing to do with Council. **Mayor**: Some were concerned this was nonconventional that a new person gets less than the previous person and they also felt Council makes this decision. Council can adjust it after two years. Many cities are struggling because they are conventional. Imagine the morale when a new person with little experience gets more than the Police Chief or Fire Chief vs let that person prove themselves during those first two years and let Council judge accordingly. **Williams**: One of their

points is we are in the present and can't make a determination of someone who may become Mayor in the future. Setting it in stone in the Charter is a disservice. **Mayor:** That is during the first two years. **Williams:** Why are we trying to control a future outcome, instead of allowing the people to make judgements on what should be done, like we do with all pay ordinances. **Mayor:** That is reasonable but if you have a new Mayor come in, it could be a little contentious. This would avoid some contentiousness. It is only for the first two years. You will not be having arguments right off the bat. **Williams:** That comes as part of the territory. **Hardin:** If I am not mistaken, the job description includes Safety Director. **Climer:** Yes. **Hardin:** In the past, some games started a few years back. We used, whether right or wrong, the salary of the Safety Director to make changes, because you couldn't change an elected official's salary. **Climer:** You can't make midterm changes to elected official's wages up or down. **Hardin:** That is why this confused me. All pay is through ordinances other than elected officials, which is kept clean. I don't know how you think this could work. **Climer:** It can be done by Charter. It isn't a change if it is written to occur two years in; it is set at the point when a person takes office. **Hardin:** This is reverse thinking. **Williams:** I also see, if we face a percentage off the Police Chief, you are addressing experience as well. I see liability. What if it becomes a part-time position? It may not work for the Village in a few years. **LaShon Sawyer** asked to comment. **Warren:** We usually don't do this during this time in the meeting but go ahead. **LaShon:** Part of the election process is, residents evaluate the candidate. The experience the person brings is satisfactory when voted in, particularly if there is a change in office. During the first two years, that person is developing relationships and other things and to work at a lower salary when they are doing the heaviest lifting seems almost a penalty. If the monies are allocated when the budget is approved in that line item, that is what they should get. If there are discussions about salary, that should be brought up by the elected officials at the time. I agree, trying to forecast and penalize someone when we don't know who is in the role seems punitive and not supportive and breeds ground for contention. Quite frankly, it doesn't seem contention will not be out of the equation. Let's not try to plan for it. It happens very openly and candidly. Just allow the person to come in and be successful. **Gaither:** I worked in personnel 12 years as a staffing specialist. Every position had a salary with it. Even now, if someone runs for President of this Country, there is a salary expectation for that position whether they have been president or not. There is responsibility, power, and authority to that position. Council has the authority to impeach which is the democratic process. The salary of that position should be static. **Warren:** We will just follow the agenda. **Climer:** 2020-50 just considers 2020-52 if it passes. 5050-52 deals with the substance of the Mayor's pay and 2020-50 provides compensation of all officers set by ordinance of Council and we added, except as may otherwise be provided in this Charter to take account of 2020-52 if it passes. **Warren:** The CRC voted against 2020-50.

Motion to suspend made by Hardin seconded by Rogers

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

No motion to adopt was made. **Hardin** asked to move forward with the agenda. **Warren:** A motion to adopt just suspends the three readings, then you vote yes or no. **Hardin:** We don't need to vote. **Climer:** If I understand correctly, there was a motion to suspend on the floor, which passed. Now there needs to be a vote on the substance of passage or failure. Absence of motion to adopt, the ordinance would die. *(Clerk's note: This was entertained again later in the meeting.)*

2020-51 An ordinance to submit to the electors of the Village of Oakwood the question of repealing Section 8.04 of the Village Charter so as to preserve the at-will employment status of Village employees and maintain consistency with other Village employment policies, and declaring an emergency

Climer: This is recommended by CRC. All Village employees are at-will. I get the sense from the Human Relation Committee and the Employee Manual, to preserve that at-will status. The right to appeal is at odds with the at-will status. **Hardin:** Did we remove the option to come before Council? **Climer:** In the employee manual? **Hardin:** I believe that is what the committee wanted to do. **Climer:** An employee does not have a right to appeal to Council or the courts. **Williams:** Our at-will policy is not in alignment with this. **Climer:** Correct. The right to appeal brings in constitutional issues, whether that person has employment, property rights, or appeal rights are at odds with an at-will policy. It can also entail a lot of extensive litigation. **Gaither:** This ordinance states Section 8.04 should be repealed. **Climer:** Correct.

Motion to suspend made by Hardin seconded by Rogers

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

Motion to adopt made by Hardin seconded by Rogers

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

2020-52 An ordinance to submit to the electors of the Village of Oakwood the question of amending and supplementing the Village Charter by enactment of Section 8.05 concerning compensation of the Mayor and declaring an emergency

Warren: I thought we either have three readings or suspend the rules then vote. **Gaither:** We know from 2020-50 this is going to die. **Warren:** You must officially act on something. **Climer:** I suggest there be a motion to suspend and motion to adopt. **Clerk:** Yes. One person makes the motion to adopt and the second person agrees to the motion. It is in the actual vote the legislation passes or fails. **Warren:** That is what I just said. **Clerk:** That is exactly what you just said. **Warren:** You still must vote on it. **Clerk:** Correct. **Williams:** That is not how we did 2020-50. **Warren:** I disagree with how we handled 2020-50. **Climer:** There was no motion to adopt 2020-50. **Warren:** It should appear on our next agenda. **Climer:** 2020-50 died because there was no motion to adopt. **Warren:** If that is your official legal opinion. **Williams:** Are we clear on that? You and Deb said something different. **Climer:** I am not the biggest parliamentarian. **Warren** asked to go back to 2020-50 to complete the work.

Motion to suspend 2020-52 made by Callender seconded by Gaither

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

Motion to adopt 2020-52 made by Williams seconded by Callender

NO VOTE: Warren, Gaither, Callender, Hardin, Rogers, Williams

2020-50 An ordinance to submit to the electors of the Village of Oakwood the question of amending Section 7.16 of the Village Charter so as to include provisions relating to the salary of Mayors who have served the Village for less than two years, and declaring an emergency

Motion to suspend 2020-50 made by Williams seconded by Gaither

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

Motion to adopt 2020-50 made by Gaither seconded by Rogers

NO VOTE: Warren, Gaither, Callender, Hardin, Rogers, Williams

2020-53 An ordinance to submit to the electors of the Village of Oakwood the question of amending Section 10.02 of the Village Charter as to eliminate redundancies and attendant expense and delays contained in the process for passing zoning issues, and declaring an

emergency

Climer: This was not recommended by CRC.

Motion to suspend made by Rogers seconded by Gaither

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

Rogers: What does this eliminate? **Climer:** This eliminates the 30-day notice and a second hearing on a zoning issue when it comes back from the PC to Council. Council will permit public comment when it comes back from PC. It cuts some of the time and permits people to make their views known.

Motion to adopt made by Williams seconded by Gaither

NO VOTE: Warren, Callender, Hardin, Williams

YES VOTE: Gaither, Rogers

(Clerk's note: 2020-53 was entertained again later in the meeting)

Climer: This eliminates the second hearing before Council. I mixed up 2020-53; 2020-53 (Section 10.02) shortens up the zoning process. The PC gives 30 days' notice for zoning changes and Council takes action within 30 days instead of 60 days. It comes back to Council. It clarifies Council can pass zoning issues under suspension of the rules and $\frac{3}{4}$ vote. That was not recommended by CRC. **Clerk:** Do we need to rescind the vote if we are going to re-entertain 2020-53 again? **Climer:** Yes.

2020-53 An ordinance to submit to the electors of the Village of Oakwood the question of amending Section 10.02 of the Village Charter as to eliminate redundancies and attendant expense and delays contained in the process for passing zoning issues, and declaring an emergency

Motion to rescind the vote of 2020-53 made by Williams seconded by Callender

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

Climer: The amendments are in Section C of that Charter provision. This eliminates the newspaper publication, the hearing for PC, shortens the time for PC to take action from 60 to 30 days. Upon return to Council, the time is shortened from 60 to 30 days and the amendment would clarify the zoning ordinance can be passed under the suspension of the rules and $\frac{3}{4}$ votes of Council.

Motion to suspend made by Williams seconded by Rogers

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

Motion to adopt made by Rogers seconded by Callender

NO VOTE: Warren, Gaither, Callender, Hardin, Rogers, Williams

2020-54 An ordinance to submit to the electors of the Village of Oakwood the question of amending Section 10.04 of the Village Charter as to streamline the process for consideration of zoning issues and declaring an emergency

Climer: 10.04 eliminates the hearing before Council once the issue is referred back to Council and specifically provides Council to hold public comment. CRC did not recommend this.

Motion to suspend made by Gaither seconded by Callender

NO VOTE: Warren, Gaither, Callender, Hardin, Williams

YES VOTE: Rogers

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Hardin: We made the decision to say no to some, but can we still look at the 60 days making it to 30 days' notice if we choose to keep that process? **Warren:** The legislation can be drawn up and entertained again. **Hardin:** Yes. **Williams:** Is that what we are doing? **Hardin:** It is a thought. **Warren:** That is what you stated during the CRC meetings.

Motion to adjourn made by Rogers seconded by Callender
6 YES; Warren, Gaither, Callender, Hardin, Rogers, Williams
Meeting adjourned 9:50pm

Approved: _____

Johnnie Warren, President

Debra Hladky, Clerk of Council

VILLAGE OF OAKWOOD
COUNCIL WORK SESSION MINUTES
June 23, 2020

PRESENT:

Johnnie Warren – Council President
Elaine Gaither- Council at Large
Chris Callender – Ward 1
Eloise Hardin – Ward 2
Patricia Rogers – Ward 4
Candace Williams – Ward 5

Gary Gottschalk-Mayor
Jim Climer-Law Director
Tom Haba-Service Director
Mark Garratt-Police Chief
Brian Thompson- Finance Director
Dan Marinucci-Building Official

ABSENT:

Melanie Sanders-Ward 3
James Schade-Fire Chief
Carlean Perez-Recreation Director
** Arrived after roll call*

Crystal A Williams-Housing Inspector
Ed Hren-Village Engineer

No meeting was held

Approved: _____

Johnnie Warren, Council President

Debra L. Hladky, Clerk of Council