

**VILLAGE OF OAKWOOD
COUNCIL MEETING MINUTES
December 8, 2020**

ATTENDED

Johnnie A Warren III, Council President	Gary Gottschalk-Mayor*
Elaine Gaither-Council-at-large*	Jim Climer-Law
Chris Callender – Ward 1	Brian Thompson-Finance
Eloise Hardin – Ward 2	Daniel Marinucci – CBO
Melanie Sanders – Ward 3	Tom Haba - Service
Patricia Rogers – Ward 4	Chief Garratt-Police
Candace Williams – Ward 5	
ABSENT: James Schade-Fire Chief Carlean Perez-Recreation	Ed Hren – Engineer
<i>*=Late Arrival</i>	

Warren opened the meeting at 7:04p
Pledge of Allegiance recited. Attendance taken.

Motion to approve minutes of Finance Meeting of November 10th made by Sanders seconded by Callender
VOTE: YES: Warren, Gaither, Sanders, Rogers, Williams. Abstained by: Callender, Hardin

Motion to approve minutes of Finance Meeting of November 10th made by Sanders seconded by Callender
VOTE: YES: Warren, Sanders, Rogers, Williams. Abstained by Gaither, Callender, Hardin

Motion to approve minutes of Finance Meeting of November 24th made by Sanders seconded by Callender
VOTE: YES: Callender, Hardin, Sanders, Rogers, Williams. Abstained by: Warren, Gaither

Motion to approve minutes of Finance Meeting of November 24th made by Sanders seconded by Callender
VOTE: YES: Callender, Hardin, Sanders, Rogers, Williams. Abstained by: Warren, Gaither

Departmental Reports

Service-Haba: We had a heavy snow which put us behind. He thanked the Police for their help in plowing the Fire Station and the municipal lot. We are behind on Senior driveways. One contractor didn't show up and another did a terrible job. Overall, the streets are good. Trees were down in the right-of-way. **Hardin** thanked him and stated, as usual we never take you for granted. Thank Hiliary as well.

Police-Garratt: We were loaded with calls of accidents and downed lines. The department has been hit hard with Covid. We have three officers out. They are all recovering but it is hard in a small department. **Rogers:** Thank you for having the Police help with my driveway. **Garratt:** Tom was loaded down; we are here to help. **Rogers** asked about trapping farrow cats. **Garratt:** He suggested calling him first and he will alert the animal warden. **Rogers** asked what he does with the animals. **Garratt:** He will trap them. He checks for chip readers and tries to find the owners. He will hold them for a few days. Racoons are euthanized as required by law. I don't know about cats. It also depends on the condition of the animal.

Building-Marinucci: I am here to answer questions. **Rogers** asked who is handling the box truck on Garden Rd. **Marinucci:** Litigation was filed against the owner of the property. The owner indicated to the judge the truck was moved but that was misleading. It was moved from one driveway to another. She deceived the court. **Mayor:** In two days I want that truck towed out of there. It is a safety hazard for the neighbors. I can't count on the courts. I sent pictures to Council. **Warren:** It is incumbent upon the Law Director to protect the Village and Council. **Climer:** Ross, Dan and I discussed strategies to resolve it in short order. I do not want to discuss legal advice in public forum but will be happy to discuss it

privately with the Mayor and Dan. **Mayor:** The strategy is two days. The neighbor was nearly hit twice trying to get out of his driveway because he couldn't see beyond the truck. **Warren:** We will not go on private property to tow it. **Mayor:** I said enough.

Roof Replacement

Marinucci: On the Hickory property issue, we are ready to deal with the complaint in Bedford Court for the roof. **Rogers:** The owner did the roof. **Marinucci:** I hope she did; but I am not aware of a permit

Chickens

Sanders asked about the chickens on the Bugarcic property. **Marinucci:** I have no chicken issue. **Rogers:** Ross Cirincione said the person who complained is not willing to go to court. **Climer:** Ross and I investigated this. It is not illegal to harbor chickens unless and until nuisance exists to prosecute but a witness must testify to the conditions and the issue of public safety and welfare. That person is not willing to do so. In your packet tonight, there is data to back-up the ordinance. We suggest limiting the number of chickens to four; enough to feed a family of four. We included whether the ordinance, if enacted, can be retroactive to someone presently keeping chickens. This will keep him from getting more chickens as they die. **Sanders** asked if an anonymous complaint can be made. **Warren:** They can't go to court without a witness. **Rogers:** What if it is observed by the Building Dept.? **Climer:** We don't categorically prohibit chickens, nor do we currently limit them. The owner has to demonstrate danger to the public health, safety and welfare as a nuisance. The Building Inspector can inspect but it may require an animal specialist from a humane society as well. We have to get voluntary admittance by Mr. Bugarcic to inspect or have probable cause to get a warrant to inspect. **Warren:** It is winter, which puts us at a disadvantage. What legal approach we can take? I saw you have something on work session. **Climer:** Yes. This limits the number of chickens and it outlaws roosters. There is backup research as Council requested.

Bugarcic Market

Marinucci: The market is at a standstill. He has three choices; he can walk away but must restore the property to the condition before he started the work which means pulling up the footers, putting in sidewalks, planting trees, etc. Option two is, he can pay the engineering company the money owed to them for the storm water pollution control issues in association with the Village, Ed Hren and our department which will cost him more money. He has to deal with retention basins, tanks, etc. His third option is for the Village to push him to purchase the adjacent property next to the market to have enough square footage for the storm water. **Sanders** asked about the storm water pollution control. **Marinucci:** The Engineer should have known before the project began. Nevertheless, the money is due for those issues. **Sanders** asked if he issued violations. **Marinucci:** We have to do it in a time frame. **Warren** asked if this is all in writing. **Marinucci:** Yes, Jim has all that. **Warren** asked about the performance bond. **Marinucci:** There is no bond. **Warren:** You didn't have him put up a bond? **Marinucci:** We require it from the contractor. **Williams** asked about the timeline. **Marinucci:** It will be done one way or another. **Warren** asked the Law Director to look at the contractor permit bond and pursue that. **Marinucci:** This is not a contractor issue it is an owner issue to move the project forward. **Warren:** Whoever pulled the permit must comply with our codes. **Climer:** Correct. I understand that. **Marinucci:** No permits were issued except one which is in full compliance. It was for the foundation only. The contractor is in compliance. The drawings are incomplete. **Warren:** No one pulled a permit for the job? **Marinucci:** Only for the foundation. **Warren:** No blueprints were approved? **Marinucci:** Only for the foundation. I wanted to fast track it and have it done by August, which was a mistake. **Rogers:** Who pulled the permit? **Marinucci:** The contractor. **Warren:** We need to review our ordinances for the permit process. Only go with what is on the books. **Marinucci:** Once the permit is pulled, they have one year to comply. He got the foundation in. We will do what we can.

*Finance-***Thompson:** We discussed new employee healthcare. **Williams:** You gave us seven areas to reduce expenses. How do we begin to analyze the reductions? **Thompson:** I will get back with the exhibit. **Williams:** For new employees only. **Thompson:** Yes. **Williams:** Those will be comparable to this current plan and how it will help with expenses. **Thompson:** In the current plan negotiations, these are steps in the right direction. **Warren:** What isn't being said is, we have a current plan and January negotiations with the Police. **Williams** asked how we analyze changes made before negotiations begin for the contract. **Warren:** It may be months before we get a contract with the Police. **Climer:** I will have to pull the contract. Chief may have a better recollection of the expiration date. **Garratt:** It expires December 31, 2020. We negotiate the year before but if not, the new contract becomes retro once it is ratified. **Williams:** In other communities the Police have one plan, and the other employees have something different. **Thompson:** We will see what Jim Love comes up with.

Mayoral Report-Mayor: I pray at the next Council meeting we will have very good news and I wish everyone a Merry Christmas and extra special Christmas for our residents.

Open Floor Comments

Donna Edward 6180 Whitetail: I just want to say hi and thank the Mayor for the turkey.

Minnie Thomas 26350 Solon Rd: I want to thank Council President Warren and Ed Hren and everyone else for working out the utilities for my new home. We are in the process. I will be happy to get water. **Warren:** We are here to serve.

Floor Closed

Legislation

2020-91 A resolution of condolences to the family of Maryann Johns

Motion to suspend made by Callender seconded by Sanders

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

Motion to adopt made by Sanders seconded by Callender

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

Motion Passed

2020-92 A resolution of appreciation to Mr. and Mrs. Johnny Jackson for their commitment to the beautification of the Village of Oakwood

Motion to suspend made by Hardin seconded by Callender

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

Motion to adopt made by Hardin seconded by Callender

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

Motion passed

2020-93 A resolution authorizing the Mayor and Engineer to make application to the Cuyahoga County Department of Development Community Development Supplemental grant program for 2021, and authorizing the signing of contracts and other documents relevant thereto, and declaring an emergency

Motion to suspend made by Hardin seconded by Rogers

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

Climer: We do not have enough to suspend the rules. **Warren:** This will be the first reading.

FIRST READING

2020-94 A resolution authorizing the Mayor to enter into a memorandum of understanding with the Tinkers Creek Watershed partners (TCWP) and declaring an emergency

Motion to suspend made by Hardin seconded by Callender

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

Motion to adopt made by Gaither seconded by Callender

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

Motion passed

2020-95 A resolution authorizing the Mayor and Engineer to make application to the Cuyahoga County Department of Development Community Development Block Grant Program for 2020 and authorizing the signing of contracts and other documents relevant thereto and declaring an emergency

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

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

MOTION TO ADJOURN made by Sanders seconded by Hardin
FOUR YES VOTES: Callender, Hardin, Sanders, Rogers, Williams
Adjourned 8:10pm

Adopted _____

Debra L. Hladky, Clerk of Council

Johnnie Warren, Council President

DRAFT

VILLAGE OF OAKWOOD
COUNCIL WORK SESSION MINUTES
 December 8, 2020

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*= <u>Late Arrival</u>	

Meeting opened by Warren at 8:10p

2020-WS-06 An ordinance providing for the issuance and sale of not to exceed \$165,000 of notes, in anticipation of the issuance of bonds for the purpose of paying costs of acquiring real estate for Village purposes and declaring an emergency
Remained on Work Session

2020-WS-13 An emergency ordinance enacting section 505.19 and amending section 505.03 of the Oakwood Village codified ordinances to provide regulations for the raising of chickens in the Village

Rogers asked this to be moved to the next regular agenda. **Sanders:** I didn't realize it was a finished ordinance. **Climer:** The highlights are, you can have no more than four chickens per parcel. Roosters are prohibited. Fowl, other than chickens, are prohibited. Specific regulations include maintenance of the coop and run. The coop and run must be regulatorily distanced from adjoining properties. There are also a couple memos from Ami and another colleague in the Law Dept. and research by Debbie. There is a memo from Ross about difficulties he has in bringing charges from the current ordinance. **Warren** suggested moving it to the next regular agenda. **Hardin** mentioned additional regulations. **Climer:** That is research was completed by Deb Hladky in addressing health and safety issues. It is not part of the ordinance, simply research. **Hardin:** When driving by the property, I see chickens flying around. **Climer:** They can fly unless their wings are clipped. **Hardin:** I have an issue with them possibly flying into someone else's property. **Rogers:** Those are the sea gulls which are attracted to that place just like they are the dump. That is one of the issues. All agreed to move this to the next regular session.

2020-WS-17 A resolution authorizing the Mayor to enter into a memorandum of understanding with the Cuyahoga Soil and Water Conservation District and the Northeast Ohio Regional Sewer District to provide U.S. EPA Storm Water Services for the 2021 calendar year, and declaring an emergency

All agreed to move this to the next regular session. **Warren** asked for Ed Hren to attend that meeting to explain the emergency measure.

Motion to adjourn made by Sanders seconded by Rogers
 5 YES: Warren, Gaither, Callender, Hardin, Sanders, Williams
 Adjourned 8:24p

Adopted _____