

**VILLAGE OF OAKWOOD
COUNCIL MEETING
June 14, 2022
7:00 p.m.
AGENDA**

1. Call Meeting to Order

2. Pledge of Allegiance

3. Roll Call

Council President	Johnnie A. Warren	Mayor	Gary V. Gottschalk
Council-At-Large	Elaine Y. Gaither	Law Director	James Climer
Ward 1 Councilman	Chris C. Callender	Finance Director	Brian L. Thompson
Ward 2 Councilperson	Eloise Hardin	Service Director	Tom Haba
Ward 3 Councilperson	Paggie Matlock	Fire	Jim Schade
Ward 4 Councilperson	Mary Davis	Police Chief	Mark Garratt
Ward 5 Councilperson	Candace S. Williams	Building Inspector	Daniel Marinucci
		Engineer	Ed Hren
		Recreation Director	Carlean Perez

4. MINUTES –

Motion to approve the minutes from the May 24, 2022, Finance meeting

5. Correspondence from Clerk

6. Departmental Reports

MAYOR - GARY GOTTSCHALK	FIRE CHIEF – JIM SCHADE
LAW DIRECTOR – JAMES CLIMER	BUILDING INSPECTOR – DANIEL MARINUCCI
FINANCE DIRECTOR – BRIAN THOMPSON	HOUSING INSPECTOR – N / A
SERVICE DIRECTOR - TOM HABA	POLICE CHIEF – MARK GARRATT
ENGINEER REPORT- ED HREN	RECREATION DIRECTOR – CARLEAN PEREZ

7. Floor Open for Comments from Village Residents on meeting agenda and comments in general *Village residents, please state your name, address, and the subject you wish to discuss for the record. Please limit your comments to five (5) minutes. Thank you! Please sign-in to speak*

8. Legislation

Res 2022-35 A RESOLUTION ACCEPTING A FUNDING AWARD FROM CUYAHOGA COUNTY UNDER THE 2021 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE ENGINEER TO BEGIN THE PREPARATION OF PLANS AND SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR THE BROADWAY AVENUE ADA ACCESSIBLE CURB RAMPS AND SIDEWALK PROJECT IN THE VILLAGE OF OAKWOOD AND DECLARING AN EMERGENCY.

Introduced by Mayor &
Council as a whole
2nd Reading

Res 2022-36 A RESOLUTION OF CONDOLENCE TO THE FAMILY OF MARILYN DEQUINCY SILVER-DAVIS

Introduced by Mayor &
Council as a whole
1st Reading

Ord 2022-37

Introduced by Mayor &

Council as a whole

1st Reading

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE/PURCHASE AGREEMENT WITH FNB COMMERCIAL LEASING FOR THE ACQUISITION OF TWO POLICE CHEVY TAHOE VEHICLES FOR THE POLICE DEPARTMENT THROUGH THE STATE OF OHIO, DEPARTMENT OF ADMINSTRATIVE SERVICES, STATE PURCHASING PROGRAM AND DECLARING AN EMERGENCY

9. Adjournment

**VILLAGE OF OAKWOOD
WORK SESSION
AGENDA
June 14, 2022**

1. Call Meeting to order
2. Discussion by Mayor and Department Heads of matters to be brought to the attention of Council if present.
3. Questions of Mayor and Department Heads concerning Legislation or potential Legislation to be considered at future Council meetings.
4. Discussion of items of draft Legislation or potential Legislation to be considered at future Council meetings.

Legislation: Fiscal Officers Certificate Present

Ord 2021-WS-05

Introduced 1-29-2021 by
Mayor & Council as a whole
2021-09 Moved to WS 2-23-21

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN EXTERIOR HOME REPAIR ASSISTANCE PROGRAM FOR SINGLE FAMILY PROPERTIES LOCATED IN THE VILLAGE

Ord 2021-WS-26

Moved to WS 10/26/2021
Ord 2021-70 w/ Planning

AN ORDINANCE ENACTING REGULATIONS OF ELECTRONIC DIGITAL BILLBOARD SIGNS LOCATED IN THE VILLAGE OF OAKWOOD

Ord 2021-WS-27

Moved to WS 10/26/2021
Ord 2021-71 w/ Planning

AN AMENDED ORDINANCE ENACTING SEVERAL CHANGES TO OAKWOOD VILLAGE CODIFIED ORDINANCES RELATED TO THE REGULATIONS OF SIGNS LOCATED WITHIN OAKWOOD VILLAGE

Ord 2022-WS-4

Introduced 5/10/2022

AN EMERGENCY ORDINANCE REAFFIRMING THE PROHIBITIONS AGAINST DISCHARGING, IGNIGHTING OR EXPLODING FIREWORKS IN THE VILLAGE OF OAKWOOD AS SET FORTH IN CHAPTER 1519 OF THE CODIFIED ORDINANCES OF THE VILLAGE NOTWITHSTANDING THE PROVISIONS OF H.B.172

New Resident Packets Procedure

Municipal Complex Hardin

Disaster Recovery Plan Hardin

Human Resources Hardin

Five-Year Plan Hardin

Employee Service Awards (every five years)

Council Committee Assignments

5. Matters Deemed Appropriate
6. Adjournment

VILLAGE OF OAKWOOD
COUNCIL MEETING MINUTES
May 24, 2022

ATTENDED

Elaine Gaither-Council at Large
Chris Callender-Ward 1
Eloise Hardin-Ward 2
Paggie Matlock-Ward 3
Candace Williams-Ward 5

Tom Haba-Service
Daniel Marinucci-Building
Jim Climer-Law Director (via speakerphone)
Mark Garratt-Police

ABSENT

Johnnie Warren-President
Mary Davis-Ward 4

Ed Hren-Engineer
Carlean Perez-Recreation
Jim Schade-Fire
Brian Thompson-Finance
Gary Gottschalk-Mayor

Meeting opened approximately 7:07 by Gaither

Pledge of Allegiance and attendance taken.

Motion to approve the minutes from the May 10, 2022, Finance meeting by Hardin; Seconded by Matlock

VOTE YES: Gaither, Callender, Hardin, Matlock, Williams

Speaker: Dinah Mouat-Administrator for Southeast Clergy Meal on Wheels (see attached information)

Hardin: As long as the Law Director approves everything that we send out publicly, we can make our community aware of the services and to see if there are volunteers.

Clerk Correspondence:

Morgan: Nothing to report. Birthday notifications made.

Departmental Reports:

Service-Haba: We witnessed a cracked sealing today on the newer section of Broadway. The older section is too far gone, and we are not going to do but is supposed to be replaced next year. When they start cracking, we seal those up to make them last longer. We would do that tomorrow, but we received the call that the flowers are in, so we'll start to plant tomorrow morning. The Ford plant demolition was supposed to start this week. Found out that they had trouble getting equipment to start excavating, so they will begin next Tuesday (May 31st). They wanted to let us know to be polite and should only affect our traffic around Fair Oaks and Oak Leaf. This demolition could take up to 18 months. **Hardin:** On Forbes, are you going to do anything with where they went into the ground? We are not going to have to wait until Forbes is redone. **Haba:** No, they are going to replace that when they are done. **Hardin:** How soon? **Haba:** As soon as they are done with that part of that. I don't think I can get a timeframe on that part of it. **Hardin:** Another thing, when they are working on Forbes and Lynbrook, and this is to the Police Chief, too; that is a tricky area. I don't know if they need a flag person there. It doesn't happen that often, but you can't navigate a right turn from Richmond onto Forbes with that equipment. **Gaither:** They have someone there directing traffic. **Hardin:** Not when I went through. I'm saying what I saw. **Haba:** I will check with the chief inspector tomorrow to make sure that at the right times there is someone there. **Williams:** Morgan Ceramic where the building was torn down, do we know who is responsible for keeping that up? **Haba:** It is completely the City of Bedford. **Williams:** Do we have a contact we could reach out to because it looks horrendous. Or can I reach out to someone? **Haba:** You can. I can look into it. I went by today and I see it was all gravel and stuff. What area? **Williams:** Right as you turn on to Wright Ave. The grass is super high. **Haba:** We cut that sometimes. I am not sure if that is the borderline piece. We stopped a guy today and he cut Saturday, but he cuts from the hedges in. I told him next time just get the other side of the hedges, too. **Williams:** No, I am not saying we should, but I know people assume it so it's a reflection on us. **Haba:** We are not going to quibble over a couple of feet. We just asked that the next time he cuts it, to get the other side of the hedges so it looks nicer. **Williams:** I'll reach out to Bedford. **Hardin:** One other thing, the Forbes bridge was brought to our attention that it was in need of repair. I don't

think we ever did any real repair work or clean up underneath. Are we going to do any of that? **Haba:** Clean up was clean up, not repair. We checked all the bridges a couple of months ago and they were all okay. The structures themselves. Underneath, we can cut some of that stuff down. We have before and at your request we don't take it down too low. **Hardin:** But you did verify that all the planks are not in need of repair? **Haba:** I am not saying that. I look at the structure of the bridge, not the planks. **Hardin:** Are you going to paint it? **Haba:** We need to when we get time. That needs staining and needs painted. We talked about that fence last year and the Mayor had us put it on hold because he was thinking about using COVID money to put up plastic fence but that never happened. We repaired the fence about 3 weeks ago. But it's needs stained and repainted again this year. **Hardin:** Can you put that on the list since we are not getting a new fence? **Haba:** Yes. It needs it. Also, I'd like to thank the police department. I mentioned it a couple of meetings about the possible cameras because this time of year over the last 3-4 years, we get so many cement spills. We happen to have one yesterday at around 1pm and when I looked at it, there was quite a bit. I called the police department asking them to check the cameras at the gas station. They did find out which company did it. That company was cited, and we did clean it up. The company will be charged for that clean up.

Building-Marinucci: We're hiring a part time employee. Hopefully it's going to start on Monday. It's limited. The only function I am going to have her do initially for a while is the digitizing of the street files and get them into the computer. It's going to be a long process. Today I met with IT to make sure the digitizing works. We are having trouble where you put the big building drawings. All the 8 1/2x11, the permits, the hardcopies are all going to be digitized. We have some of it done but realizing there are 50 years' worth of documents that need to be put into the computers. **Hardin:** I left a note for Aaron. **Marinucci:** I talked to Lilly the same day and I was told he checked those 2 properties, so he's working that. I don't have the addresses, but I am working with him, and we are going to go out. I want to make sure it gets done and the follow up. You can see the system working. I put in the date (5/9) that we had for the mattress issue. It's terrible. I had trouble getting service. But we got it and we had to extend the time. The gentleman called-which is good-and asked for additional time. Aaron gave him more time. As soon as that date comes, that's it. He won't get a second date. It's 3-4 mattresses along with the other debris. **Hardin:** Those 2 addresses that I gave you are in really bad shape, and they have never been painted. Period. **Marinucci:** I don't know if this is the one. There are two houses that are in it that we contacted to paint it. I don't know if these are the two, but they asked if they can paint it in June. **Hardin:** And I did ask for verification of where trashcans should be placed. **Marinucci:** When we first move, we put a screen up. I'd like to hit everybody and say, "Put a screen up." I talked to the Mayor on this but I agree totally. **Hardin:** If you worked with the building department so we are consistent. The Clerk was in on this and all she could find was 25 feet from the house, but I don't think that is what are trying to enforce. So, we know what we're doing here, and we don't tell one person one thing and one another. Make sure we have the ordinances in place. **Climer:** I'm happy to do that. **Williams:** So, is that the plan to create legislation? **Hardin:** Whatever the Law Director says because what I read was being enforced. But when I checked, there wasn't an ordinance. So, I don't want them out doing one thing and there is nothing to support it. **Marinucci:** I talked to the Mayor, and it was screening is the best way to go. **Hardin:** We need some direction, so we are consistent. **Climer:** As I understand it, you would like for me to get with Mr. Marinucci to get on the same page about exactly what our ordinances say about the storage of trash cans, so we enforce that uniformly.

Police-Garratt: Wanted to give you the heads up about the flock cameras. One is installed right and the other 5 should be installed tomorrow. Richmond and Solon, southbound is up and running. A couple things they have to do is drop some extra power and various things, but all should be installed tomorrow to get them up and running. We just utilized some of those flock camera in another city on the thefts of the exhaust systems. Also, there has been a bunch of armed robberies going around Cleveland. The cars have been located in some of the burbs, Warrensville and Lyndhurst. The other thing that I want to give you a heads up on is I forgo the cars last year. Nothing is available for cars. They are getting police packages out for more tahoes. So, I will get the legislation out for the next council meeting for you to look at and maybe if we can entertain it, we can see if we can pass it and get the orders out this year. I don't know if we will get it before January, but we will have our order in to put us on the list. **Hardin:** *Discussion including Chief Garratt regarding the fatal shootings that took place in at Robb Elementary School in Texas on May 24, 2022 and the various other shootings.*

Law Director-Climer: No report.

Williams: The Finance Director is not here tonight, and I know we are on the 4th meeting which is usually the finance report. So, two things: I want to make sure that we don't lose some precedence. We had originally discussed a few years

ago if we cancel a finance meeting, which is a public hearing, that we should have some kind of notice as to why it is being canceled. But I am noticing that we have the finance reports for February and it's May. **Morgan:** That is because they are adjusting to the new system. They updated to a completely new system for payroll and everything. It's been a constant battle and they are just now getting caught up. He is almost done with March. He is hoping to have March and April in the next week or so. **Williams:** So, it's May. Just some type of notice that we are going to be 2-3 months would be reasonable. **Morgan:** I will let Brian know. And I ask Brian before each time whether he needs a meeting and so far, he has declined.

Public Comment:

Resident 1-Sharyn Macklin 7473 Oakhill Road: I have a problem with the house next door. I gave you pictures. There is a tree there I have been fussing and complaining about this for the last 7-8 years to come down. This tree, when it falls down, is going to hurt somebody. The part over my property, when it falls, it's going to tear up my car, it's going to tear up my deck and if my kids or grandkids are outside, it's going to kill one of them. If you look at the pictures, one of those big branches fell off in her yard. The grass has not been cut all year. On the side of the house, there are weeds growing up. There are mouse running all over her yard. She had an exterminator come out and he told her there was nothing he could do because the grass is too tall, and you have mice and moles digging tunnels everywhere. I don't need that. I'm scared of mice. I don't need that. My husband is killing snakes coming from over there. Something's got to be done with the landlords who get these houses and don't live in them and let them go to rot. This is bullcr*p. I don't feel like I should live like this. I have lived in OV all my life and I have never had to live like this. This house needs to be.... She sleeps in the basement, and it's flooded twice she told me. There is black mold down there. She sleeps down there because she doesn't want her kids to have a room to themselves. The kids ran into the garage door and tore it up with the lawnmower that they should have been cutting the grass with that they are not doing. Now, her garage is open, so now we are going to have animals running in and out of there. You get rid of them in one place, and they will come to the next place. **Gaither:** What is the address? **Resident 1:** 7465 I think it is. It's time for this tree to go. This tree has got to go. If this tree doesn't go, something is going to happen to it. I can't tell you what, but I'll figure out something. This tree has got to go. If one of kids gets hurt, there is going to be a serious problem. They told me to make sure I complain so if something happens, their insurance will have to pay for it. This girl calls this landlord who says, 'Well, I'm not doing it.' Well, what are you going to do? This girl has something where her rent in paid up until July, but I got to live like this until July? Her backyard is worse than my farm where my cows feed. It's terrible. She has a swimming pool she bought that they put together. Never put water in it and it's flipped upside down and there is water on it that has been there for over a year and there's mosquitoes. Why do I have to live like this? Why does she get to live in a house and do nothing? If you're renting, then you know what you got to do. Cut the grass. 'Oh, I don't do grass. I don't come in the yard.' 'Well, you got to do something. Don't tell me what you're not going to do. I don't like living like I'm living next door to you.' I'm of the snakes. I'm tired of the mice. I'm tired of all this cr*p. The skunks, the (ra)coons are all living over there. It's crazy. Why do I have to live like this? Why do people buy these houses and do nothing with them and putting people in them? That girl pays \$1,100 a month. First of all, I wouldn't pay that amount for that house. I would not pay it. If I pay \$1,100, I am moving out of OV, a new part of OV, something. It won't be on Oakhill unless I build there, and I still won't pay \$1,100. But you are living like that, and you're satisfied with it? The kids play in the street, and they don't get out of the street. When I come down the street, they run because I told them; 'When you see a car coming, you move.' They don't do it. They stay. Then they had their friends come out and the neighbor across the street had to tell him to watch his mouth. He's out there cussing and acting a fool with the kids. The lady across the street had to tell him, 'Could you please watch your mouth and turn your radio down?' I know my kids play their music loud, but my kids know when and when not to do something. They are grown. These are grown people I'm talking about. I just can't live like this anymore. You came and seen that tree (to Mr. Haba). **Haba:** Yes. **Resident 1:** It needs to come down as soon as possible. **Haba:** I went and looked at it and Ms. Matlock looked at it the day before. We don't have that responsibility to do that. I told her to check with the Law Director. In a lot of cities, if it is over your property, you can cut it if you want. **Resident 1:** I am going to cut it down and drag it back to her yard. **Haba:** I am not going to tell you what to do. ***inaudible-multiple voices* Marinucci:** This may be part of what she is saying, these LLCs are driving me crazy. Yesterday, I had 4-5 hours trying to figure out, you have LLCs, you have names that don't correspond with anything, telephone numbers that do not work, statutory agents that are out of state. And yesterday, I ended up calling this law department, but it wasn't. It was the lawyer who did the foreclosure. He gave me a telephone number and Aaron has been trying to chase it down. What she is saying, and I don't know if it's specific for this house, but they are paying \$1,100 for this house, \$1,900 a month. Part of what we tell them is put your monthly money into and escrow fund. We

tried to get the telephone numbers or an address to somebody to sent it to. I know exactly what you mean. We have LLCs in Israel that controlling properties here. I feel for what you're saying. **Gaither:** Can we find out the owners of this particular property? **Resident 1:** I told her I was coming up here and I told her I was going to complain. Because I told her she didn't have to live like that. Your kids should not have to live like that. I can rent my house for \$900 if you want to pay some money. But you're living in an \$1,100 house that is not more than \$500 if you're lucky to get it. You're complaining about all these bugs and things running around your house. You are complaining about mice running around your house. You're complaining about (ra)coons at the door. Now, what's going to happen with the garage door? There's going to be (ra)coons. What makes it so bad is that the girl who used to live there, used to catch skunks because her sister-in-law would raise skunks. So, she would let the skunks go into this place and she would take the babies to give to her sister-in-law. So, the skunks are used to going in there. The put a piece of wood over there. Then how long is that going to last with the snow and rain, and it rots away. It's crazy. Something has got to be done with this property. **Haba:** I said the tree, we won't take the responsibility on going there and cutting that tree because then we are liable. But as far as the grass goes, I will get together with Dan and have his housing inspector give notice. They will have about 10 days and then we will cut the grass. **Resident 1:** I got to wait 10 days? **Haba:** We have to give them notice. **Matlock:** The question is to the Law Director, is there anything else we can do since this is an LLC for our renter? ***inaudible-multiple voices*** **Marinucci:** Get a copy of her lease. **Resident 1:** I'll see if she will give it to me. **Marinucci:** That will give me everything I need to know. There should be a contact. We will put out a notice tomorrow morning. ***inaudible-multiple voices*** **Gaither:** Between Mr. Marinucci and Jim Climer, there will be some resolution. **Marinucci:** I will be out there tomorrow and put the notice up. ***inaudible-multiple voices*** ***Ms. Matlock repeating and explaining in more detail of the situation to Mr. Climer*** **Matlock:** I have been there to see the tree and it is a safety issue. The tree is all broken up. The limbs are falling over into her property. It does need to come down and it does need a resolution. We are running under some type of legal issue with this tree if we cut it down. What would you suggest? **Climer:** We had a situation a while back and our ordinances are a little vague on the matter. I think the last time around we resolved by agreement. I will take a look at it and give Tom a call tomorrow. **Gaither:** This is rental property as well. **Matlock:** Is there anything that we can do with this being rental property and it's not being held to what it should be for the community as far as animals, mold, flooding, etc. **Climer:** We can gain voluntary access for an inspection from either the tenant or the landlord. The person that has possession has the authority to let Dan in. If they do not cooperate, then we can look at the exterior conditions and see if there is probable cause to get an administrative warrant which worked very well in our last situation. I will talk to Dan and Tom tomorrow with options both on grass and on the tree and the potential for getting an inspection. **Resident 1:** She asked me a while ago could I get somebody to inspect the house. **Gaither/Matlock:** They are going to do that. **Resident 1:** She will let you in to inspect it. **Marinucci:** That has to be put in writing but to answer your question, yes, that could be done. That will not happen tomorrow, but we could set it up. There is a form that needs to be fill out and signed to let us in. ***inaudible-multiple conversations*** **Matlock:** We have to move on this. There is safety and health issues. We have kids there. There is mold. **Marinucci:** If there is mold, she will have to leave. **Matlock:** If that's the case, so be it. The point behind it she can't live in an unsafe environment. **Marinucci:** Also, understand, there is nothing keeping her there. **Matlock:** There is nothing keeping her there but now that the rabbit hole has been opened, we need to go ahead and crawl in it. **Marinucci:** I will have her call legal aid.

Resident 2 Bernice Butler 7217 Lynbrook Drive: I have addressed this with you all before. This is about the ravine between the houses on Lynbrook Drive and Richmond Road. Still having problems with it. There's water coming down there. But because it was so cluttered, the water will stop. The water is coming into my backyard along that line. I brought this to your attention before and Mr. Haba, one of your guys came out. Then went up and down and looked at it. One of your guys said to me, 'they own half of this, and you own the other half.' I've never been told this since I have been in OV. Is that true? Is that true that I am responsible? **Haba:** I could find out. I don't believe we have an easement there. It's correct. Wherever your boundary line is you are up to his property. I imagine that is the case. **Resident 2:** I need to know that for sure. **Haba:** I will give you an answer within a week. **Resident 2:** Because what happens is they build those houses on Richmond Road up an incline. So, they just throw their things down in there and nobody even tracks that ever. I want to be able to go into my backyard and not be walking in mud all the time. Those trees have been there since 1970. Some of those limbs fall down there all the time. There is one tree over the line behind my house. I went to the owners, and I said, 'Let's have that tree cut down. If you pay half and I'll pay half.' They laughed at me and said, 'it's not bothering us.' No, it's not because it's leaning that way toward my house. I am tired and I would like to live the rest of my life in OV. But it's things like that, I can't make it happen. That's why we have you all. **Haba:** A lot of times like that, it's a civil matter. We don't have to power to tell that man to cut his tree down. I am not sure what it is in OV, but in most cities, if something is hanging over your property, you're allowed to cut it. Anything hanging over

your property, you can take care of. **Resident 2:** And our lives will be in danger. Can you imagine me hiring somebody to cut that tree? Like one of neighbors whose tree hangs over my fence, I go out there with a thing and try to cut it, it's too threatening for us to do that. **Haba:** I understand but the city cannot go on property and go do that. **Resident 2:** Then can it be addressed? If it's true that I own part of it and they own part of it, let me know and I will try to do the best I can. I intend to live in that house until God calls me home. **Gaither:** Mrs. Butler, he's going to check to find out who owns what. **Resident 2:** I have been here since 1970 and nobody has ever said when they built those houses.... Lynbrook was there before a lot of the houses on Richmond Road, and nobody ever said, 'okay, you own half of this ravine, and they own the other half.' **Gaither:** He is going to check that. **Haba:** Yes, we will check it. With neighbors, wherever your house busts up to, that is where the property line is unless there is an easement in rare instances. But usually, wherever the property line is, that is a shared property line. But I will look into it. **Resident 2:** Let me know. If that is true that I own that, then I will do what I can to make sure that water doesn't come over into my backyard. I have a shed sitting there. I am afraid to go into that shed. **Haba:** I didn't see if my guys were out there, but they said it didn't look too bad. But if it's something, we can dig a little trench for 45 minutes, we'll do that for you. I will find out. If there is something we can do to appease you with a reasonable amount of effort and time, we will try to do that for you.

Floor closed

Legislation:

Res 2022-35

Introduced by Mayor &

Council as a whole

1st Reading

A RESOLUTION ACCEPTING A FUNDING AWARD FROM CUYAHOGA COUNTY UNDER THE 2021 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE ENGINEER TO BEGIN THE PREPARATIONS OF PLANS AND SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR THE BROADWAY AVENUE ADA ACCESSIBLE CURB RAMPS AND SIDEWALK PROJECT IN THE VILLAGE OF OAKWOOD AND DECLARING AN EMERGENCY

Hardin: Is this the one where we owe the \$50,000? What were the dollar amounts? **Climer:** This was prepared by Mr. Hren. **Morgan:** Mr. Hren will be here next meeting and he will have another piece of legislation. He will go over both then.

MOTION TO ADJOURN by Hardin; Seconded by Callender

VOTE YES: Gaither, Callender, Hardin, Matlock, Williams

MEETING ADJOURNED @ 8:18pm

Adopted _____

Christine Morgan, Clerk of Council

Johnnie Warren, Council President

RESOLUTION NO. 2022 - 35

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

A RESOLUTION ACCEPTING A FUNDING AWARD FROM CUYAHOGA COUNTY UNDER THE 2021 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE ENGINEER TO BEGIN THE PREPARATION OF PLANS AND SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR THE BROADWAY AVENUE ADA ACCESIBLE CURB RAMPS AND SIDEWALK PROJECT IN THE VILLAGE OF OAKWOOD AND DECLARING AN EMERGENCY

WHEREAS, on December 30, 2021, by Resolution 2021-77, Council authorized and directed the Mayor and the Village Engineer to file an application for funding to the Cuyahoga County Department of Development for the Broadway Avenue ADA Accessible Curb Ramps and Sidewalk Project under the 2021 Community Development Block Grant Program; and

WHEREAS, the Cuyahoga County Department of Development has notified the Mayor and the Village Engineer that the Village of Oakwood has been awarded \$150,000.00 for the Broadway Avenue ADA Accessible Curb Ramps and Sidewalk Project under the 2021 Block Grant Program which will include the construction of a concrete sidewalk within the right of way and easement areas on the northerly side of Broadway Avenue from the Oakwood Community Center to Tryon Road; and

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

SECTION 1. The Mayor is hereby authorized and directed to enter into any agreements with the Cuyahoga County Department of Development as may be necessary and appropriate for securing the grant award funds for the Broadway Avenue ADA Accessible Curb Ramps and Sidewalk Project.

SECTION 2. The Village Engineer be and is hereby authorized and directed to prepare plans and specifications for the Broadway Avenue ADA Accessible Curb Ramps and Sidewalk Project.

SECTION 3. The Village Engineer be and is hereby authorized and directed to advertise for bids according to law for the repairs and other work as specified in Section 1 hereof.

SECTION 4. Upon receipt of the bids, the Mayor shall provide all members of Council with a bid tabulation summary for each bidder prior to the Board of Control awarding any contract for the matters described in Section 1 hereof.

SECTION 5. Council hereby authorizes the expenditure of an aggregate amount not to exceed One Hundred Eighty Thousand Dollars (\$180,000.00) for the design, bidding and construction of the Broadway Avenue ADA Accessible Curb Ramps and Sidewalk Project as provided above. The Director of Finance be and is hereby authorized and directed to issue vouchers in the amounts and for the purposes as expressed above upon the award of contracts pursuant to

Board of Control approval, said amounts to be charged to the Street Construction Maintenance and Repair Fund.

SECTION 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that it is required to ensure the construction of the facility prior to the September 30, 2022 deadline established by the Department of Development, therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

Christine Morgan, Clerk of Council

Johnnie A. Warren, President of Council

Presented to the
Mayor _____

Approved: _____

Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Resolution No. 2022-35 was duly and regularly passed by this Council at the meeting held on the _____ day of _____, 2022.

Christine Morgan, Clerk of Council

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Resolution No. 2022-35 was duly posted on the _____ day of _____, 2022, and will remain posted in accordance with the Oakwood Village Charter

Christine Morgan, Clerk of Council

DATED: _____

RESOLUTION 2022-36

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION OF CONDOLENCE TO THE FAMILY OF
MARILYN DEQUINCY SILVER-DAVIS**

WHEREAS another life's flame snuffed out too soon as Marilyn DeQuincy Silver-Davis move on to live eternally with God on April 27, 2022; and

WHEREAS Marilyn (also known as "Red" for her red hair and freckles) was born April 26, 1936, in rural Halifax County, North Carolina as the youngest child to Joseph and Laura McWilliams-Silver; and

WHEREAS at the age of 5, her mother passed away and she was raised by her father, older siblings, and other family members by which God covered her and who demonstrated that motherly love she so longed for; and

WHEREAS as one of her passions, she became the family historian and archivist which allowed her to teach the family where they came from and the accomplishments their ancestors made. This led her 20 years of organizing and participating in family reunions in various cities. She promised to keep it alive if she could. That was a promise she kept; and,

WHEREAS in 1957, she was introduced to a gentleman whom her brother brought home from the Marine Corp. Charles Davis was that man whom she married and whom she would travel with all over the world for the next 20 years as the wife of an Air Force Airman; and

WHEREAS upon Charles' retirement, he moved Marilyn and their family to his childhood home in Cleveland. Shortly after, the couple settled in their new home in Oakwood Village; and

WHEREAS Marilyn spent her working years with a liquid crystal company until her retirement where she would take care of her older siblings as their health failed; and

WHEREAS during those years, she continued to keep busy sewing slipcovers, clothes for all the family and was a culinary genius with her famous Southern cuisine; and

WHEREAS her dedicated and maternal soul will be forever missed by her children, grandchildren, great-grandchildren, and her last loving partner, James Lilly and his family. She was a remarkable friend and neighbor to all that knew her.

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 condolences to the family of Marilyn DeQuincy Silver-Davis, and hope the fond memories of such a fine, caring person comforts them in their loss.

SECTION 2. The Clerk is hereby authorized to present a copy of this resolution to the family of Marilyn DeQuincy Silver-Davis.

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.

PASSED: _____

Christine Morgan, Clerk of Council

Johnnie A. Warren, Council President

Presented to the
Mayor:

Approved:

Mayor, Gary V Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Resolution No. 2022-36 was duly and regularly passed by this Council at the meeting held on the _____ day of _____ 2022.

Christine Morgan, Clerk of Council

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Resolution No. 2022-36 was duly posted on the _____ day of _____, 2022, and will remain posted for a period of fifteen (15) days thereafter as provided in the Village Charter.

Christine Morgan, Clerk of Council

DATED: _____

**A RESOLUTION OF CONDOLENCE TO THE FAMILY OF
MARILYN DEQUINCEY SILVER-DAVIS**



WHEREAS another life's flame snuffed out too soon as Marilyn DeQuincey Silver-Davis move on to live eternally with God on April 27, 2022; and

WHEREAS Marilyn (also known as "Red" for her red hair and freckles) was born April 26, 1936, in rural Halifax County, North Carolina as the youngest child to Joseph and Laura McWilliams-Silver; and

WHEREAS at the age of 5, her mother passed away and she was raised by her father, older siblings, and other family members by which God covered her and who demonstrated that motherly love she so longed for; and

WHEREAS as one of her passions, she became the family historian and archivist which allowed her to teach the family where they came from and the accomplishments their ancestors made. This led her 20 years of organizing and participating in family reunions in various cities. She promised to keep it alive if she could. That was a promise she kept; and

WHEREAS in 1957, she was introduced to a gentleman whom her brother brought home from the Marine Corp. Charles Davis was that man whom she married and whom she would travel with all over the world for the next 20 years as the wife of an Air Force Airman; and

WHEREAS upon Charles' retirement, he moved Marilyn and their family to his childhood home in Cleveland. Shortly after, the couple settled in their new home in Oakwood Village; and

WHEREAS Marilyn spent her working years with a liquid crystal company until her retirement where she would take care of her older siblings as their health failed; and

WHEREAS during those years, she continued to keep busy sewing slipcovers, clothes for all the family and was a culinary genius with her famous Southern cuisine; and

WHEREAS her dedicated and maternal soul will be forever missed by her children, grandchildren, great-grandchildren, and her last loving partner, James Lilly and his family. Marilyn was a remarkable friend and neighbor to all that knew her.

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 condolences to the family of Marilyn DeQuincey Silver-Davis and hope the fond memories of such a fine, caring person comforts them in their loss.

SECTION 2. The Clerk is hereby authorized to present a copy of this resolution to the family of Marilyn DeQuincey Silver-Davis.

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.

ORDINANCE NO. 2022-37

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE/PURCHASE AGREEMENT WITH FNB COMMERCIAL LEASING FOR THE ACQUISITION OF TWO-POLICE CHEVY TAHOE VEHICLES FOR THE POLICE DEPARTMENT THROUGH THE STATE OF OHIO, DEPARTMENT OF ADMINISTRATIVE SERVICES, STATE PURCHASING PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the Village of Oakwood has enrolled in the Cooperative Purchasing Program which allows it to participate in state contracts which the Department of Administrative Services, Office of State Purchasing, has entered into and the Office of Cooperative Purchasing has distributed for the purchase of supplies, services, equipment and other materials; and

WHEREAS, the Village of Oakwood is desirous of acquiring 2 Chevrolet Tahoe 4WD PPV Vehicles; and

WHEREAS, pursuant to the provisions contained in Section 735.053 of the Ohio Revised Code, the Village of Oakwood deems it cost effective to procure said items from the State of Ohio through its designated vendor.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

SECTION 1. The Mayor be and he is hereby authorized and directed, upon the approval of the Board of Control, to enter into a contract on behalf of the Village of Oakwood with the designated vendor of the State of Ohio, Department of Administrative Services - State Purchasing, FNB Commercial Leasing, for the lease/purchase of the following upon the terms and conditions set forth in Exhibit A attached hereto and incorporated herein:

<u>QUANTITY</u>	<u>ITEM</u>	<u>PRICE</u>
2	Chevrolet Tahoe 4WD 1FL Vehicles	\$39,083.00 each

SECTION 2. Council hereby authorizes the expenditure of an amount not to exceed \$78,166.00 to effectuate the provisions contained in Section 1 hereof. The Director of Finance be and is hereby authorized and directed to issue vouchers in the amounts and for the purposes as expressed in Section 1 hereof, said amounts to be charged to the Fund No. 401.7799.55092

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the Village. The reason for the emergency to take advantage of the offer by the State of Ohio Department of Administrative Services-State Purchasing Program and it being that the same relates to the daily operations of a municipal department and the ability to provide safe and

effective law enforcement services to the citizens of the Village. Therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

Christine Morgan, Clerk of Council

Johnnie Warren, President of Council



Presented to the
Mayor _____

Approved: _____

Gary V. Gottschalk, Mayor



I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-37 was duly and regularly passed by this Council at the meeting held on the ____ day of _____, 2022.

Christine Morgan, Clerk of Council

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2022-37 was duly posted on the ____ day of _____ 2022 and will remain posted in accordance with the Oakwood Village Charter.

Christine Morgan, Clerk of Council

DATED: _____

PURCHASER Oakwood Village
 ADDRESS 24800 Broadway
 CITY Oakwood STATE OH ZIP 44146
 RES. PHONE () _____
 BUS. PHONE (330) 998-3930
 E-MAIL svanness@oakwoodpolice.org DATE 02/08/22
 MOBILE NO. () _____

BUYERS ORDER

Tim Lally Chevrolet, Inc.
 24999 Miles Rd
 Warrensville Heights, Ohio 44128
 440-232-2000 Fax 440-232-2104

PLEASE ENTER MY ORDER FOR THE FOLLOWING DESCRIBED
 MOTOR VEHICLE: NEW USED DEMO RENTAL FACTORY OFFICIAL

DEAL NO. _____ CUSTOMER NO. _____

MILEAGE ON PURCHASED VEHICLE: _____
 Accurate Unless Marked Not Accurate NOT ACCURATE

VEHICLE
 SOLD:

MAKE	YEAR	MODEL	BODY TYPE	COLOR	TRIM	STK. NO.	SERIAL NO.
Chevrolet	2023	Tahoe 4 x 4	PPV	WHITE	Black		

TRADE IN RECORD - TRADE 1			
YEAR	MAKE	MODEL	TYPE
VIN #			
MILEAGE: (Accurate Unless Marked Not Accurate) <input type="checkbox"/> Not Accurate		Salvage Vehicle? <input type="checkbox"/> Yes	
BALANCE OWED \$ _____ (Good Until _____) Trade-in Allowance _____			
TRADE IN RECORD - TRADE 2			
YEAR	MAKE	MODEL	TYPE
VIN #			
MILEAGE: (Accurate Unless Marked Not Accurate) <input type="checkbox"/> Not Accurate		Salvage Vehicle? <input type="checkbox"/> Yes	
BALANCE OWED \$ _____ (Good Until _____) Trade-in Allowance _____			
REMARKS:			
*****THIS IS ONLY AN ESTIMATE AT THIS POINT BUT SHOULD BE CLOSE*****			
DEPOSIT (PARTIAL PAYMENT) RECEIPT - Purchaser hereby provides to the Dealer the sum of \$ _____ as Non-Refundable Deposit/Partial Payment for the vehicle described above. If this Receipt is for a Deposit, Dealer will refrain from selling the described vehicle for _____ days from the date of Deposit. X _____			
NEGATIVE EQUITY DISCLOSURE & CONSENT - I am aware that the balance owed on my trade-in vehicle or the amount owed on my lease turn in vehicle exceeds the trade-in allowance from the dealer. As a result, I have requested that the "Total Due" be increased by the difference, \$ _____ (known as negative equity). X _____			
ARBITRATION - I agree that any dispute arising from this transaction will go to arbitration and I have executed a detailed arbitration agreement which is fully incorporated herein. Arbitration is not required for the purchase or financing of your vehicle. X _____			

PRICE OF VEHICLE	\$	35167.00
OTHER GOODS & SERVICES	PPV 4X4	3294.00
4 additional keys		75.00
Grill lamp and siren circ. wiring		91.00
Horn / siren circ. wiring		55.00
Auxillary Ground Studs		88.00
Delete daytime driving lights		49.00
Red/Whi front dome light		169.00
DOCUMENTARY SERVICE FEE		
TOTAL PRICE		
TRADE-IN ALLOWANCE(S)	()	
TAX BASE		39068.00
SALES TAX _____ %		
TITLE FEE		15.00
REGISTRATION FEE		
PLUS PAYOFF ON TRADE VEHICLE(S)		
TOTAL DUE		39083.00
LESS INITIAL PAYMENT CASH DOWN	\$	
LESS REBATE/FACTORY INCENTIVE		
LESS REBATE/FACTORY INCENTIVE		
BALANCE DUE	\$	39083.00

ALL WARRANTIES, IF ANY, BY A MANUFACTURER OR SUPPLIER OTHER THAN DEALER ARE THEIRS, NOT DEALER'S, AND ONLY SUCH MANUFACTURER OR OTHER SUPPLIER SHALL BE LIABLE FOR PERFORMANCE UNDER SUCH WARRANTIES. UNLESS DEALER FURNISHES PURCHASER WITH A SEPARATE WRITTEN WARRANTY OR SERVICE CONTRACT MADE BY DEALER ON ITS OWN BEHALF, DEALER HEREBY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IN CONNECTION WITH THE VEHICLE AND ANY RELATED PRODUCTS AND SERVICES SOLD BY DEALER. DEALER NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF THE VEHICLE AND THE RELATED PRODUCTS AND SERVICES. IN THE EVENT THAT A WRITTEN WARRANTY IS PROVIDED BY DEALER OR A SERVICE CONTRACT IS SOLD BY DEALER ON ITS OWN BEHALF, ANY IMPLIED WARRANTIES ARE LIMITED IN DURATION TO THE TERM OF THE WRITTEN WARRANTY/SERVICE CONTRACT.

CONTRACTUAL DISCLOSURE STATEMENT (USED VEHICLES ONLY) THE INFORMATION YOU SEE ON THE WINDOW FORM FOR THIS VEHICLE IS PART OF THIS CONTRACT. INFORMATION ON THE WINDOW FORM OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE. GUÍA PARA COMPRADORES DE VEHÍCULOS USADOS. LA INFORMACIÓN QUE APARECE EN LA VENTANILLA DE ESTE VEHÍCULO FORMA PARTE DE ESTE CONTRATO. LA INFORMACIÓN CONTENIDA EN EL FORMULARIO DE LA VENTANILLA ANULA CUALQUIER PREVISIÓN QUE ESTABLEZCA LO CONTRARIO Y QUE APAREZCA EN EL CONTRATO DE VENTA.

If the purchase of the motor vehicle described herein is to be financed this agreement is subject to credit approval and assignment of a retail installment sales contract to a financial institution, and the Annual Percentage Rate (APR) may be negotiated with dealer and dealer may receive compensation for arranging financing on customer's behalf.

These documents are fully incorporated herein (where applicable): Conditional/Spot Delivery Agreement, We Owe/Delivery Report and Used Vehicle Limited Warranty.

NO ORAL REPRESENTATIONS HAVE BEEN MADE TO THE PURCHASER and all terms of the agreement are contained on the front and back of this agreement and any documents incorporated herein. I have read the terms and conditions of this Agreement, both on front and back, and agree to them. I certify that I am at least 18 years old, and acknowledge receipt of a copy of this agreement.

I UNDERSTAND THAT THIS RETAIL BUYERS ORDER IS NOT BINDING UNLESS ACCEPTED BY DEALER OR HIS AUTHORIZED AGENT.

This motor vehicle contract is executed this _____ day of _____,

PURCHASER(S) _____

SALESPERSON _____ ACCEPTED BY AUTHORIZED AGENT _____

ORDINANCE NO. 2022-WS-4

INTRODUCED BY THE MAYOR AND COUNCIL AS A WHOLE

AN EMERGENCY ORDINANCE REAFFIRMING THE PROHIBITIONS AGAINST DISCHARGING, IGNITING OR EXPLODING FIREWORKS IN THE VILLAGE OF OAKWOOD AS SET FORTH IN CHAPTER 1519 OF THE CODIFIED ORDINANCES OF THE VILLAGE NOTWITHSTANDING THE PROVISIONS OF H.B. 172.

WHEREAS, the Governor, on November 8, 2021, signed H.B. 172, amending Revised Code 3743.45, effective July 1, 2022, allowing any person authorized to possess consumer grade fireworks to discharge, ignite or explode fireworks on their property or, if permitted on another person's property on certain designated days of the year; and

WHEREAS, H.B. 172 also provides that, pursuant to home rule authority, a municipality may choose to restrict the days and times that a person may discharge, ignite or explode consumer grade fireworks or may impose a complete ban on the use of consumer grade fireworks, and

WHEREAS, the Oakwood Police Department strongly recommends that the Council of the Village of Oakwood opt out of H.B. 172 and reaffirm the existing ban on discharging, igniting or exploding fireworks set forth in Chapter 1519 of the Codified Ordinances; and

WHEREAS, this Council finds that the discharge of fireworks poses a significant danger to the public and may cause serious injuries as well as significant property damage, especially in densely populated residential and business areas; and

WHEREAS, this Council finds that continuing the prohibitions against discharging, igniting or exploding fireworks presently set forth in Chapter 1519 of the Codified Ordinances will best protect the public's right to the quiet enjoyment of their respective premises.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Oakwood, State of Ohio:

SECTION 1. That the Council of the Village of Oakwood expressly opts out of the provisions set forth in H.B. 172, and reaffirms the prohibitions against discharging, igniting or exploding fireworks as set forth in Chapter 1519 of the Codified Ordinances of the Village of Oakwood.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village. The reason for the emergency being that the provisions of H.B. 172 are scheduled to take effect on July 1, 2022 and it is necessary for this legislation to be effective in advance of that date so as to preserve the protections afforded the citizens of Oakwood by C.O. Ch. 1519, therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

Christine Morgan, Clerk of Council

Johnnie A Warren, Council President

Presented to the
Mayor _____

Approved: _____

Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022 - was duly and regularly passed by this Council at the meeting held on the ____ day of _____, 2022.

Christine Morgan, Clerk of Council

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2022 - was duly posted on the ____ day of _____, 2022, and will remain posted for a period of fifteen (15) days thereafter as provided by the Oakwood Village Charter.

Christine Morgan, Clerk of Council

DATED: _____