

**VILLAGE OF OAKWOOD**  
**COUNCIL MEETING**  
**December 22<sup>nd</sup>, 2023**  
**7:00 p.m.**  
**AGENDA**



- 1. Call Meeting to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**

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

- 4. MINUTES-** December 12<sup>th</sup>, 2023, Finance Meeting  
December 12<sup>th</sup>, 2023, Council Meeting

- 5. Clerk Correspondence**
- 6. Departmental Reports**

MAYOR-GARY GOTTSCHALK	FIRE-DAVE TAPP
LAW-JAMES CLIMER	BUILDING-DANIEL MARINUCCI
FINANCE-BRIAN THOMPSON	0 HOUSING INSTECTOR-N/A
SERVICE-TOM HABA	POLICE-MARK GARRATT
ENGINEER-ED HREN	RECREATION-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**

<b>2023-42(Amended)</b>	<b>AN ORDINANCE AUTHORIZING THE ACQUISITION OF THREE POLICE</b>
Introduced 11-28-23	<b>CARS, AND ACCESSORY EQUIPMENT, FOR USE IN THE POLICE</b>
By Mayor and	<b>DEPARTMENT FROM THE STATE OF OHIO, DEPARTMENT OF</b>
Council as a whole	<b>ADMINISTRATIVE SERVICES, STATE PURCHASING AND DECLARING</b>
1 <sup>st</sup> read 11-28-23	<b>AN EMERGENCY.</b>
2 <sup>nd</sup> read 12-12-23	
3 <sup>rd</sup> read 12-22-23	
<b>2023-43</b>	<b>AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS</b>
Introduced 11-28-23	<b>OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE</b>
By Mayor and	<b>PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT</b>
Council as a whole	<b>THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENT</b>
1 <sup>st</sup> read 11-28-23	<b>THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES,</b>
2 <sup>nd</sup> read 12-12-23	<b>ESTABLISHING THE PENSKE TRUCK LEASING CO. LP, MUNICIPAL</b>
3 <sup>rd</sup> read 12-22-23	<b>PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR</b>
	<b>DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY</b>

**2023-44**

Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read 11-28-23  
2<sup>nd</sup> read 12-12-23  
3<sup>rd</sup> read 12-22-23

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN  
AGREEMENT WITH DCOMM, INC FOR THE PROVISION OF A  
JOB CREATION TAX CREDIT AND DECLARING AN EMERGENCY**

**2023-45**

Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read 11-28-23  
2<sup>nd</sup> read 12-12-23  
3<sup>rd</sup> read 12-22-23

**AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX  
EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY  
OWNED BY CARDINAL REALTY, LLC., LOCATED IN OAKWOOD  
COMMUNITY REINVESTMENT AREA NO. 1**

**2023-46**

Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read 11-28-23  
2<sup>nd</sup> read 12-12-23  
3<sup>rd</sup> read 12-22-23

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS  
OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE  
PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT  
THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENT  
THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES,  
ESTABLISHING CARDINAL REALTY LLC., MUNICIPAL  
PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR  
DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY**

**2023-47**

Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read/ tabled 11-28-23  
2<sup>nd</sup> read 12-12-23  
3<sup>rd</sup> read 12-22-23

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS  
OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE  
PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT  
THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENT  
THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES,  
ESTABLISHING FEDERAL METAL MUNICIPAL PUBLIC IMPROVEMENT  
TAX INCREMENT EQUIVALENT FUND FOR DEPOSIT OF SUCH SERVICE  
PAYMENTS, AND DECLARING AN EMERGENCY**

**2023-48**

Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read/ tabled 11-28-23  
2<sup>nd</sup> read 12-12-23  
3<sup>rd</sup> read 12-22-23

**AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX  
EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY  
OWNED BY FEDERAL METAL CO., LOCATED IN OAKWOOD  
COMMUNITY REINVESTMENT AREA NO. 1**

**2023-49**

Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read/ tabled 11-28-23  
2<sup>nd</sup> read 12-12-23  
3<sup>rd</sup> read 12-22-23

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN  
AGREEMENT WITH FEDERAL METAL CO., FOR THE PROVISION OF A  
JOB CREATION TAX CREDIT AND DECLARING AN EMERGENCY**

<p><b>2023-50</b>  Introduced 12-12-23  By Mayor and  Council as a whole  1<sup>st</sup> read 12-12-23  2<sup>nd</sup> read 12-22-23</p>	<p><b>AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE EMEK 2 MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY</b></p>
<p><b>2023-51(Amended)</b>  Introduced 12-12-23  By Mayor and  Council as a whole  1<sup>st</sup> read 12-12-23  2<sup>nd</sup> read 12-22-23</p>	<p><b>AN EMERGENCY ORDINANCE CHANGING THE NAME OF OAKWOOD PARKWAY TO DR. LARRY L. MACON DRIVE UPON PETITION OF AFFECTED PROPERTY OWNERS</b></p>
<p><b>2023-53</b>  Introduced 12-22-23  By Mayor and  Council as a whole  1<sup>st</sup> read</p>	<p><b>AN EMERGENCY ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF OAKWOOD, OHIO FOR THE YEAR 2024</b></p>
<p><b>2023-54</b>  Introduced 12-22-23  By Mayor and  Council as a whole  1<sup>st</sup> read</p>	<p><b>AN EMERGENCY ORDINANCE AMENDING ORDINANCE 2023-08, AS AMENDED, MAKING APPROPRIATIONS FOR CURRENT EXPENSES OF THE VILLAGE OF OAKWOOD DURING THE FISCAL YEAR ENDING DECEMBER 31<sup>ST</sup>, 2023, AND MAKING NECESSARY TRANSFERS AND ADDITIONAL APPROPRIATIONS</b></p>
<p><b>2023-55</b>  Introduced 12-22-23  By Mayor and  Council as a whole  1<sup>st</sup> read</p>	<p><b>AN EMERGENCY ORDINANCE AUTHORIZING THE RE-APPOINTMENT OF ROSS CIRINCIONE AND JOHN MONTELLO TO THE POSITION OF ASSISTANT LAW DIRECTOR/PROSECUTOR WITH THE VILLAGE OF OAKWOOD</b></p>

**9. Adjournment**

**VILLAGE OF OAKWOOD**  
**WORK SESSION**  
**December 22<sup>nd</sup>, 2023**  
**7:00 p.m.**  
**AGENDA**

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 a 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*

Municipal Complex	Hardin
Disaster Recovery Plan	Hardin
Human Resources	Hardin
Five Year Plan	Hardin

5. Matters Deemed Appropriate
6. Adjournment

~~11-28-23~~ 1st Reading  
~~12-12-23~~ 2nd Reading  
~~12-22-23~~ 3rd Reading  
 \_\_\_\_\_ Under Suspension  
 \_\_\_\_\_ Adopted

## AMENDED ORDINANCE NO. 2023- 42

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

### **AN ORDINANCE AUTHORIZING THE ACQUISITION OF THREE POLICE CARS, AND ACCESSORY EQUIPMENT, FOR USE IN THE POLICE DEPARTMENT FROM THE STATE OF OHIO, DEPARTMENT OF ADMINISTRATIVE SERVICES, STATE PURCHASING AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to the provisions contained in Section 735.053 of the Ohio Revised Code, the Village of Oakwood deems it cost effective to purchase certain police cars and accessory equipment 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 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 State of Ohio, Department of Administrative Services - State Purchasing, through its designated vendor(s), Montrose Ford or other vendor able to fulfill the order on the same or better terms as those set forth in Exhibit A attached hereto and incorporated herein, for the lease with option to purchase of the following cars for use in the Police Department:

<b><u>QUANTITY</u></b>	<b><u>ITEM</u></b>	<b><u>PRICE</u></b>
3	2023 Police Explorer	\$145,000.00

**SECTION 2.** Council hereby authorizes the expenditure of an amount not to exceed \$145,000.00 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 Nos. 401-7799-55120 and 101-1111-51200, respectively.

**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 same relates to the daily operation of a municipal department, and the need to replace aging vehicles in the Police Department during a period of limited availability of replacements, therefore, provided it receives two-thirds ( $\frac{2}{3}$ ) 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2023- 42 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

**POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2023- 42 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and will remain posted as provided on the Charter and Ordinances of the Village.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATED: \_\_\_\_\_



CODE	DESCRIPTION
153	License Plate Bracket - Front
43D	Dark Car Feature
51T	Spot Lamp - LED Bulb, Driver Only (Whelen)
63B	Side Marker LED - Sideview Mirrors (req. 60A)

11-28-23 1<sup>st</sup> Reading  
12-12-23 2<sup>nd</sup> Reading  
12-22-23 3<sup>rd</sup> Reading  
Under Suspension  
Adopted

ORDINANCE NO. 2023-43

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE PENSKE TRUCK LEASING CO. LP, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (the "Act") provide that Council of the Village of Oakwood, Ohio may describe Public Infrastructure Improvements ("Public Improvements") to be made which benefit certain parcels, declare Improvements (as defined in Revised Code Section 5709.40(A)) with respect to such parcels of real property located in the Village to be a public purpose thereby exempting those Improvements from real property taxation for a period of time and provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

**WHEREAS**, the Public Improvements are generally described in Exhibit A hereto and will directly benefit certain parcels of real property located within the Village; and

**WHEREAS**, the Village wishes to declare one hundred percent (100%) of the Improvements, as defined by Section 5709.40(A) of the Revised Code, to be a public purpose, thereby wholly exempting the Improvements from real property taxation; and

**WHEREAS**, the Village has determined that it is necessary and appropriate and in the best interests of the Village to provide for service payments in lieu of taxes pursuant to Section 5709.42 of the Ohio Revised Code; and

**WHEREAS**, the Public Improvements will directly benefit several parcels of real property located in the Village (the "Properties"), the Permanent Parcel Numbers of which are listed in Exhibit B attached hereto and incorporated by reference herein; and

**WHEREAS**, notice of the above described property tax exemptions have been transmitted to the Board of Education of the Bedford City School District (the "School District") pursuant to Ohio Revised Code Sections 5709.40 and 5709.83:

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



**SECTION 1.** The Public Improvements described in Exhibit A hereto and anticipated to be made by the Village are hereby designated Public Improvements that directly benefit, or that once made, will directly benefit the Properties which are set forth in Exhibit B hereto and incorporated herein.

**SECTION 2.** Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of the Properties that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvements" as defined in Section 5709.40(A)) is a public purpose, and one hundred percent (100%) of said Improvement is hereby declared to be a public purpose for a period of thirty (30) years and exempt from taxation commencing with the tax year in which an Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of thirty (30) years or (2) the date on which the Village has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Improvements authorized in Section 4 hereof which are to be paid from that Fund.

**SECTION 3.** As provided in Section 5709.42 of the Revised Code, the Owners of the Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semi-annually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. In accordance with Section 5709.42 of the Revised Code, the Cuyahoga County Treasurer shall distribute a portion of the Service Payments directly to the School District in an amount equal to the property tax payments the School District would have received had the Improvements not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the Penske Truck Leasing Co., LP Municipal Public Improvement Tax Increment Equivalent Fund by Section 4 hereof. Council hereby authorizes and directs the Mayor, Finance Director, Law Director, and other appropriate officers of the Village, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to obtaining the exemptions, and to make such arrangements as are necessary and proper for payment of said service payments in lieu of taxes.

**SECTION 4.** Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, Penske Truck Leasing Co., LP Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments in lieu of taxes distributed to the Village with respect to the Improvements on the Properties or on behalf of the Cuyahoga County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used solely for the following purposes:

- (i) To pay any and all direct and indirect costs of the Public Improvements, including to reimburse the Village for any such costs incurred; and

- (ii) To pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the Village to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

**SECTION 5.** Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of the Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Finance Director or other authorized officer of this Village shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

**SECTION 6.** The Clerk of Council shall post copies of this Ordinance as provided by the Charter and Codified Ordinances of the Village.

**SECTION 7.** 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 the immediate necessity of providing funding for the Public Improvements so that such Public Improvements be constructed on a timely basis for the benefit of the environment and the residents of the Village and Northeast Ohio, 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2023-43 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

### **POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2023-43 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATED: \_\_\_\_\_

## **EXHIBIT A**

### **The Public Infrastructure Improvements**

#### **DESCRIPTION OF THE PUBLIC IMPROVEMENTS**

The Public Improvements consist of the construction of public streets, streetscape, utilities (including but not limited storm water drainage, sanitary sewerage, and water facilities), street and intersection improvements, bridges, pedestrian bridges, off-street public parking facilities, and utility connections, all in and around the Project Site, including, as necessary, dredging, grading, draining, paving, resurfacing, sidewalks, curbs, landscaping and fire hydrants, and installing street lighting and traffic control devices, the acquisition and construction of public parks, including the acquisition of real property or interests therein and any demolition and environmental remediation if necessary in connection with all of those public improvements.

The Public Improvements also include the construction of or improvements to any other public streets, utilities or other public facilities including, but not limited to, landscaping improvements such as durable plantings and rock formations, multi-purpose trails to encourage on-site walkers, artistic ambient lighting fixtures and cultural facilities in and around the property or serving the exempted properties, including land acquisition and installation and construction of utilities and all other necessary appurtenance, as well as related capital equipment purchases.

All of the above-mentioned Public Improvements are hereby determined to be Public Infrastructure Improvements (as defined in Revised Code Section 5709.40) and will benefit certain parcels of real property as set forth in Ordinance No. 2023 - 43. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

**EXHIBIT B**

The following property is located within the Village:

795-45-002





11.28.23 1<sup>st</sup> Reading  
12.12.23 2<sup>nd</sup> Reading  
12.22.23 3<sup>rd</sup> Reading  
Under Suspension  
Adopted

RESOLUTION NO. 2023-44

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION AUTHORIZING THE MAYOR TO  
EXECUTE AN AGREEMENT WITH DCOMM, INC FOR THE PROVISION OF A JOB  
RETENTION AND JOB CREATION TAX CREDIT AND DECLARING AN  
EMERGENCY**

**WHEREAS**, DCOMM, Inc, has approached the Village of Oakwood to explore some form of economic assistance so that it may maintain its present operations and also expand its operations located at 24370 Broadway Ave. within the Village of Oakwood, improving the economic climate of Oakwood; and

**WHEREAS**, in lieu of any form of real estate tax abatement, DCOMM has solicited a Job Retention and a Job Creation Tax Credit from the Village of Oakwood; and

**WHEREAS**, R.C. Sec. 718.15 permits municipalities to grant job creation tax credits while R.C. Sec. 718.151 permits municipalities to grant job retention tax credits;

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

**SECTION 1.** The Mayor be and is hereby authorized to enter into a Job Retention and Job Creation Tax Credit Agreement with DCOMM, Inc in the form substantially similar to the one attached hereto, expressly made a part hereof by reference, and marked Exhibit "A".

**SECTION 2.** The Finance Director be and is hereby authorized to transmit the foregoing Agreement to the appropriate agencies for application of the credit.

**SECTION 3.** This Resolution 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 same relates to the creation of job opportunities and tax revenues for the Village for which time is of the essence, therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Resolution 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Resolution No. 2023-44 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

### **POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Resolution No. 2023-44 was duly posted on the day of \_\_\_\_\_, 2023, and will remain posted as provided in the Charter of the Village of Oakwood.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATE: \_\_\_\_\_

# EXHIBIT A

## JOB RETENTION AND JOB CREATION TAX CREDIT AGREEMENT

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, between the Village of Oakwood, Ohio, an Ohio municipal corporation, with its main offices located at 24800 Broadway Avenue, Oakwood Village, Ohio 44146 (hereinafter referred to as "Village" or "Oakwood") and DCOMM, Inc., a Texas corporation, with its main offices in Ohio located at 24370 Broadway Ave., Oakwood Village, Ohio 44146 (hereinafter referred to as "Company").

### WITNESS ETH:

**WHEREAS**, Oakwood has encouraged the creation and retention of job opportunities throughout the Village; and

**WHEREAS**, the Company is desirous of maintaining its present operations and expanding its operations located at 24370 Broadway Ave., Oakwood Village, Ohio 44146, to retain and create employment opportunities (hereinafter sometimes referred to as the "Project") within the boundaries of the Village of Oakwood, provided that the appropriate development incentives are available to support the economic viability of said Project; and

**WHEREAS**, the Village of Oakwood is desirous of providing the Company with incentives available for the development of the Project; and

**WHEREAS**, the Mayor has investigated this matter and has recommended the same to Oakwood Village Council on the basis that the Company is qualified by financial responsibility and business experience to maintain and create employment within the Village of Oakwood and improve the economic climate of Oakwood;

**NOW, THEREFORE**, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Description of the Project.

A. The Company, is among the largest telecom installation and construction contractors in the U.S. providing residential installations, commercial installations, construction, engineering, network installations, network monitoring and ancillary services and will be supporting the Northeast Ohio market area out of its Oakwood Village office located at 24370 Broadway Ave. with the main customer of this office as of the present being Charter Communications/ Spectrum

2. Job Creation.

A. In order to receive the grants set forth below in Section 3, the Company must maintain or increase the present number of employees at its foregoing operations and remain in the Village of Oakwood.

3. Issuance of Grant.

- A. The Village hereby grants a credit of one hundred percent (100%) against municipal income taxes owed by the Company said credit being based upon the income tax revenue derived by the Village of Oakwood from employees retained by the Company from and after the date of this Agreement.
- B. The Village further grants a credit of one hundred percent (100%) against municipal income taxes owed by the Company based upon the creation of additional income tax revenue derived by the Village of Oakwood from employees hired by the Company after the date of this Agreement.
- C. The foregoing grants shall be granted for three successive tax years commencing with the first date set forth hereinbelow and shall be limited to a maximum of one hundred fifty thousand and 00/100 Dollars (\$150,000.00) per year.
- D. To receive a grant in any given year, the Company must make a written application to the Village through the Mayor for such grant and provide the necessary documentation in support of its application. Based upon the information supplied to the Mayor, the Mayor shall recommend in writing to the Village Council whether the grant should be given for any such year. Based upon Council's review of the information and documentation supplied by the Company together with the recommendation of the Mayor, Council shall either approve or deny such grant based upon compliance by the Company with the criteria set forth in this Agreement. This application must be made no later than April 1st of any year for which a grant is in effect.

4. Grant Payments.

- A. Initial Grant Payment. The initial grant payment shall be made by June 30, 2024, provided that the Company files its Reconciliation of Village Income Tax Withheld RITA Form 17 by February 28, 2024.
  - B. Timing of Annual Grant Payments. Annual grant payments shall be made by June 30<sup>th</sup> of each subsequent year, provided that the Company timely files its application and Reconciliation of Village Income Tax Withheld RITA Form 17 on the dates specified hereinabove. If the Company requests an extension for filing of its RITA Form 17, the Village shall make the grant payment within three months of the extended filing date provided that the Company has complied with all other terms of this Agreement. It is the responsibility of the Company to advise the Mayor of any RITA Form 17 filing extension.
5. Information for Annual Review. The Company shall timely provide to the Village any information reasonably required by the Village to evaluate the Company's compliance with this Agreement.

6. Certification as to Payments of Taxes. The Company certifies that, at the time this Agreement is executed and during any time while this Agreement is in effect, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which the Company is liable under Chapters 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or, if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the last day prescribed for payment without penalty under the Chapter of the Revised Code governing payment of those taxes.
7. Non-Discrimination in Hiring. By executing this agreement, the Company is committing to follow non-discriminatory hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, ancestry, or any other classification prohibited by state or federal law. Company further agrees to use a good-faith effort in giving preference in hiring to Oakwood Village residents provided they are otherwise qualified for the position available.
8. Transfer and Assignment. This Agreement is not transferable or assignable without the express, written approval of Oakwood Village Council. The Village acknowledges that it would be unreasonable to withhold such consent in the event of a proposed transfer or assignment to any parent, subsidiary or affiliate of the Company or to any third party so long as the proposed transferee or assignee adequately and sufficiently demonstrates to the Village, to the Village's reasonable satisfaction, its financial ability, business experience and intentions to continue its operations of the foregoing facility in a manner similar to that of the Company in all pertinent respects.
9. Termination of Grant.
  - a. If the Company fails to submit required information and/or reports as set forth above, the Village may terminate or modify this Agreement and deny or modify future grants heretofore granted from the date of the Company's breach or default. The Village's termination or modification of this Agreement may be instituted only if the Company fails to cure any breach of any term of this Agreement as determined by the Village within ten (10) days of receiving written notice of such failure from the Village or, if cure of the breach cannot reasonably be completed within ten (10) days, the Company has not made a good faith start of the cure, and/or has not diligently pursued same.



- b. Oakwood may terminate or modify this Agreement and may also require the repayment of the full amount of grant payments awarded under this Agreement, if the Village determines that the certification as to delinquent taxes required by this Agreement is fraudulent or untrue or if the Company otherwise breaches this Agreement.
  - c. Oakwood may terminate or modify this Agreement and may also require the repayment of 100% of the full amount of the grant payments awarded under this agreement, upon the occurrence of the following:
    - 1. The Company vacates the leased premises located at 24370 Broadway Ave. or terminates its operations at the leased premises altogether during the term of this Agreement.
  - d. In determining whether or not to modify this Agreement the Mayor of the Village of Oakwood and Village Council shall consider the effect of market conditions on the Company's project and whether or not the Company is closing its operations, relocating its operations outside the Village of Oakwood or relocating its operations within the Village of Oakwood. After making the determination, the Mayor shall recommend to Village Council any modifications to this Agreement. The Village Council may adopt or modify this recommendation at its discretion. The Company agrees to reimburse the Village of Oakwood any grant refunds as provided above within fifteen (15) days of the date of the notice to refund grant funds is provided to the Company as detailed herein.
10. Any notices, statements, acknowledgments, consent approvals, certificates, or requests required to be given on behalf of either party shall be made in writing addressed as follows:

If to the Village to: Village of Oakwood  
24800 Broadway Avenue  
Oakwood Village, Ohio  
44146 Attn: Mayor

With a copy to: James A. Climer  
Director of Law - Village of Oakwood  
34305 Solon Rd., Ste. 100  
Solon, OH 44139  
440.249.7906 X 137  
jclimer@mnlaw.com

If to the Company to: DCOMM, Inc.  
24370 Broadway Ave.  
Oakwood Village, Ohio  
44146

All notices required or authorized herein shall be in writing and shall be deemed to have been duly given by one party if delivered personally, faxed with receipt acknowledged, mailed by registered or certified mail, delivered by a recognized commercial courier, or otherwise actually received by the other party at the address set forth above.

11. Condition Precedent. The Company and Oakwood acknowledge that this Agreement must be approved by formal action of the legislative authority of the Village of Oakwood as a condition for the agreement to take effect.

WITNESSED BY:

VILLAGE OF OAKWOOD

\_\_\_\_\_

By: \_\_\_\_\_

Gary V. Gottschalk, Mayor  
Village of Oakwood

\_\_\_\_\_

WITNESSED BY:

DCOMM, Inc.

\_\_\_\_\_

WITNESSED BY:

By: \_\_\_\_\_  
(Printed Name) (Title)

\_\_\_\_\_

WITNESSED BY:

Approved as to legal form:

\_\_\_\_\_  
James A. Climer, Director of Law  
Village of Oakwood

This Agreement has been authorized by Resolution No. 2023-44, adopted the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

11.28.23	1st Reading
12.12.23	2nd Reading
12.22.23	3rd Reading
	Under Suspension
	Adopted

## ORDINANCE NO. 2023- 45

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX  
EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY  
CARDINAL REALTY LLC., LOCATED IN OAKWOOD COMMUNITY  
REINVESTMENT AREA NO. 1**

**WHEREAS**, The Mayor, as Housing Officer, certifies that the improvement to the commercial property in Oakwood Community Reinvestment Area No. 1 owned by Cardinal Realty LLC., qualifies for real property tax exemption under Ordinance 1991-72 as amended by Ordinances 1996-61, 2001-22 and 2019-09; and

**WHEREAS**, The Mayor, as Housing Officer, has given notice to the Board of Education in the school district in which the proposed tax exempted property is located pursuant to Section 5709.83 of the Ohio Revised Code; and

**WHEREAS**, Council must determine the period of such exemption:

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

**SECTION 1.** Cardinal Realty is proposing to build a 1,670 SF Starbucks Coffeehouse at an approximate\$ 800,000.<sup>00</sup>.

**SECTION 2.** To the extent that the improvements to the real property located at 23111 Broadway Ave., also known as Permanent Parcel Number 795-06-071, which is within the Village of Oakwood and within Oakwood Community Reinvestment Area No. 1, and will be owned by Cardinal Realty or its successor(s) in interest, will increase the market value of the real property improvements, such amount shall be and hereby is, exempt from real property taxation pursuant to Ordinance 1991-72, as amended by Ordinances 1996- 61, 2001-22, and 2019-09 and Section 3735.67(D)(3) of the Ohio Revised Code for a period of fifteen (15) years, beginning in the year following the calendar year of certification of the above to the County Auditor by the Village Housing Officer after the completion of each building. Said exemption shall cover forty - nine (49%) of the dollar amount by which the improvements increase the market values of the real property improvements. Any additional development on the balance of Permanent Parcel Number 795-06-071, similar in nature to that presently proposed, will be granted similar incentives provided such development occurs within five (5) years of the adoption of this Ordinance. In addition, all tap-in, permit and review fees as well as the abatement application fee shall be waived for the construction of this facility and items related thereto as and for additional economic incentive to Cardinal Realty for its project within the Village of Oakwood, Ohio.

**SECTION 3.** The period of said exemption shall terminate before the end of fifteen (15) years or at any time after the first year of exemption if the Housing Officer finds and certifies delinquency in a payment of property taxes for the subject property or that the subject property has not been maintained or repaired due to the negligence of the owner.

**SECTION 4.** In the event Cardinal Realty or its successor(s) in interest, fails to complete construction of the building indicated in its application, which application is attached hereto and expressly made a part hereof by reference and marked Exhibit "A", within eighteen months of the date of this Ordinance this exemption shall become null and void. If Cardinal Realty or its successor(s) in interest shall, for any reason, cease operation of the buildings contemplated hereunder, it shall reimburse to the County Auditor for proper distribution an amount equal to 100% of the tax incentive dollars it has saved as a result of this Ordinance to the point operations have ceased.

**SECTION 5.** In the event the real property tax, as it is presently constituted, is eliminated by the State of Ohio and if a new tax, in whatever form, replaces said property tax and in the further event abatement from the payment of the new tax is permitted by applicable law, the Village of Oakwood agrees to allow for the substitution of this abatement for a permissible abatement of the new tax in the same proportion and for the remaining duration of the existing abatement provided such substitution is approved by any governmental entity having jurisdiction over such matters including, but not limited to, the local School Board.

**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 the same relates to the daily operation of a municipal department and the provision of economic development and opportunities beneficial to the citizens of the Village of Oakwood, 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Gary V. Gottschalk, Mayor

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2023-45 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

### **POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2023 -45 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and will remain posted as provided by the Carter and Codified Ordinances of the Village.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATED: \_\_\_\_\_

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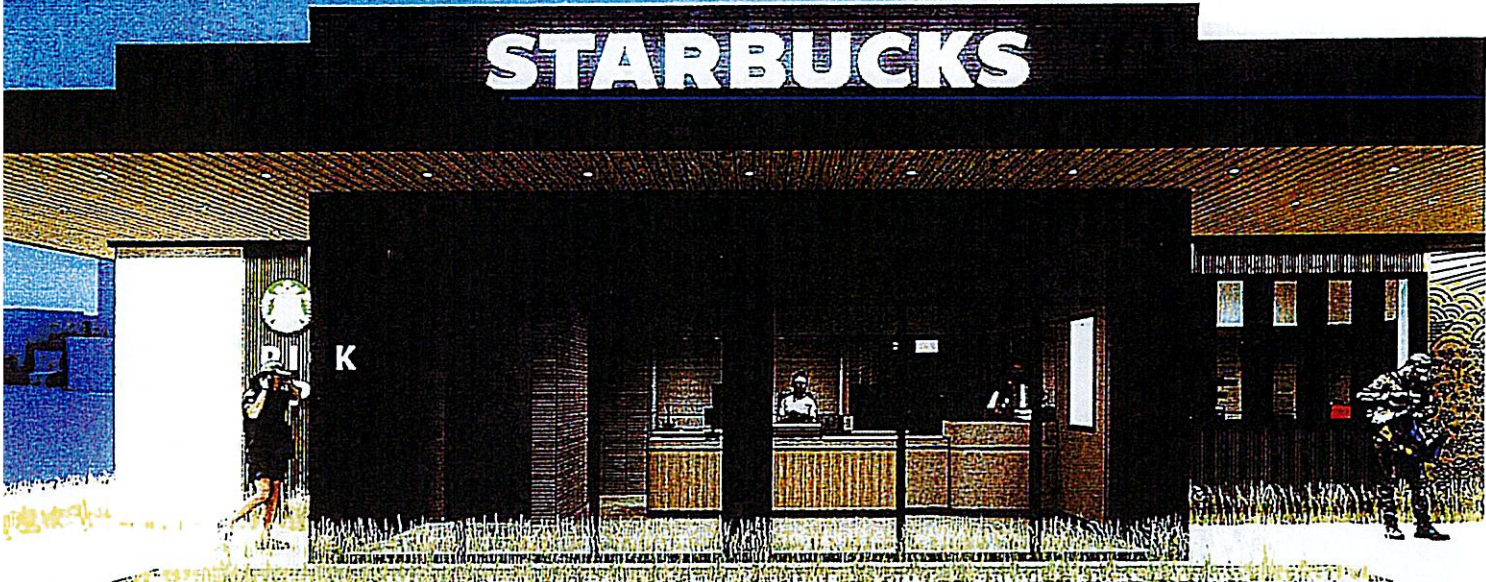
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STARBUCKS COFFEE COMPANY - CONFIDENTIAL - FOR CONCEPT ONLY - 11

ORDINANCE NO. 2023-46

INTRODUCED BY MAYOR AND COUNCIL  
AS A WHOLE

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE CARDINAL REALTY LLC, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (the "Act") provide that Council of the Village of Oakwood, Ohio may describe Public Infrastructure Improvements ("Public Improvements") to be made which benefit certain parcels, declare Improvements (as defined in Revised Code Section 5709.40(A)) with respect to such parcels of real property located in the Village to be a public purpose thereby exempting those Improvements from real property taxation for a period of time and provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

**WHEREAS**, the Public Improvements are generally described in Exhibit A hereto and will directly benefit certain parcels of real property located within the Village; and

**WHEREAS**, the Village wishes to declare one hundred percent (100%) of the Improvements, as defined by Section 5709.40(A) of the Revised Code, to be a public purpose, thereby wholly exempting the Improvements from real property taxation; and

**WHEREAS**, the Village has determined that it is necessary and appropriate and in the best interests of the Village to provide for service payments in lieu of taxes pursuant to Section 5709.42 of the Ohio Revised Code; and

**WHEREAS**, the Public Improvements will directly benefit several parcels of real property located in the Village (the "Properties"), being Permanent Parcel Number 795-06-071; and

**WHEREAS**, notice of the above described property tax exemptions have been transmitted to the Board of Education of the Bedford City School District (the "School District") pursuant to Ohio Revised Code Sections 5709.40 and 5709.83:

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



**SECTION 1.** The Public Improvements described in Exhibit A hereto and anticipated to be made by the Village are hereby designated Public Improvements that directly benefit, or that once made, will directly benefit the Properties which are set forth hereinabove and in Exhibit B hereto and incorporated herein.

**SECTION 2.** Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of the Properties that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvements" as defined in Section 5709.40(A)) is a public purpose, and one hundred percent (100%) of said Improvement is hereby declared to be a public purpose for a period of thirty (30) years and exempt from taxation commencing with the tax year in which an Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of thirty (30) years or (2) the date on which the Village has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Improvements authorized in Section 4 hereof which are to be paid from that Fund.

**SECTION 3.** As provided in Section 5709.42 of the Revised Code, the Owners of the Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semi-annually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. In accordance with Section 5709.42 of the Revised Code, the Cuyahoga County Treasurer shall distribute a portion of the Service Payments directly to the School District in an amount equal to the property tax payments the School District would have received had the Improvements not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the Cardinal Realty, LLC Municipal Public Improvement Tax Increment Equivalent Fund by Section 4 hereof. Council hereby authorizes and directs the Mayor, Finance Director, Law Director, and other appropriate officers of the Village, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to obtaining the exemptions, and to make such arrangements as are necessary and proper for payment of said service payments in lieu of taxes.

**SECTION 4.** Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, Cardinal Realty, LLC Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments in lieu of taxes distributed to the Village with respect to the Improvements on the Properties or on behalf of the Cuyahoga County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used solely for the following purposes:

- (i) To pay any and all direct and indirect costs of the Public Improvements, including to reimburse the Village for any such costs incurred; and

- (ii) To pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the Village to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

**SECTION 5.** Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of the Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its passage. On or before March 31<sup>st</sup> of each year that the exemption set forth in Section 2 hereof remains in effect, the Finance Director or other authorized officer of this Village shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

**SECTION 6.** The Clerk of Council shall post copies of this Ordinance as provided by the Charter and Codified Ordinances of the Village.

**SECTION 7.** 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 the immediate necessity of providing funding for the Public Improvements so that such Public Improvements be constructed on a timely basis for the benefit of the environment and the residents of the Village and Northeast Ohio, 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2023-46 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

### **POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2023-46 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Date \_\_\_\_\_

<u>11.28.23</u>	1st Reading
<u>12.12.23</u>	2nd Reading
<u>12.22.23</u>	3rd Reading
_____	Under Suspension
_____	Adopted

## **EXHIBIT A**

### **The Public Infrastructure Improvements**

#### **DESCRIPTION OF THE PUBLIC IMPROVEMENTS**

The Public Improvements consist of the construction of public streets, streetscape, utilities (including but not limited storm water drainage, sanitary sewerage, and water facilities), street and intersection improvements, bridges, pedestrian bridges, off-street public parking facilities, and utility connections, all in and around the Project Site, including, as necessary, dredging, grading, draining, paving, resurfacing, sidewalks, curbs, landscaping and fire hydrants, and installing street lighting and traffic control devices, the acquisition and construction of public parks, including the acquisition of real property or interests therein and any demolition and environmental remediation if necessary in connection with all of those public improvements.

The Public Improvements also include the construction of or improvements to any other public streets, utilities or other public facilities including, but not limited to, landscaping improvements such as durable plantings and rock formations, multi-purpose trails to encourage on-site walkers, artistic ambient lighting fixtures and cultural facilities in and around the property or serving the exempted properties, including land acquisition and installation and construction of utilities and all other necessary appurtenance, as well as related capital equipment purchases.

All of the above-mentioned Public Improvements are hereby determined to be Public Infrastructure Improvements (as defined in Revised Code Section 5709.40) and will benefit certain parcels of real property as set forth in Ordinance No. 2023 -46. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

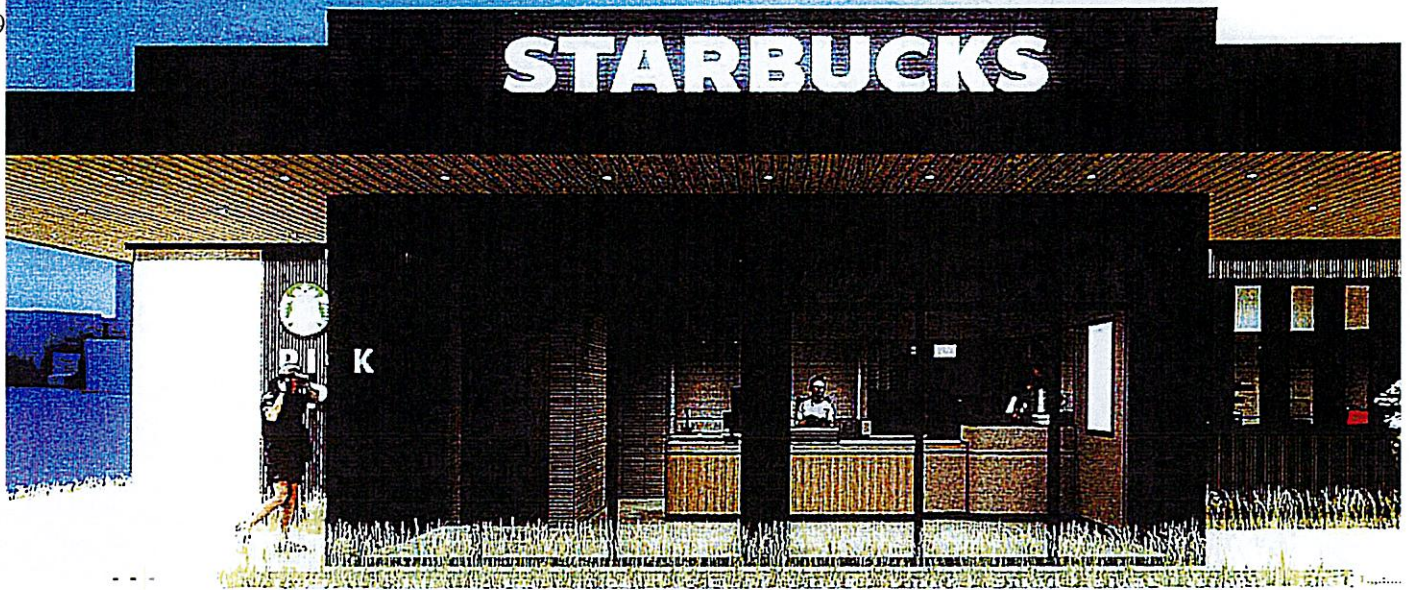


EXHIBIT B

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Tabled 11-28-23  
 12-12-23 1st Reading  
 12-22-23 2nd Reading  
 3rd Reading  
 Under Suspension  
 Adopted

**ORDINANCE NO. 2023-47**

**INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE**

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE FEDERAL METAL MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (the "Act") provide that Council of the Village of Oakwood, Ohio may describe Public Infrastructure Improvements ("Public Improvements") to be made which benefit certain parcels, declare Improvements (as defined in Revised Code Section 5709.40(A)) with respect to such parcels of real property located in the Village to be a public purpose thereby exempting those Improvements from real property taxation for a period of time and provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

**WHEREAS**, the Public Improvements are generally described in Exhibit A hereto, and will directly benefit certain parcels of real property located within the Village; and

**WHEREAS**, the Village wishes to declare one hundred percent (100%) of the Improvements, as defined by Section 5709.40(A) of the Revised Code, to be a public purpose, thereby wholly exempting the Improvements from real property taxation; and

**WHEREAS**, the Village has determined that it is necessary and appropriate and in the best interests of the Village to provide for service payments in lieu of taxes pursuant to Section 5709.42 of the Ohio Revised Code; and

**WHEREAS**, the Public Improvements will directly benefit several parcels of real property (the "Properties"), the Permanent Parcels of which are listed in Exhibit B attached hereto and incorporated by reference herein, located in the Village; and

**WHEREAS**, notice of the above described property tax exemptions has been transmitted to the Board of Education of the Bedford City School District (the "School District") pursuant to Ohio Revised Code Sections 5709.40 and 5709.83:

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

**SECTION 1.** The Public Improvements described in Exhibit A hereto and anticipated to be made by the Village are hereby designated Public Improvements that directly benefit or, that once made, will directly benefit the Properties which are set forth in Exhibit B hereto and incorporated herein.

**SECTION 2.** Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of the Properties that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" as defined in Section 5709.40(A)) is a public purpose, and one hundred percent (100%) of said Improvement is hereby declared to be a public purpose for a period of thirty (30) years and exempt from taxation commencing with the tax year in which an Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date the Improvement has been exempted from taxation for a period of thirty (30) years or (2) the date on which the Village has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Improvements authorized in Section 4 hereof which are to be paid from that Fund.

**SECTION 3.** As provided in Section 5709.42 of the Revised Code, the Owners of the Improvement are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semiannually, on or before the date on which real property taxes would otherwise be due and payable for the Improvement. In accordance with Section 5709.42 of the Revised Code, the Cuyahoga County Treasurer shall distribute a portion of the Service Payments directly to the School District in an amount equal to the property tax payments the School District would have received had the Improvement not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the Federal Metal Municipal Public Improvement Tax Increment Equivalent Fund created by Section 4 hereof. Council hereby authorizes and directs the Mayor, Finance Director, Law Director, and other appropriate officers of the Village to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments as are necessary and incidental to obtaining the exemptions and to make such arrangements as are necessary and proper for payment of said service payments in lieu of taxes.

**SECTION 4.** Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Federal Metal Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments in lieu of taxes distributed to the Village with respect to the Improvement on the Properties or on behalf of the Cuyahoga County Treasurer as provided in Section 5709.42 of the Ohio Revised Code and hereby provides that all of the moneys deposited in the Fund shall be used solely for the following purposes:

- (i) To pay any and all direct and indirect costs of the Public Improvements, including to reimburse the Village for any such costs incurred; and

(ii) To pay the interest on and principal of bonds or notes, including refunding bonds or notes or other loans issued by the Village to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

**SECTION 5.** Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of the Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Finance Director or other authorized officer of this Village shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

**SECTION 6.** The Clerk of Council shall post copies of this Ordinance as provided in the Charter and the Codified Ordinances of the Village.

**SECTION 7.** 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 the immediate necessity of providing funding for the Public Improvements so that such Public Improvements can be constructed, therefore, provided it receives two-thirds (66.67 %) 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2023-47 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

### **POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2023 -47 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATED: \_\_\_\_\_



## **EXHIBIT A**

### **Public Infrastructure Improvements**

#### **DESCRIPTION OF THE PUBLIC IMPROVEMENTS**

The Public Improvements consist of the construction of public streets, streetscape, utilities (including but not limited storm water drainage, sanitary sewerage, and water facilities), street and intersection improvements, bridges, pedestrian bridges, off-street public parking facilities, and utility connections, all in and around the Project Site, including, as necessary, dredging, grading, draining, paving, resurfacing, sidewalks, curbs, landscaping and fire hydrants, and installing street lighting and traffic control devices, the acquisition and construction of public parks, including the acquisition of real property or interests therein and any demolition and environmental remediation if necessary in connection with all of those public improvements.

The Public Improvements also include the construction of or improvements to any other public streets, utilities or other public facilities including, but not limited to, landscaping improvements such as durable plantings and rock formations, multi-purpose trails to encourage on-site walkers, artistic ambient lighting fixtures and cultural facilities in and around the property or serving the exempted Properties, including land acquisition and installation and construction of utilities and all other necessary appurtenances as well as related capital equipment purchases.

All of the above-mentioned Public Improvements are hereby determined to be Public Infrastructure Improvements (as defined in Revised Code Section 5709.40) and will benefit certain parcels of real property as set forth in Ordinance No. 2023-47. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

**EXHIBIT B**

Listing of Permanent Parcel Numbers:      795-47-032 and 795-48-020



11-28-23 1st Reading / Tabled  
12-12-23 2nd Reading  
12-22-23 3rd Reading  
Under Suspension  
Adopted

ORDINANCE NO. 2023 -48

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY FEDERAL METAL CO. LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO. 1**

**WHEREAS**, The Mayor, as Housing Officer, certifies that improvements to the commercial property in Oakwood Community Reinvestment Area No. 1, owned or to be owned by Federal Metal Co.. (hereinafter "Federal Metal"), qualifies for real property tax exemption under Ordinance 1991-72, as amended by Ordinances 1996-61, 2001-22 and 2019-09; and

**WHEREAS**, The Mayor, as Housing Officer, has given notice to the Board of Education in the school district in which the proposed tax exempted property is located pursuant to Section 5709.83 of the Ohio Revised Code; and

**WHEREAS**, Council must determine the period of such exemption:

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

**SECTION 1.** Federal Metal is proposing to build one to three new steel-frame buildings between 35,000 and 50,000 square feet total for receiving, production, shipping, and warehousing at a total estimated cost of \$4,000,000.<sup>00</sup> including the construction of an entrance/exit for trucks.

**SECTION 2.** To the extent that the improvements to the real properties located at 7250 Division Street, also known as Permanent Parcel Numbers 795-47-032 and 795-48-020 (hereinafter "Property"), which are within the Village of Oakwood (hereinafter "Village") and Oakwood Community Reinvestment Area No. 1 and owned by Federal Metal or its successor in interest, will increase the market value of the real property improvements, such amount shall be, and hereby is, exempt from real property taxation pursuant to Ordinance 1991-72, as amended by Ordinances 1996-61, 2001-22, and 2019-09, and Section 3735.67(D)(2) of the Ohio Revised Code for a period of fifteen (15) years, beginning in the year following the calendar year of certification of the above to the County Auditor by the Village Housing Officer after the completion of each building. Said exemption shall cover ninety percent (90%) of the dollar amount by which the improvements increase the market value of the real property improvements. Any additional development on the balance of the Property similar in nature to that presently proposed, will be granted similar incentives provided such development occurs within five (5) years of the adoption of this Ordinance. In addition, all tap-in, permit and review fees, as well as the abatement application fee, shall be waived for the construction of these facilities and items related thereto, as and for additional economic incentives to Federal Metal for the Project within the Village of Oakwood, Ohio.

**SECTION 3.** The period of said exemption shall terminate before the end of fifteen (15) years, but after the first year of exemption, if the Housing Officer finds and certifies delinquency in a payment of property taxes for the Property or that the Property has not been maintained or repaired due to the negligence of the owner.

**SECTION 4.** In the event Federal Metal or its successor(s) in interest, fail to construct the building(s) indicated in its application, which application is attached hereto and expressly made a part hereof by reference and marked Exhibit "A", within eighteen months of the date of this Ordinance this exemption shall become null and void. If Federal Metal or its successor(s) in interest shall, for any reason, cease operation of the buildings contemplated hereunder, it shall reimburse to the County Auditor for proper distribution an amount equal to 100% of the tax incentive dollars it has saved as a result of this Ordinance to the point operations have ceased.

**SECTION 5.** In the event the real property tax, as it is presently constituted, is eliminated by the State of Ohio and if a new tax, in whatever form, replaces said real property tax and, in the further event abatement from the payment of the new tax is permitted by applicable law, the Village agrees to allow for the substitution of the new form of abatement for the abatement described herein, provided the new abatement bears the same proportion to the new tax that the present abatement bears to the present tax and provided further that the substitution is permitted, in whole or in part, by State and /or local laws and is approved by any governmental entity having jurisdiction over such matters including, but not limited to, the local school board. Said substituted abatement shall continue for the remaining duration of the existing abatement.

**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 the same relates to the daily operation of a municipal department and the preservation of time-sensitive economic development opportunities for the benefit of the Village and its residents, therefore, provided it receives two-third (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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Gary V. Gottschalk, Mayor

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2023-48 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

### **POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2023-48 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and will remain posted as provided in the Charter and Codified Ordinances of the said Village.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATED: \_\_\_\_\_

Exhibit A

# Village of Oakwood

## Community Reinvestment Area (CRA) Application & Tax Increment Financing (TIF) Application

1. (a) Please provide name of property owner(s), legal business name, main office address and other contact information, of the property owner(s):

PETER J NAGUSKY  
Property Owner

ROBERT WITTENBERG  
Contact Person

Property Owner

440 232 8700 x2232

THE FEDERAL METAL CO

Daytime Phone #

Business Name

RWITTENBERG@Federalmetal.com

7250 Division St

Email & Website Address

Mailing Address & Federal Tax ID#

(b) **Business Organization:**

Corporation, Partnership, Sales Proprietorship, LLC, Joint Venture, Franchise, Start-Up or Other (specify)

Oakwood Industries dba THE FEDERAL METAL CO

(c) List primary 6-digit North American Industry Classification System (NAICS) # \_\_\_\_\_

2. **Nature of Business Activity @ proposed Property Site in Oakwood:**

Office, Research & Development, Light Manufacturing, Warehouse/Distribution, Wholesale/Retail, Service or Other (specify) **Please estimate Percentage of Total Business.**

40% Capacity Increase

3. **Description of Proposed Facility**

(a) Site Address: 7250 Division St/Federal Metals Headquarters

(b) Permanent Parcel #(s) 795-47-032

(c) Cost of Land: \_\_\_\_\_

(d) Project Timeline: Will Begin 11/1/2024 Be Completed 1/1/2025

(e) Building Description: one-to-three new steel frame buildings between 35 – 50,000 SF TOTAL for receiving, production, shipping & warehousing at a total cost of \$ ~~5,000,000.00~~ 7,000,000 that includes constructing an entrance/exit for trucks

4. **Project Description & 5-Year Business Plan**

Please include existing as well as new products or services which will result from this Project:

No new projects – just to ~~make~~ expand current operations more efficient rather than relocate to Pennsylvania or Arkansas where we have built new facilities after granted generous tax incentives.

5. **Estimate the amount to be invested by the Applicant to establish, renovate, expand or occupy the proposed Project Site:**

(a) Acquisition of Existing Building(s)	\$ <u>                    </u>
(b) Renovation/Expansion to Existing Building(s)	\$ <u>300,000</u>
(c) <b>Construction of New Building(s)</b>	\$ <u>4,500,000</u>
(d) Machinery & Equipment	\$ <u>3,000,000</u>
(e) Furniture & Fixtures	\$ <u>200,000</u>
(f) Inventory	\$ <u>                    </u>
<b><u>Total New Project Investment</u></b>	\$ <u>8,000,000</u>

6. **Employment Opportunities @ proposed Project Site in Oakwood:**

(a)            Current # Employees

(b) \$8.0 mil Current Annual Payroll

(c) **Relocation and/or Consolidation of Operations**

Will the project involve the relocation of employment positions or assets from one Ohio location to the proposed Oakwood Project Site? Yes            No ✓

(d) If yes, please name the site affected by the relocation to Oakwood & the impact of the relocation on that site detailing the number of employees and/or assets to be relocated:

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(e)            Estimate **# New Employees** the Applicant will cause to be created @ proposed Oakwood Project Site. Please list total employment level by full & part-time and permanent & temporary:

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(f)                      Estimate Annual Payroll for Year 1

(g)                      Estimate Annual Payroll for Year 3

(h)                      Estimate Annual Payroll for Year 5

7. (a) **The Applicant requests the following tax incentives:**

CRA abatement of 90 % for 15 Years covering real property improvements as described above.

Tax Increment Financing (TIF) under Section [Revised Code 5709.40(B), 5709.40(C), 5709.41] of 100 % for 30 Years. If the affected school district does not receive the amount of real property taxes that it would otherwise had received had the TIF not been enacted, please describe the proposed compensation arrangement with the local school district:

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The Federal Metal Company

Name & Title of Property Owner (Typed or printed)

[Signature] 11/27/2023

Signature & Date

Submit complete application to:

Gary V. Gottschalk

Mayor

Village of Oakwood

24800 Broadway Avenue

Oakwood Village, Ohio 44146

Phone: (216) 346-7073

[dhammett@oakwoodvillageoh.com](mailto:dhammett@oakwoodvillageoh.com)

A copy of this proposal will be forwarded by the Village of Oakwood to the Board of Education of the Bedford City School District along with notice of the meeting date on which Oakwood Village will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the Oakwood Village Council considering the request.

A copy of the proposal will be attached to the final Community Reinvestment Area Agreement as Exhibit A and will be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.

11.28.23	1st Reading	tabled
12.12.23	2nd Reading	
12.22.23	3rd Reading	
	Under Suspension	
	Adopted	

RESOLUTION NO. 2023 – 49

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH FEDERAL METAL CO., FOR THE PROVISION OF A JOB CREATION GRANT AND DECLARING AN EMERGENCY**

**WHEREAS**, Federal Metal Co. (hereinafter “Federal Metal”) has indicated to the Village that it intends to expand its operations in the Village by constructing one to three new shipping and warehousing buildings and staffing those buildings; and

**WHEREAS**, Federal Metal has solicited a Job Creation Tax Credit from the Village of Oakwood; and

**WHEREAS**, R.C. Sec 718.15 permits municipalities to grant job creation tax credits; and

**WHEREAS**, the Council of Village of Oakwood has investigated this matter and has recommended the approval of this grant:

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

**SECTION 1.** The Mayor be and is hereby authorized to enter into a Job Creation Grant Agreement in the form substantially similar to the one attached hereto, expressly made a part hereof by reference, and marked Exhibit A.

**SECTION 2.** The Finance Director be and is hereby authorized to expend such non-tax funds of the Village pursuant to and in accordance with the terms and conditions contained in the attached Agreement.

**SECTION 3.** This Resolution 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 same relates to the daily operation of a municipal department and the creation of job opportunities and other economic benefits for residents of the Village and surrounding areas for which time is of the essence, therefore, provided it receives two-thirds ( $\frac{2}{3}$ ) of the vote of all members of Council elected thereto, said Resolution 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Resolution No. 2023 -49 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

### **POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Resolution No. 2023 -49 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and will remain posted as provided in the Charter and Codified Ordinances the said Village.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATED: \_\_\_\_\_



## EXHIBIT A

### JOB CREATION GRANT AGREEMENT

This agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the Village of Oakwood, Ohio, an Ohio municipal corporation, with its main offices located at 24800 Broadway Avenue, Oakwood Village, Ohio 44146 (hereinafter referred to as "Village" or "Oakwood") and Federal Metal Co., an Ohio Corporation with its main offices located at 7250 Division Street, Oakwood Village, OH 44146 (hereinafter referred to as "Company").

#### WITNESSETH:

**WHEREAS**, Oakwood has encouraged the creation and retention of job opportunities throughout the Village; and

**WHEREAS**, the Company is desirous of upgrading certain facilities leasing certain facilities located at 7250 Division Street to create employment opportunities (hereinafter sometimes referred to as the "Project") within the boundaries of the Village of Oakwood, provided that the appropriate development incentives are available to support the economic viability of said Project; and

**WHEREAS**, the Village of Oakwood is desirous of providing the Company with incentives available for the development of the Project; and

**WHEREAS**, the Council of the Village of Oakwood has investigated this matter and has recommended the same on the basis that the Company is qualified by financial responsibility and business experience to create employment within the Village of Oakwood and improve the economic climate of Oakwood;

**NOW, THEREFORE**, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Description of the Project.

A. The Company, located in Oakwood Village since 1960, uses recyclable material to manufacture bronze and brass ingots used in a variety of manufacturing operations in the U.S The Company is proposing to build one to three new steel-frame buildings between 35,000 and 50,000 square feet total for receiving, production, shipping, and warehousing at a total estimated cost of \$4,000,000.<sup>00</sup> including the construction of an entrance/exit for trucks.

2. Job Creation and Retention.

In order to receive the grants set forth in Section 3 below, the Company must remain in the Village of Oakwood and maintain a minimum annual payroll of Eight million Dollars (\$8,000,000.00) which amount shall be subject to the Village's Municipal Income Tax. The minimum payroll to receive the grants set forth in Section 3 below shall be increased yearly by two percent (2%) throughout the term of this Agreement.

3. Issuance of Grant.

- A. The Village of Oakwood hereby grants a Job Creation Grant based upon the creation of new payroll and jobs in the Village of Oakwood, according to the schedule below.

<u>Years</u>	<u>Amount of Grant</u>
10	One hundred percent (100%) of "additional payroll taxes" paid to Oakwood for any year during the term of this Agreement. The term "additional payroll taxes" shall mean income tax paid to Oakwood on gross annual payroll in excess of Eight million Dollars (\$8,000,000.00) plus any yearly adjustments provided in Section 2 hereinabove.

- B. To receive a grant in any given year, the Company must make written application to the Village through the Mayor for such grant and provide the necessary documentation in support of its application. Based upon the information supplied to the Mayor, the Mayor shall recommend in writing to Village Council whether the grant should be given for any such year. Based upon Council's review of the information and documentation supplied by the Company together with the recommendation of the Mayor, Council shall either approve or deny such grant based upon compliance by the Company with the criteria set forth in this Agreement. This application must be made no later than April 1 of any year for which a grant is in effect.

4. Grant Payments.

A. Initial Grant Payment.

The initial grant payment shall be made by June 30, 2025, provided that the Company files its Reconciliation of Village Income Tax Withheld RITA Form 17 by February 28, 2025.

B. Timing of Annual Grant Payments.

Annual grant payments shall be made by June 30<sup>th</sup> of each subsequent year, provided that the Company timely files its application and Reconciliation of Village Income Tax Withheld RITA Form 17 on the dates specified hereinabove. If the Company requests an extension for filing of its RITA Form 17, the Village shall make the grant payment within three months of the extended filing date provided it has complied with all other terms of this Agreement. It is the responsibility of the Company to advise the Mayor of any RITA Form 17 filing extension.

5. Information for Annual Review. The Company shall timely provide to the Village any information reasonably required by the Village to evaluate the Company's compliance with the Agreement.

6. Certification as to Payments of Taxes. The Company certifies that at the time this

Agreement is executed and during any time while this agreement is in effect, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which the Company is liable under Chapters 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the Ohio Revised Code, or, if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has not filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., nor has such a petition been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the last day prescribed for payment without penalty under the Chapter of the Revised Code governing payment of those taxes.

7. Non-Discrimination Hiring. By executing this Agreement, the Company is committing to following non-discriminatory hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, ancestry, or any other prohibited classification. Company further agrees to use a good-faith effort in giving preference in hiring to Oakwood Village residents provided they are otherwise qualified for the position available.
8. Transfer and Assignment. This Agreement is not transferable or assignable without the express, written approval of Oakwood Village Council. The Village acknowledges that it would be unreasonable to withhold such consent in the event of a proposed transfer or assignment to any parent, subsidiary, or affiliate of the Company or to any third party so long as, with respect to all or any of such proposed transfers or assignments, the proposed transferee or assignee adequately and sufficiently demonstrates to the Village's reasonable satisfaction, its financial ability, business experience and intentions to continue its operations of the Facility and Project in a manner similar to that of the Company in all pertinent respects.
9. Termination of Grant
  - A. If the Company fails to submit required information and/or reports as set forth above, the Village may terminate or modify this Agreement and deny or modify future grants heretofore granted from the date of the Company's breach or default. In the case as provided in this Subsection, the Village's termination, or modification of this Agreement may be instituted only if the Company fails to cure any breach of any term of this Agreement as determined by the Village within ten (10) days of receiving written notice of such failure from the Village or if cure of the breach cannot be completed within ten (10) days, if the Company has not made a good faith start of the cure, and/or not diligently pursued same.
  - B. Oakwood may terminate or modify this Agreement and may also require the repayment of the full amount of grant payments awarded under this Agreement, if the Village determines that the certification as to delinquent taxes required by this Agreement is fraudulent or untrue, or if the Company otherwise breaches this Agreement.
  - D. Oakwood may terminate or modify this Agreement and may also require the

repayment of 100% of the full amount of the grant payments awarded under this Agreement, upon the occurrence of the following:

The Company vacates the premises located at 7250 Division St. and moves the Project out of the Village of Oakwood or terminates its operations at the premises altogether during the term of this Agreement.

- E. In determining whether or not to modify this Agreement the Mayor of the Village of Oakwood and Village Council shall consider the effect of market conditions on the Company's project and whether or not the Company is closing its operations, relocating its operations outside the Village of Oakwood or relocating its operations within the Village of Oakwood. After making the determination, the Mayor shall recommend to Village Council any modifications to this Agreement. The Village Council may adopt or modify this recommendation at its discretion. The Company agrees to reimburse the Village of Oakwood any grant refunds as provided above within fifteen (15) days of the date of the notice to refund grant funds is provided to the Company as detailed herein.

10. Any notices, statements, acknowledgments, consent approvals, certificates, or requests required to be given on behalf of either party shall be made in writing addressed as follows:

If to the Village to: Village of Oakwood  
24800 Broadway Avenue  
Oakwood Village, Ohio 44146  
Attn: Mayor

With a copy to: Director of Law - Village of Oakwood  
34305 Solon Rd., Ste. 100  
Solon, OH 44139  
440.249.7906 X 137  
[jclimer@mrrlaw.com](mailto:jclimer@mrrlaw.com)

If to the Company to: Federal Metal Co.  
7250 Division St.  
Oakwood Village, Ohio 44146

11. Condition Precedent. The Company and Oakwood acknowledge that this Agreement must be approved by formal action of the legislative authority of the Village of Oakwood as a condition for the agreement to take effect.

**IN WITNESS WHEREOF**, the parties hereto, after first being duly authorized, have executed this agreement on the date first written above.

WITNESSED BY:

VILLAGE OF OAKWOOD

\_\_\_\_\_

By: \_\_\_\_\_  
Gary V. Gottschalk, Mayor  
Village of Oakwood

WITNESSED BY:

Federal Metal Co.

\_\_\_\_\_

By: \_\_\_\_\_ (Title)

WITNESSED BY:

\_\_\_\_\_

WITNESSED BY:

Approved as to legal form:

\_\_\_\_\_

James A. Climer, Director of Law  
Village of Oakwood

This Agreement has been authorized by Resolution No. 2023 -49, adopted the \_\_\_\_ day  
of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

12.12.23 1st Reading  
12.22.23 2nd Reading  
3rd Reading  
Under Suspension  
Adopted

ORDINANCE NO. 2023-50

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE EMEK 2 MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, EMEK Investment LLC's (hereinafter EMEK) tenant, DCOMM, is among the largest telecom installation and construction contractors in the U.S. providing residential installations, commercial installations, construction, engineering, network installations, network monitoring and ancillary services and will be supporting the Northeast Ohio Market area out of the Oakwood Village office located at 24370 Broadway Ave. with the main customer out of this office as of now being Charter Communications/Spectrum; and

**WHEREAS**, This Council previously passed Ordinance 2022-69 awarding Tax Increment Financing Incentives to EMEK, which invested \$250,000.00 into improvements on the property site and now plans to invest another \$150,000.00; and

**WHEREAS**, the Public Improvements are generally described in Exhibit A hereto and will directly benefit certain parcels of real property located within the Village; and

**WHEREAS**, the Village wishes to declare one hundred percent (100%) of the Improvements, as defined by Section 5709.40(A) of the Revised Code, to be a public purpose, thereby wholly exempting the Improvements from real property taxation; and

**WHEREAS**, the Village has determined that it is necessary and appropriate and in the best interests of the Village to provide for service payments in lieu of taxes pursuant to Section 5709.42 of the Ohio Revised Code; and

**WHEREAS**, the Public Improvements will directly benefit several parcels of real property located in the Village (the "Properties"), the Permanent Parcel Numbers of which are listed in Exhibit B attached hereto and incorporated by reference herein; and

**WHEREAS**, notice of the above described property tax exemptions have been transmitted to the Board of Education of the Bedford City School District (the "School District") pursuant to Ohio Revised Code Sections 5709.40 and 5709.83:

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

**SECTION 1.** The Public Improvements described in Exhibit A hereto and anticipated to be made by the Village are hereby designated Public Improvements that directly benefit, or that once made, will directly benefit the Properties which are set forth in Exhibit B hereto and incorporated herein.

**SECTION 2.** Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of the Properties that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvements" as defined in Section 5709.40(A)) is a public purpose, and one hundred percent (100%) of said Improvement is hereby declared to be a public purpose for a period of thirty (30) years and exempt from taxation commencing with the tax year in which an Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of thirty (30) years or (2) the date on which the Village has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Improvements authorized in Section 4 hereof which are to be paid from that Fund.

**SECTION 3.** As provided in Section 5709.42 of the Revised Code, the Owners of the Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semi-annually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. In accordance with Section 5709.42 of the Revised Code, the Cuyahoga County Treasurer shall distribute a portion of the Service Payments directly to the School District in an amount equal to the property tax payments the School District would have received had the Improvements not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the EMEK 2 Municipal Public Improvement Tax Increment Equivalent Fund by Section 4 hereof. Council hereby authorizes and directs the Mayor, Finance Director, Law Director, and other appropriate officers of the Village, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to obtaining the exemptions, and to make such arrangements as are necessary and proper for payment of said service payments in lieu of taxes.

**SECTION 4.** Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code the EMEK 2 Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments in lieu of taxes distributed to the Village with respect to the Improvements on the Properties or on behalf of the Cuyahoga County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used solely for the following purposes:

- (i) To pay any and all direct and indirect costs of the Public Improvements, including to reimburse the Village for any such costs incurred; and
- (ii) To pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the Village to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

**SECTION 5.** Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of the Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Finance Director or other authorized officer of this Village shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

**SECTION 6.** The Clerk of Council shall post copies of this Ordinance as provided by the Charter and Codified Ordinances of the Village.

**SECTION 7.** 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 the immediate necessity of providing funding for the Public Improvements so that such Public Improvements be constructed on a timely basis for the benefit of the environment and the residents of the Village and Northeast Ohio, 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: \_\_\_\_\_  
Tanya Joseph, Clerk of Council

\_\_\_\_\_  
Johnnie A. Warren, President of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2023-50 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya A. Joseph, Clerk of Council

### **POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2023-50 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

\_\_\_\_\_  
Tanya A. Joseph, Clerk of Council

DATEED: \_\_\_\_\_

## **EXHIBIT A**

### **The Public Infrastructure Improvements**

#### **DESCRIPTION OF THE PUBLIC IMPROVEMENTS**

The Public Improvements consist of the construction of public streets, streetscape, utilities (including but not limited storm water drainage, sanitary sewerage and water facilities), street and intersection improvements, bridges, pedestrian bridges, off-street public parking facilities, and utility connections, all in and around the Project Site, including, as necessary, dredging, grading, draining, paving, resurfacing, sidewalks, curbs, landscaping and fire hydrants, and installing street lighting and traffic control devices, the acquisition and construction of public parks, including the acquisition of real property or interests therein and any demolition and environmental remediation if necessary in connection with all of those public improvements.

The Public Improvements also include the construction of or improvements to any other public streets, utilities or other public facilities including, but not limited to, landscaping improvements such as durable plantings and rock formations, multi-purpose trails to encourage on-site walkers, artistic ambient lighting fixtures and cultural facilities in and around the property or serving the exempted properties, including land acquisition and installation and construction of utilities and all other necessary appurtenance, as well as related capital equipment purchases.

All of the above-mentioned Public Improvements are hereby determined to be Public Infrastructure Improvements (as defined in Revised Code Section 5709.40) and will benefit certain parcels of real property as set forth in Ordinance No. 2023 - 50. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

## EXHIBIT B

All of the following properties located within the Village:

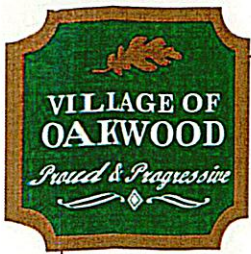
795-19-023

795-19-024

795-19-030



# VILLAGE OF OAKWOOD



Gary V. Gottschalk  
Mayor

14-Day notice  
November 28, 2023

HAND DELIVERED

Board of Education  
Bedford City School District  
475 Northfield Road  
Bedford OH 44146


Re: Proposed Tax Increment Finance Ordinance for EMEK:Investment LLC

Ladies and Gentlemen:

The Council of the Village of Oakwood, Ohio (the "Village") will consider at a regular or special meeting on or after December 12, 2023, an ordinance (the "TIF Ordinance") under Ohio Revised Code Section 5709.40(B) exempting from real property taxation one hundred percent (100%) of the increase in the assessed value of Improvements to the property known as Permanent Parcel No[s]. 795-19-023, 795-19-024 and 795-19-030 for a period of thirty (30) years. As provided in the proposed legislation, a copy of which is attached, the Bedford City School District will receive service payments in an amount equal to 100% of the real property taxes it would have received but for the exemption with respect to Improvements on the Exempted Property.

We will be happy to discuss this project in person should you so request.

Very truly yours,

  
Gary V. Gottschalk, Mayor  
VILLAGE OF OAKWOOD



<u>12.12.23</u>	1st Reading
<u>12.22.23</u>	2nd Reading
_____	3rd Reading
_____	Under Suspension
_____	Adopted

AMENDED ORDINANCE NO. 2023 – 51

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE CHANGING THE NAME  
OF OAKWOOD PARKWAY TO DR. LARRY L. MACON  
DRIVE UPON PETITION OF AFFECTED PROPERTY  
OWNERS**

**WHEREAS**, the Village of Oakwood has received a petition, signed by affected property owner(s) in the immediate vicinity of Oakwood Parkway and Mt. Zion Circle to change the name of those streets to "Dr. Larry L. Macon Drive"; and

**WHEREAS**, the petitioner has since requested that the name change be limited to Oakwood Parkway; and,

**WHEREAS**, in accordance with Section 723.04 of the Ohio Revised Code, Council finds that there is good cause for such change in name and that the change in name is not detrimental to the general interest:

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

**SECTION 1.** In accordance with the provisions contained in Section 723.04 of the Ohio Revised Code, and upon petition of affected property owner(s) located in the immediate vicinity of Oakwood Parkway and Mt. Zion Circle, the Council hereby changes the name of the current Oakwood Parkway to " Dr. Larry L. Macon Drive ". A copy of the petition for change of street name is attached hereto, expressly made a part hereof by reference and marked Exhibit "A". This Council further finds and determines that there is good cause for such change in name and that the change in name is not detrimental to the general interest.

**SECTION 2.** The Village Engineer be and is hereby authorized and directed to notify the appropriate governmental entities of this change in name and to take whatever other steps are necessary to effectuate this name change.

**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 same relates to the daily operation of a municipal department and the recognition of a community leader in Oakwood that is long overdue, 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie Warren, President of Council

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2023 – 51 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

**POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2023- 51 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and will remain posted for a period of fifteen (15) days thereafter as provided in the Oakwood Village Charter and Ordinances.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATED: \_\_\_\_\_

EXHIBIT "A"

PETITION

Date: 12/8/23

To: Oakwood Village Council


From: Mt. Zion Baptist Church

Re: Oakwood Parkway name change

Dear Sir/Madam:

The undersigned, on behalf of Mt. Zion Baptist Church, the owner of property bearing Permanent Parcel No. 795-23-001, located in the immediate vicinity of Oakwood Parkway and Mt. Zion Circle in the Village of Oakwood, Ohio, hereby petition(s) the Oakwood Village Council, pursuant to Ohio R.C. Sec. 723.04, to change the name of Oakwood Parkway and Mt. Zion Circle to Dr. Larry L. Macon Drive.

Name: Mt. Zion Baptist Church

By:  Senior Pastor  
(Title)

<u>12.22.23</u>	1st Reading
_____	2nd Reading
_____	3rd Reading
_____	Under Suspension
_____	Adopted

## ORDINANCE NO. 2023-53

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE TO MAKE TEMPORARY  
APPROPRIATIONS FOR CURRENT EXPENSES AND  
OTHER EXPENDITURES OF THE VILLAGE OF  
OAKWOOD, OHIO FOR THE YEAR 2024**

**WHEREAS**, it is provided by State Law that a temporary appropriation Ordinance may be approved by Council; and

**WHEREAS**, it is therefore necessary to enact temporary appropriations for the year 2024 in accordance with the Charter of the Village of Oakwood and the laws of the State of Ohio:

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

**SECTION 1.** In order to provide for current expenses and other expenditures of the Village of Oakwood, Ohio, during the year 2024, the following sums be, and they are hereby set aside and temporarily appropriated as set forth in Exhibit "A", attached hereto and expressly made a part hereof by reference. The column entitled "2024 Appropriations" in said Exhibit "A" shall be amended by dividing each sum listed there under by one quarter (1/4).

**SECTION 2.** The Director of Finance be and is hereby authorized to draw warrants for payments for any of the appropriations as the same are delineated in Exhibit "A", upon receiving proper certificates and vouchers therefore, approved by the Board, Officers or Officer or persons authorized to approve the same, or an Ordinance or Resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries, or wages, except by persons employed by authority of and in accordance with laws or Ordinances.

**SECTION 3.** The Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Ordinance to the County Auditor, Cuyahoga County, Ohio.

**SECTION 4.** 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 same relates to the daily operation of a municipal department, 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: \_\_\_\_\_

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

\_\_\_\_\_  
Johnnie A. Warren, President of Council

Presented to the  
Mayor \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2023-53 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

### **POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2023-53 was duly posted on the \_\_\_\_ day of \_\_\_\_\_, 2023 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATED: \_\_\_\_\_

## 2024 -- 25% Budget Summary

Ordinance No. 2023-53  
General Fund - 101

## EXHIBIT A

2024  
Temporary  
25%  
ORD-2023-53

Police	\$	2,498,254.10	624,563.53
Fire	\$	2,491,678.36	622,919.59
School Guard	\$	7,445.00	1,861.25
Dog Warden	\$	13,000.00	3,250.00
Auxiliary	\$	48,500.00	12,125.00
Misc Contractual	\$	110,000.00	27,500.00
Building	\$	332,950.00	83,237.50
Service Department	\$	551,000.00	137,750.00
Rubbish Disposal	\$	125,000.00	31,250.00
Council Clerk	\$	58,475.00	14,618.75
Council	\$	160,335.59	40,083.90
Mayor	\$	234,875.00	58,718.75
Mayors Court	\$	185,556.00	46,389.00
Finance	\$	314,050.00	78,512.50
Legal Administration	\$	156,464.00	39,116.00
Engineer	\$	42,900.00	10,725.00
Public Lands and Building	\$	97,200.00	24,300.00
Senior Van	\$	58,000.00	14,500.00
Bedford Schools	\$	215,000.00	53,750.00
Summer Employment	\$	2,400.00	600.00
Board of Commissions	\$	13,200.00	3,300.00
Health Benefits/Contract/Operational	\$	1,973,910.11	493,477.53
Transfers Out	\$	1,045,000.00	261,250.00
Total General Fund 101	\$	10,735,193.16	2,683,798.29

# 2024 -- 25% Budget Summary

Ordinance No. 2023-53

## Special Funds

## EXHIBIT A

2024

Current  
2023

Temporary  
25%

### Appropriations ORD-2023-53

201-SCMR	\$ 1,241,800.00	310,450.00
202-PERMISSIVE AUTO	\$ 45,000.00	11,250.00
203-STATE HWY	\$ 40,000.00	10,000.00
204-RECREATION	\$ 223,197.50	55,799.38
205-BEAUTIFICATION	\$ 66.38	16.60
208-SENIOR FUND	\$ 128,325.00	32,081.25
209-F.O.J.	\$ 436.67	109.17
210-POLICE PENSION	\$ 50,000.00	12,500.00
211-HOLIDAY FUND	\$ 590.67	147.67
212-POLICE EVENTS	\$ 200.52	50.13
213-MEMORIAL FUND	\$ 279.30	69.83
214-ENFORCE & EDUCATION	\$ 40,000.00	10,000.00
215-INDIGENT DRIVER	\$ 20.89	5.22
216-CONFISCATED PROPERTY	\$ 4.19	1.05
217-AMBULANCE BILLING	\$ 364,542.16	91,135.54
218-MAYORS COURT	\$ 5,000.00	1,250.00
219-COURT INDIGENT DRIVER	\$ 1,800.00	450.00
225- % STATE TAX	\$ 1,100.00	275.00
250 CARES ACT FUND	\$ 767.69	191.92
251 OPIOD SETTLEMENT	\$ 22,000.00	5,500.00
252 ARPA COUNTY GRANT	\$ 250,000.00	62,500.00
301-G.O. BON RETIREMENT	\$ 3,709,000.00	927,250.00
401-GENERAL CAPITAL IMPROVEMENT	\$ 250,000.00	62,500.00
402-TIF-SWIFT	\$ 5,000.00	1,250.00
403-TIF-MAINES	\$ 8,000.00	2,000.00
404-TIF-THERMO	\$ 7,500.00	1,875.00
405-TIF FAMILY DOLLAR	\$ 40,000.00	10,000.00
406-TIF-OAKWOOD HOSPITALITY	\$ 30,000.00	7,500.00
407-TIF-COMMUNITY CARE	\$ 30,000.00	7,500.00
408-TIF-BUCKEYE DEVELOPMENT	\$ 20,000.00	5,000.00
501-S.A. BOND RETIREMENT	\$ 120,500.00	30,125.00
602-SANITARY SEWER	\$ 437,786.40	109,446.60
801-MANTENANCE BOND	\$ 25,000.00	6,250.00
803-SENIOR CENTER RENTAL	\$ 10,000.00	2,500.00
804-MEADOWS	\$ 3,825.20	956.30
805-P.C.DEPOSIT	\$ 4,000.00	1,000.00
806-CLEARING FUND	\$ 16,500.00	4,125.00
Sub-Total Special Funds	\$ 7,132,242.57	1,783,060.64
Grand total all funds	\$ 17,867,435.73	4,466,858.93

ORDINANCE NO. 2023-54  
INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE AMENDING ORDINANCE 2023-08,  
AS AMENDED, MAKING APPROPRIATIONS FOR CURRENT  
EXPENSES OF THE VILLAGE OF OAKWOOD DURING THE  
FISCAL YEAR ENDING DECEMBER 31<sup>st</sup>, 2023, AND MAKING  
NECESSARY TRANSFERS AND ADDITIONAL APPROPRIATIONS**

**WHEREAS**, the appropriations heretofore set to certain accounts of the Village of Oakwood are anticipated to be insufficient to cover all expenses anticipated during the fiscal year ending December 31<sup>st</sup>, 2023.

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

**SECTION 1.** Ordinance 2023-08 as amended, making appropriations for current expenses for the fiscal year ending December 31<sup>st</sup>, 2023, be and the same is hereby further amended by making the following transfers and additional appropriations as depicted in Exhibit "A", attached hereto and expressly made a part hereof by reference, said additional appropriations emanating from additional revenues received in the General Fund for the fiscal year ending December 31<sup>st</sup>, 2023.

**SECTION 2.** All other provisions contained in Ordinance 2023-08, as previously amended and as further amended herein, which are not inconsistent with the provisions contained in this Ordinance shall remain in full force and effect.

**SECTION 3.** The Finance Director be and is hereby authorized to make payments from any of the foregoing appropriations upon receiving prior invoices and vouchers therefore, approved by the persons authorized by law to approve the same.

**SECTION 4.** 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 same relates to the daily operation of a municipal department, 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: \_\_\_\_\_

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

\_\_\_\_\_  
Johnnie A. Warren, President of Council

Presented to the  
Mayor \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Ordinance No. 2023-54 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

### **POSTING CERTIFICATE**

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2023-54 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATED: \_\_\_\_\_

# 2023 Final Appropriations/Transfers Budget

Ordinance No. 2023-54

## Exhibit A

General Fund	2023		2023		2023	
	Permanent		Appropriations		Final	
	Appropriations	Amendments	Appropriations	Amendments	Appropriations	Final
	ORD-2023-08		ORD-2023-08	ORD-2023-54	ORD-2023-08	ORD-2023-54
Police	\$ 2,498,254.10	\$ -	\$ 2,498,254.10	\$ -	\$ 2,498,254.10	\$ -
Fire	\$ 2,491,678.36	\$ -	\$ 2,491,678.36	\$ -	\$ 2,491,678.36	\$ -
School Guard	\$ 7,445.00	\$ -	\$ 7,445.00	\$ -	\$ 7,445.00	\$ -
Dog Warden	\$ 13,000.00	\$ -	\$ 13,000.00	\$ -	\$ 13,000.00	\$ -
Auxiliary	\$ 48,500.00	\$ -	\$ 48,500.00	\$ -	\$ 48,500.00	\$ -
Misc. Contractual	\$ 110,000.00	\$ -	\$ 110,000.00	\$ -	\$ 110,000.00	\$ -
Building	\$ 332,950.00	\$ -	\$ 332,950.00	\$ -	\$ 332,950.00	\$ -
Service Department	\$ 551,000.00	\$ 15,000.00	\$ 566,000.00	\$ 15,000.00	\$ 566,000.00	\$ 15,000.00
Rubbish Disposal	\$ 125,000.00	\$ 5,000.00	\$ 130,000.00	\$ 5,000.00	\$ 130,000.00	\$ 5,000.00
Council Clerk	\$ 58,475.00	\$ (5,000.00)	\$ 53,475.00	\$ (5,000.00)	\$ 53,475.00	\$ (5,000.00)
Council	\$ 160,335.59	\$ -	\$ 160,335.59	\$ -	\$ 160,335.59	\$ -
Mayor	\$ 234,875.00	\$ -	\$ 234,875.00	\$ -	\$ 234,875.00	\$ -
Mayors Court	\$ 185,556.00	\$ 5,000.00	\$ 190,556.00	\$ 5,000.00	\$ 190,556.00	\$ 5,000.00
Finance	\$ 314,050.00	\$ (15,000.00)	\$ 299,050.00	\$ (15,000.00)	\$ 299,050.00	\$ (15,000.00)
Legal Administration	\$ 156,464.00	\$ -	\$ 156,464.00	\$ -	\$ 156,464.00	\$ -
Engineer	\$ 42,900.00	\$ -	\$ 42,900.00	\$ -	\$ 42,900.00	\$ -
Public Lands and Building	\$ 97,200.00	\$ -	\$ 97,200.00	\$ -	\$ 97,200.00	\$ -
Senior Van	\$ 58,000.00	\$ (6,500.00)	\$ 51,500.00	\$ (6,500.00)	\$ 51,500.00	\$ (6,500.00)
Bedford Schools	\$ 215,000.00	\$ (55,000.00)	\$ 160,000.00	\$ (55,000.00)	\$ 160,000.00	\$ (55,000.00)
Summer Employment	\$ 2,400.00	\$ (2,400.00)	\$ -	\$ (2,400.00)	\$ -	\$ (2,400.00)
Board of Commissions	\$ 13,200.00	\$ (3,000.00)	\$ 10,200.00	\$ (3,000.00)	\$ 10,200.00	\$ (3,000.00)
Health Benefits	\$ 1,973,910.11	\$ 15,000.00	\$ 1,988,910.11	\$ 15,000.00	\$ 1,988,910.11	\$ 15,000.00
Transfers Out	\$ 1,045,000.00	\$ 46,900.00	\$ 1,091,900.00	\$ 46,900.00	\$ 1,091,900.00	\$ 46,900.00
Total Fund 101	\$ 10,735,193.16	\$ -	\$ 10,735,193.16	\$ -	\$ 10,735,193.16	\$ -
Transfer Increase Details						
	2023		2023		2023	
	Transfer		Transfer		Transfer	
	Amendments		Amendments		Amendments	
SCMR	\$ 250,000.00	\$ (48,000.00)	\$ 202,000.00	\$ (48,000.00)	\$ 202,000.00	\$ (48,000.00)
RECREATION	\$ 175,000.00	\$ 6,000.00	\$ 181,000.00	\$ 6,000.00	\$ 181,000.00	\$ 6,000.00
SENIOR	\$ 100,000.00	\$ 12,000.00	\$ 112,000.00	\$ 12,000.00	\$ 112,000.00	\$ 12,000.00
BOND RETIREMENT	\$ 270,000.00	\$ -	\$ 270,000.00	\$ -	\$ 270,000.00	\$ -
CAPITAL	\$ 250,000.00	\$ 30,000.00	\$ 280,000.00	\$ 30,000.00	\$ 280,000.00	\$ 30,000.00
TOTAL ADDITIONAL TRANSFERS	\$ 1,045,000.00	\$ -	\$ 1,045,000.00	\$ -	\$ 1,045,000.00	\$ -

Various Service Vehicle Repairs/Projects  
Rubbish Disposal  
Due to temporary staff reduction costs  
Higher Court Cost Bedford Court Charges  
Due to temporary staff reduction costs for 4-5 months  
Due to temporary staff reduction costs only one van driver vs two  
Adj Made to reflect payment to Bedford Schools Revenue Share  
No summer help expenditures  
Adj made to reflect current year meetings cost  
Health Claims Charged/Reimbursed  
See Below

SCMR - Various Street Projects/Equipment Repairs/Street Striping  
Bedford School Transportation Costs  
Senior Programs  
Bond/Notes Obligations  
Includes Various Leases & Building Improvements

# 2023 Final Appropriations/Transfers Budget

Ordinance No. 2023-54

## Exhibit A

Special Funds	2023		2023		2023 Final
	Permanent Appropriations ORD-2023-08	Appropriation Amendments	Appropriations ORD-2023-54	Appropriations ORD-2023-54	
Ordinance No. 2023-54					
201-SCMR	\$ 1,241,800.00	\$ -	\$ -	\$ 1,241,800.00	
202-PERMISSIVE	\$ 45,000.00	\$ -	\$ -	\$ 45,000.00	
203-STATE HWY	\$ 40,000.00	\$ -	\$ -	\$ 40,000.00	
204-RECREATION	\$ 223,197.50	\$ -	\$ -	\$ 223,197.50	
205-BEAUTIFICATION	\$ 66.38	\$ -	\$ -	\$ 66.38	
208-SENIOR	\$ 128,325.00	\$ 15,000.00	\$ -	\$ 143,325.00	
209-FOJ	\$ 436.67	\$ -	\$ -	\$ 436.67	
210-POLICE PENSION	\$ 50,000.00	\$ -	\$ -	\$ 50,000.00	
211-HOLIDAY	\$ 590.67	\$ -	\$ -	\$ 590.67	
212-POLICE EVENT	\$ 200.52	\$ -	\$ -	\$ 200.52	
213-MEMORIAL	\$ 279.30	\$ -	\$ -	\$ 279.30	
214-ENFORCE EDUC	\$ 40,000.00	\$ -	\$ -	\$ 40,000.00	
215-INDIGENT	\$ 20.89	\$ -	\$ -	\$ 20.89	
216-CONFISCATED	\$ 4.19	\$ -	\$ -	\$ 4.19	
217-AMB BILLING	\$ 364,542.16	\$ -	\$ -	\$ 364,542.16	
218-MAYORS COMPUTER	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00	
219-INDIGENT	\$ 1,800.00	\$ -	\$ -	\$ 1,800.00	
225-3% STATE FEE	\$ 1,100.00	\$ -	\$ -	\$ 1,100.00	
250-CARES ACT	\$ 767.69	\$ -	\$ -	\$ 767.69	
251-OPIOID SETTLEMENT	\$ 22,000.00	\$ -	\$ -	\$ 22,000.00	
252-ARPA COMM GRANT	\$ 250,000.00	\$ -	\$ -	\$ 250,000.00	
301-G.O. BOND	\$ 3,709,000.00	\$ -	\$ -	\$ 3,709,000.00	
401-CAPITAL	\$ 250,000.00	\$ 175,000.00	\$ -	\$ 425,000.00	Repairs to Fire Roof, Park Pavilion, Repairs Police Vehicles
402-TIF SWIFT	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00	
403-TIF MAINES	\$ 8,000.00	\$ -	\$ -	\$ 8,000.00	
404-TIF THERMO	\$ 7,500.00	\$ -	\$ -	\$ 7,500.00	
405-TIF FAMILY	\$ 40,000.00	\$ -	\$ -	\$ 40,000.00	
406-TIF OAK HOSPITALITY	\$ 30,000.00	\$ -	\$ -	\$ 30,000.00	
407-TIF COMMUNITY CARE	\$ 30,000.00	\$ -	\$ -	\$ 30,000.00	
408-TIF-BUCKEYE DEV	\$ 20,000.00	\$ -	\$ -	\$ 20,000.00	
501-SA BOND	\$ 120,500.00	\$ -	\$ -	\$ 120,500.00	
602-SANITARY	\$ 437,786.40	\$ -	\$ -	\$ 437,786.40	
801-MAIN BOND	\$ 25,000.00	\$ -	\$ -	\$ 25,000.00	
803-SENIOR CENTER	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	
804-MEADOWS	\$ 3,825.20	\$ -	\$ -	\$ 3,825.20	
805-PC DEPOSIT	\$ 4,000.00	\$ -	\$ -	\$ 4,000.00	
806-CLEARING FUND	\$ 16,500.00	\$ -	\$ -	\$ 16,500.00	
Sub-Total Special Funds	\$ 7,132,242.57	\$ 190,000.00	\$ -	\$ 7,322,242.57	
Grand total all funds	\$ 17,867,435.73	\$ 190,000.00	\$ -	\$ 18,057,435.73	

12.22.23 1st Reading  
2nd Reading  
3rd Reading  
Under Suspension  
Adopted

AMENDED ORDINANCE NO. 2023-55

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE AUTHORIZING THE RE-APPOINTMENT OF ROSS CIRINCIONE AND JOHN MONTELLO TO THE POSITION OF ASSISTANT LAW DIRECTOR/PROSECUTOR WITH THE VILLAGE OF OAKWOOD**

**WHEREAS**, John Montello has served capably for a number of years as the Magistrate of the Oakwood Mayor's Court which will no longer hear cases as of January 15<sup>th</sup>, 2024; and,

**WHEREAS**, John Montello has considerable experience as a municipal attorney including serving as Law Director of Walton Hills, Law Director/Prosecutor for Bedford and prior legal positions with Maple Heights and Streetsboro; and,

**WHEREAS**, John Montello and the present Assistant Law Director/Prosecutor, Ross Cirincione, have indicated a desire to share the position of Assistant Law Director and Prosecutor which will bring additional valuable skill and experience to those positions; and,

**WHEREAS**, the said employees will perform the duties of said positions for the same salary and benefits presently paid to Ross Cirincione;

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

**SECTION 1.** Ross Cirincione and John Montello are hereby appointed to the position of Assistant Law Director and Prosecutor effective January 15, 2024.

**SECTION 2.** The said employees shall be paid as follows:

Salary: Twenty-six thousand seven hundred seventy-five and 00/100 Dollars (\$26,775.00) each per annum for meeting attendance, duties assigned by the Law Director and all other duties except as stated below;

Hourly compensation: Up to five thousand one hundred and 00/100 Dollars total billed at \$112.50 per hour for criminal jury trials, motion to suppress hearings and appeals (no PERS or employer contributions).

**SECTION 3.** All provisions of all other Ordinances and Resolutions which are inconsistent with the provisions contained herein shall be modified accordingly.

**SECTION 4.** 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 same relates to the daily operation of a municipal department and the ability to provide uninterrupted services to the citizens of the



Village, therefore, provided it receives the two-thirds 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

Presented to the

Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Amended Ordinance No. 2023-55 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tanya Joseph, 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 Amended Ordinance No. 2023-55 was duly posted on the \_\_\_\_ day of \_\_\_\_\_, 2023, and will remain posted for a period of fifteen (15) days thereafter as provided in the Village Charter.

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

DATED: \_\_\_\_\_

**VILLAGE OF OAKWOOD  
FINANCE MEETING MINUTES  
2023-12-12**

**ATTENDANCE**

Johnnie Warren, President  
Elaine Gaither, At- Large  
Chris Callender, Ward 1\*  
Eloise Hardin, Ward 2\*  
Paggie Matlock, Ward 3  
Mary Davis, Ward 4  
Candace Williams, Ward 5

Brian L. Thompson, Finance Director

**ABSENT**

Ed Hren, Village Engineer  
Ross Cirincione, Prosecutor  
Mark Garratt, Police Department  
Gary V Gottschalk, Mayor  
James Climer, Law Director

Carlean Perez – Recreation Director  
Tom Haba, Service Director  
Daniel Marinucci, Chief Bldg. Official  
Dave Tapp, Fire Department

*\* Arrived after roll call*

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Meeting opened at 6:05pm by Warren  
Pledge of Allegiance  
Roll Call taken

**Warren:** We'll begin today's finance meeting. We'll let Mr. Thompson take the helm. **Thompson:** Ok, just to start out I did have on the agenda a representative to come in and talk about reserves and rainy-day funds. But we thought it make more sense to do it after the first of the year, with the new members. So, we're going to continue to gather policies and look at other communities. We will reschedule the meeting for some time in January. We did actually get all the way through October on the financials. Which kind of brings us all the way current. November should be forthcoming before the 15th of December. We did submit the September's financials and I did a nice summary management report. You can just look through it. It starts out with the statement of cash position with month-to-date totals. We could just start off by looking at the all of the funds. Of course, the most important is our general fund. We started at \$236,117.84 at the beginning of the year. At the end of October, we ended unexpended at \$467,952.45 and after encumbrances \$324,139.34. I think September came in about two hundred and something thousand. What happened in September is, we always service our note. That we have to roll over and pay down some of the portion of the principal interest. So just perusing through some of the funds. Our SCMR is always a hot topic. After encumbrance it is negative \$151,795.50 but that's going to clear up in November. Because I know I have already received the dollars from the County on some reimbursements through the Engineering Department. So, I didn't process any transfers for the month. I left recreation as is as well. As we kind of Scroll down to general capital improvement. I didn't really put in any transfers for that as well this month. I just have to evaluate moving to the end of the year. If you kind of flip the page on that one

pager showing all the funds in the cash position. We started the year at \$421,091.64 and we ended through October after encumbrances \$767,111.63. **Davis:** So, the SCMR is negative and then we have recreation. How did recreation get so negative when we already told her about the budget?

**Thompson:** Well, actually I'm evaluating some of the Mayor's programs. We do like family enrichment and things, so kind of reviewing those. I know the Oktoberfest dollars are in there for what we did this year. So, I may need to get further clarity on that as well. **Davis:** How much was the total cost? **Thompson:** About \$10,000-\$11,500. **Davis:** You said capital improvement fund is negative \$820? **Thompson:** Yeah just the \$820, throughout the year I put the transfers. We still have a level of transfers to put in the capital fund. I usually put that last transfer in by the end of the year.

Once we made our final payments in December on our leases? **Davis:** Sanitary sewer, you said we're going to be out of that? **Thompson:** Sanitary sewer is kind of on the same premise as the SCMR fund. We did receive some sewer reimbursements as well from the County. So, those would be booked in November. So, I didn't push down any transfers for those funds. Because I knew I anticipated in November when we closed, we do have some dollars. **Davis:** You're talking about November? **Warren:** End of October. **Thompson:** November like by the end of this week. I had already received dollars from the County. And I know it will be posted in that month. So, these negative funds are going to go down or go away as I put the dollars in. **Davis:** Not recreation though...

**Thompson:** Recreation, I'll be looking at the expenses to see if I have to do some type of expenditure adjustment. **Davis:** Yes, please. **Matlock:** So, this is only taking us up until October 31st? **Thompson:** Yes. **Matlock:** That's why you have yet to put the funds on there from November? **Thompson:** Yes, we're pretty much caught up with the financials. We usually have until the 14th or 15th for that current month. November should be done by the 15th, so I will have it on Friday.

**Matlock:** So, we're still looking at a negative balance on the senior center rental fund. Like \$4,144.02, did you check into that, because you were going to? **Thompson:** Yeah, I'm doing an audit on it. Just to make sure that some of those dollars are not being booked in general fund. But expensed from this 803 fund. I did start that process, I'll put some priority on kind of reconcile it and see what that may be. **Matlock:** Ok, because the balance should be positive not in the negative. **Williams:** Looking at these totals that are about \$300,000 for the negatives. Are you expecting when you balance in November, to have that full \$300,000 or close to it? **Thompson:** Yeah, because we got some large payments from the County. We'll book those dollars to those funds and those negative. **Williams:** So, if we had to pay these bills at the end of October, that \$324,000. Would have been something like \$20,000? **Thompson:** But with the process you have to pay the bills first, that's the County's process. You make the payments and Ed files all the paperwork with the documents. Showing that they got a canceled check from the vendor and then they'll send the reimbursement. So, that's why it's kind of lagging the month or so. **Williams:** Let me ask this question a different way. If these funds needed to be paid. You would have had to take those funds from the General Fund, correct? **Thompson:** If I needed to cure some funds, positive, yes. **Williams:** So, we would have been looking at about \$20,000 left in our general fund? **Thompson:** Yeah, but my cash flow analysis, I knew the County's reimbursements were coming in. But your direct answer, if I had to cure those and push them down, yes it would come out of the General Fund to those funds. **Davis:** You think the recreation is only above that amount because of the October festival? **Thompson:** Yeah, the amount is pretty much that \$11,000 that we spent, but. **Warren:** You still got two more months to go.

**Thompson:** Between family enrichment and some of the things for the Mayor. I want to kind of

comb through those and make sure they are in the right place. **Davis:** Because we haven't had, well, we had the Amish trips. That's the only thing I could think of that came up. **Thompson:** I'll evaluate those as we move through November. **Williams:** Are you expecting that particular line item to go over? **Thompson:** I think honestly, just looking at it. If I did like an average of backing out the October fest. Kind of seeing where it was year-to-date, dividing by 10, multiplying by 12, I think maybe over. But I would definitely have to come back to Council to increase by that much on the transfers. **Williams:** Can we make sure that, when you close out December. You have that difference in who was over and who was under. I know the Police Department said they were far under. Who was over? Who was under? And how those dollars get reallocated before you do that? **Thompson:** Yes. **Davis:** And I know we talked in the beginning; that recreation was going to be watched. Because that was one of the ones that kept going over and over each time. **Thompson:** Yeah it wasn't really going over, I think we just took an initiative to lower it. We lowered him I think about \$60,000. **Warren:** \$69,000 or something, but still, that has nothing to do with it. Because it says that, this is how much money you got to spend. That's how much you spend. So, it's not like you gave them only \$69,000 and you needed \$75,000, it doesn't work that way. I got a nice summary report all the way through October 2023. Through the month of October, we should have rate close by 83%. Year-to-date for the General Fund we collected \$8.7 million. That's approximately about .03 not much off, in terms of projection. It's not bad, that's pretty good. As we comb down and look through the expenses. You can see by the department all other expenses. They should be at the 83% ratio as well. Tommy is over a little bit. I think it was just associated with some repairs. I'm going to monitor that closely as we move to the end of the year. His may has to be adjusted. This rubbish disposal, that's the pickup from Waste Management. I know sometimes tonnage, if it's a little over or something and they have to pick up. There's an additional bill, so I just want to audit and kind of evaluate. To see what's having an impact on the ratio. **Hardin:** Would you repeat that one more time? **Thompson:** On here, the ratio is a little over should be .83, and it's .91. So, I'll be looking with Tommy to kind of look at every single bill. Because really it's just a set bill every month. But we also get the tipping fees that they give back to us for having the station in the Village. Since the ratio is going over what I projected for the year. I'm just going to kind of audit and see. Sometimes there may be a little bit of overage bills. Like two or three hundred dollars for some extra pickup. But I have to talk to Tommy and take a look at it. **Davis:** The next one would be that .90 on H/B operational contract. **Thompson:** Actually, the next one would be the Mayor. He's also very small percent, about 3%, through October. Some of his family enrichment, and also some of the senior program's kind of go hand in hand. In terms of the definition of who attends and if it goes under, the Mayor or senior. There may be an impact of expense that may need to be under senior versus the Mayor. But I'll take a look at that, it's only about a .03. When you go down to the H/B operational contractual. A little bit of it is, you know, we pay R.I.T.A. a certain percentage to collect our dollars. The collections are coming in higher for the year. So, our percentage is going higher. The expense I probably put in there for our collection based on the revenue projection, is a little higher. So, it may need to be an adjustment there. We pay them like 3% to collect our dollars. **Davis:** But we know in the beginning that would be 3% of whatever? **Thompson:** Yeah. **Davis:** Ok. **Thompson:** Also, the other portion would just be healthcare claimants. We do get stop loss reimbursement, so maybe it's affecting there. But that's having an effect on the ratio. So, I kind of attributed to some health claim payments. Ultimately, we should get some reimbursement back from the stop loss company. And just collection

fees for the increased amount, which is a good thing on our revenues for our R.I.T.A. **Davis:** Next question is the transfers, I know it's under, but we transferred that much already? **Thompson:** Yeah, we transferred in that much. You approved me to do \$1,045,000, and this is going back to some of the conversations Ms. Williams. So, usually don't want to push down or process transfers too much more than you have to. Because once you put them in the fund you can't get them back kind. We did do \$835,000, so I still got about two hundred and something thousand left. Room to transfer to subsidized funds that council approved at the beginning of the year. **Davis:** You talked about the Mayor's thing being over and I see him at .86. But then you're blaming his stuff on recreation, but recreation's already over. **Thompson:** Not recreation, senior, his programs kind of go hand in hand. **Davis:** I thought we did a senior account. **Thompson:** Yeah, we do, what I'm saying is there may have been a miss posting of a program or something. I just want to evaluate because if it's strictly for seniors it goes under senior. But if he opens up a program for the whole Village to attend, that's kind of his budget. So, I kind of want to do that evaluation on his projections. **Davis:** Will we know next meeting? **Thompson:** Yeah, I'll have it, but overall, the whole general funds at .79. Under the ratio, so that was great to know that it turned out well for us. That's with everything in the general fund. We have .79 and our ratio is approximately .83 through that month, so we're under. **Hardin:** And you're still saying you got \$200,000 to play with? **Thompson:** Not so much to play with. **Warren:** To transfer. **Thompson:** Yeah, I may not need it, it depends on our final expenses. But I may not need that whole amount. **Hardin:** I did not mean to use that terminology, I wanted to make certain that we were talking \$200,000. **Thompson:** Yes, the difference between \$835,000 and the \$1,045,000 which you already approved. **Hardin:** Ok. **Williams:** When you said you started to do some projections for the general fund and the negative accounts. What are your projections? **Thompson:** I'm projecting those to be cured. **Williams:** When you finish November, you're saying that you will have \$300,000 that will make all of these accounts? **Thompson:** Majority of them, yes, I already received the checks. So, I know they're going to get posted. **Williams:** When you say majority, how much are you looking at? **Thompson:** It was well over \$300,000. **Williams:** So, we're going to have more than these negatives? **Thompson:** It's going to be pretty close. Even if they have a certain portion of negative, I still got the transfers to cure the fund. The majority of it will be made whole from the checks from the County. **Warren:** So, what you're saying basically is, there is a chance that at the end of the year. We may have an ending balance of what we already have at this point. When you project how much we have out and how much we're going to be getting in. We may be at the \$324,000 or maybe even less for the ending balance for the year. **Thompson:** Yea it will be the \$300,000 range, which is higher than last year because we ended in the \$236,000. **Warren:** I know that's what I'm saying, but we looking at right now. Our ending balance being \$324,000 based on the math that you've given us. \$200,000 you have left for transfer and another anticipated three hundred plus thousand. That you expected or that you already have, that's going to be posted for the month of November. **Thompson:** Yes. **Warren:** But the challenge is, in your accounting for November. Are all of these other line items going to still be in place after you pay the vendors for the end of November. Will those line items still be in a positive? Because if they become a negative, it's going to offset the general fund that you have of the \$324,000. **Thompson:** They're going to come in pretty close to positive. I'm just saying that because I don't have the actual checks here with me. But I know we had large deposits. There were over a hundred something thousand from sanitary sewer. It was like two hundred something thousand SCMR. So, we got quite a bit in. If those checks are posted,

then I won't have to pull those transfers from general fund. We'll still pretty much be at the \$300,000 level, maybe plus more because the R.I.T.A receipts were coming in a little higher as well. **Hardin:** Over the years, you've been mentioning R.I.T.A receipts being much higher. Have you been doting on that money or how are you coming to that conclusion? **Thompson:** Just over the years, I always stay pretty conservative. I do about maybe 3%, I did a year-to-year comparison. If you look at the one pager on revenues. **Williams:** Let me piggyback there. What other large savings do we make at the end of the year? Is it stop loss gaps? **Thompson:** No stop loss wouldn't be a payment. Our threshold is \$35,000, if I had one individual that hit \$100,000, the Village only got exposure to \$35,000. So, what happens is, they kind of pay it direct to the hospitals before that exposure that we don't have. Those wouldn't be a payment to us, but I manage the claims weekly, that they send to me. Normally if anybody in the Village has already kind of hit that cap. Then that stop loss firm is making the payment, so I don't have that exposed. **Williams:** If we get \$100,000 bill, our Max is \$35,000 that insurance covers? **Thompson:** If it's like one person, yeah. **Williams:** Then that seventy or sixty-five thousand we would have to pay? **Thompson:** Paid by insurance. **Williams:** Is there at any point where it maxes where they don't pay and we pay? **Thompson:** Our maximum exposure is \$35,000 a person. In the contract with them it wasn't a maximum for them to have the exposure. Because you know they've paid out a lot of claims over \$35,000. **Hardin:** But you're not answering, am I missing the question? **Williams:** No, you're not. **Hardin:** Maybe you need to repeat the question. **Williams:** Is there a point where we hit a maximum and that comes back to the Village to pay? **Thompson:** I don't have the clear answer now. Let me investigate and then I'll let you know at the next meeting. **Williams:** So, we don't have anything that would have to do with insurance. That we may have to pay out, that may affect our general fund? **Thompson:** No. **Williams:** Ok. **Warren:** When you're doing your projections of the stop loss, is it based on the previous years? Is it based on an anticipated as our staff gets older? Claims increase? **Thompson:** Every quarter I meet with the insurance gentleman. We look at the claims experience, look at what the gross charges were, and what savings we got. That report is very inclusive with ages and showing me the prescriptions. So, we kind of use that historical data to kind of project going into next year as well. That claims history and that material information does aid in us having projections for that following year. We do use a lot of those variables that you talked about. It's a very in-depth report that they provide. **Hardin:** I'd be interested in the answer at the next meeting or maybe even before. **Thompson:** Yeah, I'll check if they got a maximum exposure. **Hardin:** If they did, then what then what? **Thompson:** If they have a maximum, it could be liability to the Village. I don't think that's the way it going. I'm not the insurance expert. Even though I got a lot of experience in doing these claims. But I mean, no matter what our exposure is going to stop at that \$35,000 because they agreed to it. We have that in place. So, it could be a lawsuit if they're not serving us like they agreed in contract, to only expose us to \$35,000 per claim. We've had them for years, like three or four years, we've had a very good relationship. But I'll definitely find out that information. I kind of referenced the one pager. Looking at the general fund revenues from 2022 to 2023. You can see all the differences in each category. **Williams:** Is this a system generated report or is this something you compiled? **Thompson:** I compiled this for like a management report from the report. I went back to my historical 1022 closed book, then I took the close of October for this year. And I just compared the categories plugging numbers in and it showed you the difference. Overall, we ended \$176,000 higher than last year. You can see two of the main components we discussed were the R.I.T.A taxes and the municipal net profits were up from prior year. So that was a

impact when we talked about the R.I.T.A. So overall, all categories are up \$176,210. So that's a nice report to kind of get a comparison what's going on year to year. **Hardin:** Are you comfortable with where we are? **Thompson:** Yeah I'm comfortable, I know my cash flow projections. I anticipate going higher than last year. I don't see anything kind of catastrophic, I'm almost at the end of the year. December 15th is coming up, we kind of shut down the park and told them to turn in all their bills. We want to do like that final check run of the year, so I have my concrete numbers and review the financial summary. **Warren:** If you shut them down in the middle of December. There are encumbrances coming from December 15th to December 31st. **Thompson:** If they have continual bills moving on from the 15th to the 31st of December. They can still encumber those dollars, so it'll be an encumbrance. But as it stands in terms of our year-to-date actual expenses, that's what I'm trying to nail down. Usually, we don't have a lot once we set that threshold and ask them to turn it in. Just knock on wood, over the years. I've never really had anything that would cause such a problem with the budget. But your point is correct, it could be some bills laggard in those last two months. Those will roll over to next year on top of their new budget that's approved. So, it wouldn't be coming out of the 2024 budget. **Warren:** Yeah, but it's still something that was from 2023. What we need is to see how close and accurate we were for our projections for 2023. To base that as a benchmark for how accurate we could be with those variances for 2024. So, in other words, if there's a variance and we see that the variance is 3%. Then when you're presenting the 2024 budget, we can anticipate that there may be an additional 3% in expenses for the residual expenses. More importantly, not that it's a great thing to say that we're proposing to do a quarter budget. But I think that it would be better because we're going to have the incoming members to be a part of the evaluation and the review of the budget. In addition to the fact, it will close that year since we're looking at it in the first meeting in January. We'll see where it closed completely. We want to see what's billed to date. That's through December 31st, by our first meeting or before in January. **Thompson:** What I'll do, I'm going to look back historically, maybe three to five years. Just to see where my encumbrances ended, just to see the average. You're correct and when I close out that final December you'll see those numbers you're talking about. **Warren:** Yeah, because the other thing could be insurance. That's one of the things that hit us unexpectedly, that we don't know about. Those payments that we have to payout towards the insurance. **Williams:** Since we're going into quarter budget, what you gave us for the temporary appropriations. Have you created it already? **Thompson:** Yes, it's, it's in the exhibit tonight. **Williams:** Ok, the FOP has a contract for the 5%. Did you also improve 5% for the entire Village? **Thompson:** Yes. **Williams:** Ok, here's my concern... **Thompson:** Well, the 25% we're basing it on current years appropriation. As we move to the process I have asked all the directors of all the departments to put the 5% in for the 2024 budget. So, when we talked about that 25% budget. It's only on the current level of appropriations for 2023. Because we don't even have a 2024 budget. **Williams:** This is what I don't want to happen. I don't want to approve a quarter budget and we begin paying people 5% higher. Then we say we're not going to do that. So, I want to make sure what you just said was, the quarter budget is based off of 2023 appropriate only, with no increases. **Thompson:** Yes. **Davis:** So, there'll be no 5%? **Thompson:** I'm not saying no 5%. I projected them to put it in 2024, but the 25% statement was made correctly by Ms. Williams. That it's not in that 25%, but the 25% that we would pass is based on this year's numbers. I don't even have the 2024 budget, so you're correct in that statement. **Hardin:** Come January 1st, other than the FOP. What percentage will you be paying the other employees?

**Thompson:** We're anticipated to pay them 5% because that's what I put in the budget letter. All at will employees, you got Fire Department because they don't have a union. They're kind of in the same boat as the at will employees. **Matlock:** You said you asked each department head to give you 5% to be added to the budget. The only one that is a union contract is your FOP. **Thompson:** Yes. **Matlock:** They negotiated that 5%, so there's nothing we can do with that, that's a negotiated contract. But my thought is the same, 5% is just something that we all have to discuss. **Hardin:** In past years in past years and correct me if I'm wrong. We're always given the numbers of what the difference would be if we did 5%, 4%, etc. Am I correct, did you not supply us with those? **Warren:** No, we didn't. **Williams:** In prior years you provide a comparison. We were at the Fire Department when you gave us last year. We had moved over there for a temporary meeting. **Hardin:** And that was when we agreed remember? **Thompson:** That we had; we had a discussion like holistically. **Hardin:** That is correct, and you gave us the numbers. That's when we all agreed to go with it because it was minute. **Thompson:** Yeah. **Hardin:** I know you did. **Thompson:** Yeah, we did talk about it. **Williams:** That's not what she's saying. She's saying that the comparison was provided as a document. **Warren:** It was a percentage presented, but it wasn't 5%. **Hardin:** The actual number was given to us, am I correct? **Gaither:** Yeah, I think we did three and two. **Matlock:** I think we did two. **Hardin:** I know we agreed after seeing the difference, thank you. **Warren:** But it was consistent with what the FOP was receiving anyway. **Hardin:** Absolutely. **Davis:** Just so I know, you said you're going to project for the quarter, the 25%, if we approve that as a budget. It's the same thing as in 2023 the first quarter, that would be the 3% we gave last year. **Thompson:** Everybody got 3% last year. **Davis:** So, the only ones that we know for sure... **Warren:** That's getting 5% is the Police. **Davis:** But everybody else, as far as January, unless we approve differently, we'll be still getting the 3%? **Thompson:** Yes, so when we discuss and try to finalize our 2024 budget. Those 5% numbers are in those departments totals for 2024. **Hardin:** And if you want to save us a little time. I would suggest that you give us percentage so that we can compare. **Thompson:** Yeah, I'll scale it for you. **Hardin:** Thank you. **Davis:** Can we please get these beforehand, it's just so much information. **Thompson:** Yes, we should be back on track. I would project this kind of first of the year. My staff is really getting up to speed, getting the numbers in and I should have them by the 14th of every month. So that Friday before the meeting. **Warren:** We need this stuff before the next meeting. As soon as we can because of the fact that the next meeting is going to be on the 26th. **Hardin:** Just another quick suggestion, the question was asked where the exhibit was. This is the exhibit, but in the future, would you just...(inaudible). **Thompson:** Put "Exhibit A" on it? **Hardin:** Absolutely. **Thompson:** Ok. **Hardin:** Thank you. **Williams:** When would you expect to have December 31st closed out? **Thompson:** I mean, it's going to take me into next year, like the first couple of weeks. So, January 15th, I have a deadline to turn my budget into the County. I forget the date, but I got a couple of weeks into January. **Warren:** Our next meeting just let you know, is going to be I guess on January 9th of 2024. So, we should know what our year end and where we at financially. Shortfalls or whatever, by our January 9th meeting. That Friday before that is January 5th. **Thompson:** Right, that's normally when you would get the report, Ok, I hear the marching orders. **Williams:** Are you going to be able to have those prepared? Realistically, are you going to be able to have that? **Thompson:** I'm going to put my best foot forward. **Warren:** You said that you have to have your budget into the County by when? **Thompson:** I don't have the letter, maybe, January 12th, 2024. **Matlock:** Then we need to do it a little earlier. **Warren:** There's no way we're going to pass it under the gun. Or you're going to have to pay



whatever the penalty is to turn it in late. **Thompson:** No, my year end financials is due to the County by January 15th to the 20th, something like that. **Matlock:** Mostly everything should be basically calculated from December 31st. So, that first week after the date you said, you need to have that report done so we can see it. There should be no maybe I'll do it on it January 5th, we need to have that done. Even if you have to stay over a little bit to get that done. That needs to be finalized, there's no way we should be going up against this deadline again for the County. Then we have to have emergency meetings to try and approve all this stuff so that you can send it down. We should have that Johnny on the spot. Basically, by the 1st of January that report should be ready to go. We should already start having it approved and it should be gone. And that'll stop putting you under gun too.

**Thompson:** Yeah, I hear you. **Williams:** Can I just shift real quick back to something. The revenue comparison that you create. Is there any reason why you don't create an expense comparisons?

**Thompson:** No reason I could put the same general fund numbers together. **Williams:** Ok. **Warren:**

That would be a good idea too, because then we could see what. **Williams:** Is there any particular reason why you're choosing to do revenue and not expense in this case? **Thompson:** No, it's just something historical we did. I knew the expenses were actually in the detailed reports. But I'll put a nice management report together for you. So, you can see the expenses correspond as well in the same amount of time frame. So, I'll start compiling that for you. Other than just having the potential 25% legislation and exhibit A attached. I only had a couple of small departments because we're moving into the regular meeting. There are two more sheets attached where I just kind of showed you projections on our street lighting and the refuse collection. This is like the budget, it's one of our components in the general fund. I pretty much provided the 2022 total expenses. Street lighting, which was \$98,811, we projected this year \$110,000. We filed \$81,369 right now, 2024 projection is like \$115,000. Because inevitably of all of these utilities and things like that, I just did a modest \$5000 increase for that line item for the electric utility. If you look at it simultaneously with the refuse collection. I kind of projected to raise that a modest \$5000 dollars as well for the collection of the rubbish. All these can change as we do the kind of numbers, but that's my projections and raising.

**Hardin:** So that \$81,369 is that a firm figure, that's what we spent? **Thompson:** Yes. **Williams:** Tell me which line item do you charge the expense budget ratio? What is their ratio at right now, where do you have to charge it to? **Thompson:** Miscellaneous contractual utility, which is six down. It's within its ratio now 74%. I just know these utility companies; the bills have been kind of going up.

**Williams:** I just wanted to see where we're at. The refuse collection. Is that a contract we have?

**Thompson:** Yes. **Williams:** Are they contracted to increase or is there a way that it varies?

**Thompson:** It varies when we may have like some additional pick up here in the Village. Tommy can probably give me a little better insight on that. But that could be, we have the major bill for picking up all the refuse in the Village. But we may have some special situation. That means disposing something that they would charge us for. **Haba:** Sometimes at the park, we got stuff at the park and so we call them when it gets full. It's not every week, and we do have an overflow.

Sometimes it's at Village Hall, some of our residents come sneak and throw trash in everything. It's like an extra \$135.00, but we do keep an eye on it, it's been down lately. Now we have noticed we've been catching people the last few weeks. Putting the dumpster down here, and the Police cited a resident, this past week that we caught dumping here. **Davis:** That's something that I think our residents need to know, that it costs that much more. **Haba:** We have a we have a sign right next to the dumpster. **Davis:** Are you talking about people within the Village? **Haba:** No, the residents have

their houses, we don't pay extra. It's a part of the contract, they only pick up one item a week and you have to call waste management. So, if you have a couch and chair. You call and say I got a couch out this week, next week I'll have a chair out. If you don't call, they won't pick up the extra stuff, they may once in a while. **Williams:** I know you said you'll reschedule the Mas Financial, is that Matt Stuczynski? **Thompson:** Yeah, I was going to have him come out. But we thought it was better we waited until the new members got on council and have the meeting then. So, we pushed it back down and maybe toward the end of January he's going to come out. We're going to talk about the rainy-day fund. Right now, we'll just keep gathering policies and different maybe ordinances that they have in the area, cities, and villages. We'll bring a nice package for you for discussion. He's our financial advisor, when we go to market notes and the bonds, things like that. **Williams:** Does he deal with reserve funds for a municipality? **Thompson:** Yeah, he used to be a Finance Director of villages and cities before. His main court now is the bonds and market notes. **Williams:** Ok, so he's going to provide you examples of reserve funds, language, etc. **Davis:** Can we get that also ahead of time before or will it be on our website? **Thompson:** I can get it to you before the meeting. **Warren:** Could I get a motion to adjourn?

Motion to adjourn made by Gaither seconded by Davis

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

MOTION PASSED

Adjourned at 6:54p.m.

Approved \_\_\_\_\_

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Tanya Joseph, Clerk of Council

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Johnnie A. Warren, President of Council

**VILLAGE OF OAKWOOD  
COUNCIL MEETING MINUTES  
2023-12-12**

**ATTENDANCE**

Johnnie Warren, President	Gary V Gottschalk, Mayor
Elaine Gaither, At- Large	Brian Dirocco, Fire Department
Chris Callender, Ward 1	Brian L. Thompson, Finance Director
Eloise Hardin, Ward 2	Tom Haba, Service Director
Paggie Matlock, Ward 3	James Climer, Law Director
Mary Davis, Ward 4	Mark Garratt, Police Department
Candace Williams, Ward 5	Daniel Marinucci, Chief Bldg. Official

**ABSENT**

Ed Hren, Village Engineer	Carlean Perez – Recreation Director
Ross Cirincione, Prosecutor	
Dave Tapp, Fire Department	
<i>* Arrived after roll call</i>	

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Meeting opened at 7:03pm by Warren  
Pledge of Allegiance  
Roll Call taken

**Warren:** We would like to get our departmental reports. May we hear from the illustrious Mr. Tom Haba.

*Departmental Reports*

**Service-Haba: Haba:** Thank you, Mr. President. I just wanted to Tanya Joseph, our Clerk of Council and Eloise Hardin for helping out with the rain garden at the park a couple weeks ago. We had a member of our staff there along with representatives from the County. We have to do two of those events a year to get extra points, to be eligible for some grants. Ms. Matlock, we ended up picking up that trash on that lawn on Oak Hill. It was a new resident, I explained before the old resident put it out there. So, we had to pick it up early this week. **Matlock:** Thank you. **Haba:** Last note, we are still picking up leaves. We just got a call yesterday and we are still picking up leaves at least through this week. Probably through next week also. And that's all I have thank you. **Warren:** May we hear from Chief Garratt.

**Police-Garratt: Garratt:** Thank you Mr. President. Just wanted to thank Council, we have the shop with a Cop program this Saturday. Some of the Council people helped to get some names and kids for the year. It looks like about a dozen kids are going. Fortunately, a lot of the businesses donated a lot of money. We should be able to start at about 9:00a.m., get the shopping. They're going to come back, wrap presents at the training center, and go through the pizza party and everything. So that would be Saturday. If anybody wants to volunteer, help wrap presents. I know I don't do that very well. You can please contact my office and we'll get you in there, thank you. **Warren:** May we hear from Building Commissioner Dan Marinucci.

**Building-Marinucci: Marinucci:** Thank you Council President, I would like to wish Council a very, very happy Christmas and an enjoyable New Year. Things are running smoothly in the Building Department. I'm here

for any questions. **Hardin:** We would still like copies of the inspection reports. **Marinucci:** I'll get that up in the morning. **Hardin:** Thank you. **Warren:** I wanted to thank you and your staff for responding to the request that we made. When the contractor was leaving mud. Of course, it's muddy during this time, it's hard in construction. But they did clean up the streets where mud was brought on to Jean Drive and Tryon Rd. from those two new construction houses. So, the contractor cleaned it up. **Marinucci:** Just to note, we've been having trouble with the phone. We're trying to get that resolved. We're having trouble getting voicemail and we're having trouble on some of the phone calls. From a lot. Of them coming in one shot. **Warren:** May we hear from Assistant Chief Brian Dirocco.

**Fire-Dirocco:** Dirocco: Thank you, Mr. President, not too much to report from the Fire Department. Everything is going smoothly. I would like to remind Council and the residents that we still do offer free smoke alarms for the residents of Oakwood. As well as very discounted carbon monoxide detectors. If you're someone who's uncomfortable getting on the ladder or do not have the tools. I'm more than happy to come by and help install that for you. May we hear from our Law Director, Mr. Climer.

**Law- Climer:** Climer: Thank you, Mr. President, I have no report, but I'm happy to answer questions. **Warren:** May we hear from our Finance Director, Mr. Thompson.

**Finance-Thompson:** Thompson: Thank you, Mr. Chairman, just to recap, we did have our Finance Committee meeting today. Taking us through October 2023 financials. I reported to the body of Council and the committee that the Village was within its spinning thresholds as a whole, in its general fund. We had approximately \$421,000 beginning of the year and we ended through the end of October at \$767,000. So that would recap my reporting. Thank you, Mr. Chairman. **Williams:** I know we didn't have the financial municipal advisor present on the reserve budget today or the rainy-day fund. But based on your recommendation on where you see the finances. Do you feel like we're in a good position where we could begin a reserve fund? **Thompson:** I would like to just have that evaluated further with our financial advisor that assists me. I rather not report until I have all the variables in front of me. But we are showing that our funds are higher than where we ended last year. Once we gather all the policies and look at all the variables, then I can report back to you. **Williams:** Does the financial municipal advisor bring in additional consultants since he deals with bonds? **Thompson:** No, it'll just be him doing the evaluation and presentation. **Warren:** He'll be at our first meeting in January, correct? **Thompson:** Yes. **Williams:** If you can be present January 9th meeting. **Thompson:** I'll see if he's available. **Davis:** You have the credit card report in one of these packets that we got? **Thompson:** No, it's not in there, I'll provide you with that. **Matlock:** When are you going to provide us with the statements of leave for each employee? **Thompson:** I presented that about two months ago. **Matlock:** We need an updated one for all the leave. **Thompson:** Ok. **Williams:** Our redacted bank statement, showing where our funds actually sit. Are you still going to be able to provide that? **Thompson:** It's not a problem to get the information. **Warren:** May we hear from the Mayor?

**Mayor-Gottschalk:** Gottschalk: Thank you, Mr. Chairman. Good evening, hope you had a blessed week. I first met with the new owners of Home Instead Senior Care, along with Visiting Angels. They are the two biggest caregivers in both Northeast and Northwest Ohio. They came here about 10 years ago from Solon. The Radcliffe's brought them over here. They're currently in a few suites no bigger than the size of this this room and one other room. And yet they have a payroll of seven and a half million. And the enticement to bring them here was to offer them 40% of what we receive in our payroll. The new owners are out of Denver, Co. This lease lasts until 2029, if they were to leave any time before then. They'd have to make up the entire amount that

has been given, in terms of them in the grant to begin with. Very nice arrangement, very pleased. So, this is a very nice asset. As is Home Instead Senior Care. Just a few suites away is Sophie. They were formerly called IBA molecule. And they manufactured and dispense PET scan imaging agents for Cancer and Alzheimer's patients. They have about 25% of the entire market in the United States. This is one of the three or four bases in the in the United States, in Oakwood Village. They just expanded by about \$3.5 to \$4 million internally. Including bringing in a \$1.5 million dollars Cyclotron, which helps make these imaging agents. Just a few steps away from them is Oakwood Laboratories, industry leader in sustained-release injectable pharmaceutical development for cancer patients. I'm pleased to announce that the first building owned by the King Group. Donald King has made the announcement. We have a company coming out of France. A worldwide performer in providing high technical services worldwide. They chose Oakwood Village to be their base in the United States. So that was quite pleasing. It's great with our incentive program the way it is. You attract these kind of companies. That has allowed us to have a property tax in Oakwood Village, which is 18% less than Glenwillow, 28% less than Bedford, or Bedford Heights, 40% lower than Warrensville Heights, 60% lower than Maple Hights, and 80% lower than Garfield Heights. Because of our incentive program, again, state Senator Jerry Sereno has said "we have more economic development going on in Oakwood Village in a per capita basis, than anywhere in the state of Ohio". I'd like to report that Starbucks will begin construction in front of the Hampton Inn on Broadway this coming Spring, for the coffee lovers. Lastly, we're familiar with Rudolph the red nosed reindeer and helping Santa bring his sleigh. There's a song called here comes Santa in a pickup truck. Oakwood had its own Santa in a fire truck and that was Sunday. We've been doing this many, many years now. In the past, normally I would see our 8- to 13-year-olds. We had more youngsters one-year old to seven-year-olds than I've ever seen. One house alone had nine kids, grandkids, etc., and it was quite exciting for the kids. But next year, rather than the fire truck, we're going to be back in the Community Center here. We're going to have a horse drawn carriage, taking the youngsters as well as their parents and grandparents along Broadway, down where McDonald's is. Then they'll go down in the shopping center around Levins and we'll have a Grinch come out and swoop the kids there and come back here. But when that next year we're doing a horse and carriage. I think that completes my report and again I wish all of you here an enriched Christmas with your loved ones.

**Warren:** Next we would like to invite Reverend Claudie Williams Jr. and First Lady Williams. We would like to present items of our appreciation to the Reverend Claudie Williams Jr. We have resolution 2023-52, which would be approved at this meeting today. Resolution 2023-52, introduced by Council members and the Mayor. A resolution recognizing Reverend Claudie Williams Jr.

Whereas, Reverend Claudie Williams Jr., and the First Lady, Sandra Williams, have been residents of Oakwood Village since May 12, 1980. Their separate journeys to the Village of Oakwood began years before it began in separate places.

Whereas, Sandra grew up in Manning, SC, the eleventh child of Henry and Martha Ridgill. Claudie grew up in Cleveland, OH, the first child of Claudie Sr. and Alma Williams. Sandra lived in small town where tobacco farming was the predominant industry. Claudie lived in a major city where steel and auto manufacturing were the predominant industries.

Whereas, both graduated from their respective high schools. Sandra matriculated from Buchtel High School in Akron, Ohio. Claudie matriculated from Glenville High School in Cleveland, Ohio. Although their starts were divergent, their paths began to converge.

Whereas, Sandra entered training to become a nurse at the Kate Bitting Reynolds School of Nursing in Winston-Salem, NC. While Claudie entered the US Navy and trained to become a corpsman, subsequently being stationed at Camp LeJeune in Jacksonville, North Carolina.

He served in the United States Navy as a Hospital Corpsman and was honorably discharged in 1970. Whereas after finishing their training, they both worked at the Cleveland Clinic Hospital System. While there, Claudie received an Associate Degree in Business Administration from Cuyahoga Community College in 1975. At the Cleveland Clinic, Claudie held a position in the Organ Preservation Laboratory involved in research and the Kidney Transplantation Program of Northeast Ohio and Sandra held a position as a Registered Nurse for 39 years before she retired. It was there, at the clinic, that they met for coffee and moved closer to being one.

Whereas, on September 9, 1977, Claudie and Sandra became united in holy matrimony at the home of Sandra's sister and brother-in-law, Mr., and Mrs. Leonard Mitchel in Warrensville Heights, OH. Whereas Reverend Claudie Williams Jr. became the Pastor of the Rome Missionary Baptist Church in the Village of Oakwood, Ohio in May of 1984. He retired as Pastor in May 2023 after 39 years of service. He accepted Christ at an early age and was baptized at the Historical Greater Friendship Missionary Baptist Church under the pastorate of the late Rev. C. T. Nelson.

Whereas, while an active member in various axillaries of the Beulah Baptist Church of Collinwood, he received his Call to the Ministry under the pastorate of the late Reverend Emery Woods 1982. He attended Moody Bible Inc. at Cleveland State University and was awarded a Master of Arts Degree in Theology from Ashland Theological Seminary in 1997. Whereas he is a part of several ministerial and community groups. He is not only an active member, but also a past president of The Baptist Minister's Conference of Cleveland & Vicinity. He presently holds the office of President of The Baptist Pastor's Council of Cleveland, Ohio (2023) and a Coordinator for the Foreign Missions Board in Cleveland, Ohio of the National Baptist Convention USA. He is a member of the United Pastor's in Missions of Greater Cleveland, a Life Member of The Southern Christian Leadership Conference (SCLC) Cleveland Chapter, a member of the NAACP, and a member of the Southeast Ministerial Prayer Group.

Whereas, together, Reverend Claudie Williams, Jr. and First Lady Sandra Williams raised three children, Christopher Chad, Claudette Nicole, and Charles Emery. Sadly, Christopher was called home to be with the Lord, December 17, 2004. From their children, they gained two daughters-in-law, Krystal, and Marilyn, and one son-in-law, Herbert (Jude) McDonald, and a host of grandchildren: Christian Jaquir Xavier, Raven Simone, Riane Mackenzie, Amari Shaheim, Ari Nycole, Charles (CJ) Emery, Jr., Carter Lee, and Madilynn (Madi) RoShall.

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 wishes Reverend Claudie Williams, Jr., and First Lady Sandra Williams the best and continued health and happiness for many years to come.

SECTION 2. This Resolution shall be in full force and effect from and after the earliest period allowed by law.

**Warren:** I want to add that I would like to especially thank Councilpersons Williams and Hardin. Who initiated this process with all of Council supporting. This is a community wide event in recognition and a community wide appreciation. Would you want to say anything? **Rev. Williams Jr.:** I want to thank Oakwood for being our place. It is a joyous place to raise a family. There's much safety here and there's more than enough promise. I said a long time ago that Oakwood itself in the Bedford community would be the center of Cuyahoga County and everyone must come. If not once, but come to Rome, because all roads lead to Rome. I want to thank you for giving us this recognition and this opportunity to say a word. Thank you for allowing us to have residency here, where this is the best community in Cuyahoga County. I thank each and every one, as you remain faithful to your positions. We pray safety on each and every one, from the youngest to the oldest, every residents, and visitors that come through and out of Oakwood Village, OH. **First Lady Williams:** God bless you; we love you all. This is such a surprise, thank you very much for everything. **Williams:** In commemoration of your 39 years of faithful leadership and service to the community of the Village of Oakwood. We bestow this honor to you on this 12th day of December 2023 and wish you a joyous, peaceful retirement. It says Romans 1:16 "For I am not ashamed of the gospel, because it is the power of God that brings salvation to everyone who believes". (presented them with a crystal book). **Hardin:** We have one more item. **Williams:** We know you may travel frequently... (presented them gold luggage tags). **Hardin:** From our hearts, this is not just a symbol, this is a heartfelt thank you. **Rev. Williams Jr.:** I like to recognize the new pastor. **Gottschalk:** Rome Baptist Missionary Church in Oakwood Village has been the site where the good Lord has heard the praise and worship of his many believers. Led by the inspired leadership of the very special anointed Reverend Claudie Williams, Jr., for the past 39 years, you have stood tall and confident. Through all of these years, while at the same time remaining dependent and prayerful before an almighty God. To get the truth of the gospel to as many people as possible, and the power of the Holy Spirit and the glory of God. Oakwood cannot do justice and honor to everything that you've done. This is a symbolic gesture on behalf our community for your service, pastor. Thank you for your service and God bless you and first lady Sandra Williams. Thank you, may you be used to the maximum of your potential, through the remaining years of your lives. (Presented them with a plaque). **Warren:** Before we start today's agenda, we'd like to invite you for refreshments. Can I get a motion to take a recess?

Motion to take a recess made by Davis seconded by Matlock

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

MOTION PASSED

Recessed at 7:35p.m.

**Warren:** May I get a motion to resume today's meeting?

Motion to resume meeting made by Matlock seconded by Davis

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

MOTION PASSED

Returned from recess at 7:50p.m.

**Warren:** We'd like to invite Mr. Nagusky from Federal Metal. Could you come to the podium, along with your associates. Could you just give us a summary of your company and what you do. **Nagusky:** Let me first thank Councilwoman Williams for inviting me here to make a few comments. What a wonderful tribute to Reverend

Williams, that was really neat to be a part of and to see that. My name is Peter Nagusky, I'm the President and the CEO of the Federal Metal company. I'm here with a few of my colleagues. I'm here because we're considering making some improvements to our property. And we'd like to ask for the support of Council, Oakwood Village, and the Mayor. I'll try to keep my remarks brief and tell you a little bit about the company and our background that brought us here to Oakwood Village. I'm actually the 4th generation of my family to come into this business. Started by my great grandfather in 1913 in the city of Cleveland. He established the business as a way to make copper-based alloys. That get used by foundries to make parts of all different kinds. He established the business in 1913. His only son Mark joined him in the business in 1930. He was the one who moved the business from the City of Cleveland to Division Street in Oakwood Village, where we still operate today. So, we've been in Oakwood Village for nearly 65 years, operating as the Federal Metal company. We had originally bought 9 acres on the west side of Division Street. It was originally a new building of 67,000 square feet. We have four furnaces there today where we melt scrap metal. Mainly copper based alloys to manufacture specification ingots, that we sell to companies all over the world. I joined the company to be in the business with my father. He was the 3rd generation and started in 1973. I became president in 2010. We undertook over the four generations, a significant amount of growth that continues to this day. I think in just very basic terms we take scrap metal, and we do a lot of processing. In order to understand the chemical composition and how we might best use this material to make alloys that we can certify for our customers. Humans have been melting copper for thousands of years. We continue to refine that process to this day. But you can alloy copper with other elements, things like tin, nickel, zinc, and aluminum. We are a 100% recycling company. So, part of our role is to make sure that manufacturers do not have to use primary material that comes out of the Earth. One of the real benefits to nonferrous materials like copper and aluminum, is that they're infinitely recyclable. While still maintaining the properties that are necessary. So, we don't buy any material that is mined. We are involved in the recycling of metals in order to make our products. We've had a wonderful partnership and support from Oakwood Village over now 3 generations of my family. We really do appreciate that support. What began on 9 acres and 67,000 square feet has doubled to an entire campus on Division Street. There's several parcels of land and several buildings. It's really just on the west side that we melt material. But we now we own property also on the east side of Division St. So, in 2006, we leased and then ended up purchasing the building of 7255 Division St. directly across the street from our main headquarters and foundry at 7250 Division St. A year later we purchased another parcel at that time which was 7280 Wright Ave. We still operate in that building to this day. Oakwood Village shortly after we bought that building. Wanted to eliminate the industrial traffic on Wright Ave., because it was largely at that time, a residential street. So, in cooperation with the Village. We kind of transformed that property so that there was no more truck traffic on Wright Ave. The address changed to 7299 Division Street and to this day, that building is accessible from the cul-de-sac at the end of Division Street. More recently, in 2021, we bought five more acres directly across the street from 7250 Division Street that have addresses 7233 Division Street and 7246 Division Street. This growth was all part of additional acquisitions that we made in 2022. Just September of last year, we acquired a competitor in Eastern Pennsylvania, and we operate a melting facility there as well. Then in January of this year, we started the Greenfield projects in Central Arkansas. Where we operate a facility in Little Rock. In addition, the buildings here on the Division Street. We have operations in two other states, and we see significant growth opportunities for our company. We're trying to calculate whether we should be growing here in Oakwood Village or at one of the other facilities that we operate in. In terms of a little bit more detail about what we do and how we do it. We're happy to try to address any questions or comments that you have. After just a few brief remarks, I'll tell you we do not cut corners when it comes to environmental control and safety. I'll give you a few examples, we do have a full-time safety health and environmental manager at our facilities including here in Ohio. We also consult with leading experts and consultants to make sure we not only comply with the long list of regulations, but that we exceed



them. We have a terrific and stellar record, both with EPA and OSHA. I can't recall the last citation we've had. In fact, EPA was just at our facility doing a review with us within the last month. We made a significant investment just last year. A seven-figure investment in the new baghouse at the main facility where our foundry is, where our four furnaces are. That was nothing we were required to do, but we were in the process of renewing a ten-year permit to operate with the EPA. As part of that permit, which was granted in January. We have the ability to operate all four furnaces simultaneously. We have two state-of-the-art baghouses that we use to capture and collect the emissions that are generated from our production facility. We're very proud of that. We operate two furnaces, typically five days a week. So, we basically have twice the capacity of what the EPA requires that we have. We're operating two furnaces, and we actually have two baghouses to capture and control that emissions. We also are very careful when it comes to stormwater pollution, and we have a very detailed and regimented plan when it comes to preventing stormwater pollution. The Northeast Ohio Regional Sewer District visits us regularly. They were with us in September of this year, testing and observing the industrial wastewater. And everything is in order there. So, I'm pleased to tell you that we're in compliance to our knowledge with all of the environmental and safety regulations. We've been recognized several years not only for being a fast-growing company, but for being a top workplace in Northeast Ohio. Which we think in part speaks to the culture that we've created at the company. There're 110 employees here in Oakwood Village. I believe our payroll was somewhere around \$8 million. One of the things that we did four years ago in addition to the products we made called ingots. We put a new line in one of our buildings to recycle aluminum copper radiators that get used in air conditioning and heat exchange. This process is a way to liberate and separate the copper and aluminum used in those radiators. In order to provide it to manufacturers who are looking for more recycled aluminum and copper. As opposed to needing to buy primary aluminum, that's been another source of growth. I should just also say in the in the 90s. Under my father's leadership, we developed a group of patented alloys. That really helped us become more of a national and then international company. We also undertook a modernization in which we moved the production into more efficient and cleaner fuels. So, we use an oxygen rich burner that drastically reduces the emissions of the facility. We switched over and added furnaces that are powered by electricity as a cleaner source as well. So that's a little bit about us. All of the material, unlike some of the scrap dealers that maybe you've visited. The material we handle, we keep indoors and under the roof, we don't store material outside. When we acquired the parcels across the street from us on the east side of Division St, which borders Wright Ave. We did some soil testing on the new land before we acquired those properties. We've even tested the water since we've been there and everything's coming back clean. So, we feel very good about our environmental record and our safety record. As we look out in the market, we'd like to continue to grow, and we'd love to do it here in Oakwood Village. So, we're here to ask for your support and to make sure we listen to any of your comments and hopefully get an opportunity to answer any questions that you have.

**Hardin:** You said everything is stored under roof? **Nagusky:** Yes ma'am. **Hardin:** Once you acquired the new land, will you continue to keep things stored in the same manner? **Nagusky:** Yeah, we don't have any plans to store any materials outside. **Hardin:** The additional land is to do what? **Nagusky:** Well, so far what we did after we acquired the parcels across the street is. We actually regraded that land and put gravel on it. To redirect what previously existed as standing water. We wanted to move that water across the street, down into the rest of the stormwater. Which ends up, I guess, going west towards Tinker's Creek. So that's the first thing we did. We then did some renovations on the two modest buildings that are there. We relocated our maintenance shop from one side of the street into one of the buildings at 7247 Division Street. We relocated some of the accounting, HR, and finance people into the other building at 7233 Division Street. We actually put some money into an employee gym so that our folks could stay healthy and work out. There's no manufacturing happening in those most recent seven parcels of land. **Hardin:** What type of jobs do you have over there? Do you often hire? Do you advertise? **Nagusky:** Yes, we do, it's a manufacturing facility with a wide variety of different roles. A lot of

entry level positions are just semi-skilled general labor or machine operation positions. As people progress in the facility, they move into more advanced roles like operating furnaces or sorting metal. We also have specialized positions like on our maintenance team and engineering roles. We have metallurgists and we have a full metallurgical laboratory. **Davis:** You said you did soil testing. Was that on the new parcels you bought or you're talking about where the furnaces are running? **Nagusky:** In 2021, we bought some land across the street from our foundry. It's just associated with the diligence before we purchased it, we did some testing. **Davis:** When the EPA comes do they test the soil? Do they test water? I don't know what the EPA does when they come. **Nagusky:** I think it depends on the reason they're there. I don't think as a matter of course, they start out with testing. **Davis:** Do they come once a year? Is it a five-year thing? Do they let you know? **Nagusky:** Well, they were just there, many times they come without warning. **Wittenberg:** This this was unannounced. **Davis:** Ok, do they come yearly? **Nagusky:** Not necessarily, I should just say that when it comes to the EPA. There is regular reporting that we provide, and we're required to provide. So, there's a lot of information that we do share with the EPA and regular monitoring that we do. That we're required to submit report and so there is regular communication. **Williams:** So, we get residents and it's not just Federal Metal. It might be about any business in Oakwood, where they're asking about EPA reports and things of that nature. How does that process work in terms of you said there's some regular reporting. Do you post those reports? Do you get that information from the EPA? If we had a resident that wanted to know what your results were. How does that work? **Nagusky:** I mean, I believe a lot of this information is accessible online. I think you have every right to take a look at what our environmental record is by doing a search. But there isn't like a requirement to publicly post when it comes to the EPA. **Williams:** Ok, thank you. **Gottschalk:** Might I add on Mr. Nagusky, that in fact I do believe this coming Thursday. You aren't involved, but Oakwood is. Our Fire Department, along with an outside soil testing company and our Engineer are going to be meeting. With one of the Council people to arrange for some soil testing in the backyards of some of the people on Wright Ave. That might have some concerns about what's going on. So, we're looking forward to that and we should have the results by the end of the year. **Nagusky:** Ok. **Warren:** Or before, because I talked to them, and we were anticipating 7 to 10 days after the testing. right? **Matlock:** EPA reports and OSHA reports, do they have those available in your safety office? **Nagusky:** Yea, we maintain all the records for all our reports, environmental and safety related. **Matlock:** Ok. **Williams:** Who's the Council person involved in the soil testing and meeting with the engineer? **Warren:** I'm not meeting with the engineer; I don't know who is. But I just know that the engineer's coming on Thursday. I told the Mayor that we need him to get out there and do the soil testing right away. It's Erica I think. **Williams:** Oh, incoming Council, thank you. **Warren:** We'll proceed with today's agenda, but first, may I have a motion to approve the minutes of November 28<sup>th</sup>, 2023, Council meeting.

Motion to approve meeting minutes of November 28<sup>th</sup>, 2023, made by Hardin seconded by Matlock  
 YES VOTE: Warren, Gaither, Callender, Hardin, Matlock, Williams ABSTAIN: Davis  
 MOTION PASSED

**Warren:** May I have a motion to approve the minutes of November 30<sup>th</sup>, 2023, regular Council budget meeting.

Motion to approve finance/budget minutes of Nov. 30<sup>th</sup>, 2023, made by Hardin seconded by Matlock  
 YES VOTE: Warren, Gaither, Callender, Hardin, Matlock, Williams ABSTAIN: Davis  
 MOTION PASSED

**Warren:** I will open up the floor for public comments, this is a time and opportunity for residents if they have any questions, do come up to the podium.

Open Floor Comments:

**Karen Howse**, (*unknown address*), **Howse**: Few comments, I'm Karen Howse, I live in Oakwood. Do you guys know who Jerry Sereno is? **Williams**: He's a state senator, he was introduced the recent bill. SBA. **Howse**: So, I just encourage you to read a bill he put before for education. It's very controversial and I will be wondering your thoughts on this House bill that he has presented. I don't know if it's passed or failed, but I will encourage you guys to read that education bill. It's very interesting, it kind of suggests that Holocaust didn't exist. It also suggests that education unions might not be good thing. I'm just asking you to read that bill. It has. Been all over the news, in the newspaper, on television. His political affiliation, he's a Republican, in case you're looking for it. So, please read that information and then I'd like to come back and ask does it matter what Jerry Sereno thinks about Oakwood Village? Because I couldn't find anything as far as where he ranks us. **Hardin**: Well, let me respond to that. Must be pretty low because he's never. I speak for myself as a sitting politician. I've never heard him make any inroads to this community. **Warren**: Well, most state senators don't. **Williams**: That's not true. **Howse**: Like I said, they have their right, right. That's why they're here. But I'm just saying, read that and I'm just hoping, as Council people. That you are reading that and understanding what that looks like. What that's presenting to the state of Ohio. The other thing I would like to offer, and I will submit to everyone how effective tax rates are created and determined. I think that would be an important piece of how we're ranked and how effective tax rates are created and determined in the state of Ohio, particularly in Cuyahoga County. Brian when can I get the November statements? Because I asked you, I know you have to post certain things. When I had asked that public records request for the November statement of cash, you said you're going to e-mail it to me within three days or so. **Thompson**: I would say by Friday. **Howse**: Ok, thanks, that's all.

**Erica Nikolic**, 7230 Wright Ave, **Nikolic**: Good evening, Erica Nikolic, I too live in Oakwood. I just had a couple more follow up questions for Federal Metal. You mentioned that you do testing on your own outside of the EPA. **Nagusky**: I'm sorry, what type of testing? **Nikolic**: Am I correct in understanding you said you do testing outside of the EPA? On your own Federal Metal does its own testing? **Nagusky**: You're talking about environmental testing? **Nikolic**: Right. **Nagusky**: We did some testing before we acquired the parcels across the street, that's what I was talking about. **Nikolic**: So, you don't do any ongoing testing of your soil to be sure you're in compliance with regulatory. **Nagusky**: I don't think we're doing any regular soil testing if that's what you're asking. **Nikolic**: Ok, so the only testing that's done was done by the EPA and they've come how often? **Nagusky**: I don't know when they last did soil testing. **Nikolic**: You said it was recently though? **Nagusky**: No, what I was describing was that in 2021, we acquired some parcels of land. We didn't involve EPA, but on our own, we hired somebody to do some testing before we agreed to buy the property. **Nikolic**: Do you recall which firm you used for testing? **Nagusky**: I don't. **Nikolic**: Just to go to the manufacturing, I'm a little confused. So, it is just melting metals but you're taking recycled materials and you're creating metal. But it's manufacturing, so you have furnaces that are burning down what? **Nagusky**: So, we heat up scrap metal. We make blends of different types of scrap metal in order to arrive at a chemical composition that our customers need. After we get the material molten, we get it to the right outline, we pour it out, and the molten metal goes into molds. That makes like a bricks of metal that we call ingot. That ingot then gets sold to our customers for them to rebuilt and make castings. So, that's really our core business, it's taking the copper-based material, melting it in one of these four furnaces that we have, and producing ingots. Also, my remarks that I described. Kind of a growing business where we're processing these aluminum copper radiators and there's no melting

involved. What we do is use equipment to shred and granulate and kind of reduce the size of this type of material. In order to liberate and separate the aluminum and copper. Those are really the principal products there. You know the main product is copper based alloys in ingot form and the other products are high purity aluminum and copper... **Nikolic:** But you said you are regulated? you are highly regulated, and you're required to report? **Nagusky:** Yes. **Nikolic:** And that's through the EPA? **Nagusky:** EPA, OSHA, there's a number of provisions. **Nikolic:** In those reports, what are the main concerns from your business industry? When you're burning, are there emissions, what type of chemicals, what are the concerns of the EPA? **Nagusky:** I mean, fortunately we don't handle hazardous materials as raw material or as products. So, we don't have to really worry about or get involved in hazardous materials. I think the only thing on that report is typically hydraulic oil from equipment that's been dispensed, that we need to properly dispose of. But in terms of the raw material itself. I think the main concerns of the EPA have to do with the air and making sure we're capturing and controlling the emissions and in addition to the water. **Nikolic:** What exactly could be getting in the water? What is it that you're manufacturing that is a concern for the EPA that's getting in the water? **Nagusky:** Well, I think when they test the water and are monitoring all kinds of different levels and elements. We have responsibility to report to the EPA on an annual basis, what our inventory is. **Nikolic:** The report the EPA has on file would show exactly what they found or what they would be looking for? **Nagusky:** I believe, yeah. **Nikolic:** So, the burning right, when you're burning something, how is that? Because I know your company is in the backyard. So, often there's bonfires or something you're burning and stuff. So, sometimes it isn't contained. Sometimes it is outside. So, what is that that you're burning? **Wittenberg:** You're talking about Federal metal? I am not aware of any burning going on outside. **Nikolic:** Yeah, there is, in the summertime is often like, I don't know, something that you're burning. What could you be burning outside? **Nagusky:** We do not. **Nikolic:** So, someone's sneaking on your lot, and burning stuff while you're not there? **Nagusky:** We don't burn anything outside. **Nikolic:** Ok, well, I've seen with my own eyes' things being burned physically outside of the building. So, I don't know who's doing it, but I've seen it. So, I'm just curious what type of capacity someone might be burning something outside of the building. **Nagusky:** Let us know and we will track it down, because there's not to be any burning outside our property. **Nikolic:** Ok, and it's, the little fence right behind your building on Wright Ave. **Nagusky:** Which building? **Nikolic:** It's probably closest to the end. It's just that little fence, because further down there's no fence, It's totally open. Federal Metal on Wright Ave it's right behind my house. There's only one little fence behind there. **Nagusky:** Is that the wooden fence? **Nikolic:** Yeah. **Nagusky:** Ok, so there's burning over the wooden fence, is that where you've seen it? **Nikolic:** Yeah on the other side. **Nagusky:** That shouldn't happen, you need to let us know. That would be someone sneaking because we wouldn't be telling anyone to be burning things. We just don't do it, there's no reason to. That shouldn't be happening if it is. **Nikolic:** Ok, well, thank you for your time.

**Tabitha Armstrong, BCSD Treasurer, Armstrong:** Good evening, I just wanted to introduce myself. I am Tabitha Armstrong, Treasurer for the Bedford City School District. I stepped in the role in April. Previously I did serve as assistant treasurer under two prior treasurers. I came back in June of 2022 and stepped in again in April. So, I just wanted to introduce myself. I am also a resident of Bedford, not Oakwood, 14 years in Bedford. Also, we also have Marium Armstrong, no relation. Who is our Director of our services with the district. So, I just wanted to introduce myself. **Warren:** Ok, if there is no other public comment. I'll close the floor for public comments, and we will proceed with today's agenda.

Floor closed.

**Climer:** Proceeded to read...

Legislation:

2023-42                    **AN ORDINANCE AUTHORIZING THE ACQUISITION OF THREE POLICE CARS, AND ACCESSORY EQUIPMENT, FOR USE IN THE POLICE DEPARTMENT FROM THE STATE OF OHIO, DEPARTMENT OF ADMINISTRATIVE SERVICES, STATE PURCHASING AND DECLARING AN EMERGENCY.**  
Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read  
2<sup>nd</sup> read 12-12-23

**Climmer:** I should add that this is an amended Ordinance. I believe that the issues raised by Councilwoman Williams has been addressed in that amendment. And it was distorted in red line and Black line to everybody, that is on second reading.

2023-43                    **AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENT THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE PENSKE TRUCK LEASING CO. LP, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY**  
Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> reading  
2<sup>nd</sup> read 12-12-23

2023-44                    **A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DCOMM, INC FOR THE PROVISION OF A JOB CREATION TAX CREDIT AND DECLARING AN EMERGENCY**  
Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read  
2<sup>nd</sup> read 12-12-23

2023-45                    **AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY CARDINAL REALTY, LLC., LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO. 1**  
Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read  
2<sup>nd</sup> read 12-12-23

2023-46                    **AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENT THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING CARDINAL REALTY LLC., MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR**  
Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read  
2<sup>nd</sup> read 12-12-23

**DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN  
EMERGENCY**

2023-47

Introduced 11-28-23

By Mayor and

Council as a whole

1<sup>st</sup> read

2<sup>nd</sup> read 12-12-23

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS  
OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE  
PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT  
THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENT  
THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES,  
ESTABLISHING FEDERAL METAL MUNICIPAL PUBLIC IMPROVEMENT  
TAX INCREMENT EQUIVALENT FUND FOR DEPOSIT OF SUCH SERVICE  
PAYMENTS, AND DECLARING AN EMERGENCY**

**Warren:** May I have a motion to remove from the table legislation 2023-47? **Williams:** Before I respond can you remind me why we tabled it? **Warren:** Because of the concern Erica brought up the issues of Federal Metals. We didn't have any idea what they did, that's why we invited them here. **Williams:** Thank you.

Motion to remove legislation 2023-47 off the table, made by Gaither seconded by Callender

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

MOTION PASSED

2023-48

Introduced 11-28-23

By Mayor and

Council as a whole

1<sup>st</sup> read

2<sup>nd</sup> read 12-12-23

**AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX  
EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY  
OWNED BY FEDERAL METAL CO., LOCATED IN OAKWOOD  
COMMUNITY REINVESTMENT AREA NO. 1**

**Warren:** May I have a motion to remove from the table legislation 2023-48.

Motion to remove legislation 2023-48 off the table, made by Hardin seconded by Davis

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

MOTION PASSED

**Williams:** However, I would like to return not right now, but Law Director. I would like to return to conversation about the CRA's. I didn't find that 49% within the state guidance. **Climer:** Correct, I sent you an e-mail on that issue. **Williams:** Are we exempted from that? **Climer:** No, the statute does not explicitly state that a written application is required. Applications can be made in any number of forms. I sent you an e-mail on that. I'll be happy to resend it. **Williams:** I read it, I'm just saying, did you see the states guidance because it conflicts? **Climer:** Right, that is a guidance that's published by the department. I'm referring to the state statute, there are two different things. **Williams:** Ok, the revised code, correct? **Climer:** Correct. **Williams:** The revised code, is the state department not using the revised code to create their guidance? **Climer:** Departments interpret the code, yes. **Williams:** So, they're conflicting with the code? **Climer:** To a degree, yes. **Williams:** I would still like to revisit. **Climer:** I'm happy to discuss that with you if you want to give me a call. **Williams:** Ok.

2023-49

Introduced 11-28-23

By Mayor and

Council as a whole

1<sup>st</sup> read

2<sup>nd</sup> read 12-12-23

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH FEDERAL METAL CO., FOR THE PROVISION OF A JOB CREATION TAX CREDIT AND DECLARING AN EMERGENCY**

**Warren:** May I have a motion to remove legislation 2023-49 from the table?

Motion to remove legislation 2023-49 off the table, made by Hardin seconded by Gaither

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

MOTION PASSED

**2023-50**

Introduced 12-12-23

By Mayor and

Council as a whole

1<sup>st</sup> read 12-12-23

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE EMEK 2 MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY**

**2023-51**

Introduced 12-12-23

By Mayor and

Council as a whole

1<sup>st</sup> read 12-12-23

**AN EMERGENCY ORDINANCE CHANGING THE NAME OF OAKWOOD PARKWAY AND MT. ZION CIRCLE TO BROAD OAK BOULEVARD TO DR. LARRY L. MACON DRIVE UPON PETITION OF AFFECTED PROPERTY OWNERS**

**Warren:** May I get a motion to suspend. **Williams:** It's not correct. **Davis:** We have affected property owners have been notified. I mean, do we have their approval? **Climer:** The statute permits people who adjoin the affected road to petition for the name change. It doesn't have to be all of them or a majority. It can be anybody who adjoins the road. In this case, I think it's really just the Village, Mt. Zion, and one other person.

**Gottschalk:** The name change is only for Oakwood Parkway not to Mt. Zion Circle. **Williams:** That's what I just said, the legislation does not read correctly. **Climer:** That's correct, there's been a change as of today, as I understand it. I would request that this just be read, that we withhold it and I'll amend it. **Warren:** Ok, so first reading.

2023-52

**A RESOLUTION RECOGNIZING REVEREND CLAUDIE WILLIAMS, JR.**

Introduced 12-12-23

By Mayor and

Council as a whole

1<sup>st</sup> read

Motion to suspend legislation 2023-52, made by Hardin seconded by Matlock

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

MOTION PASSED

Motion to adopt legislation 2023-51, made by Hardin seconded by Matlock

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

MOTION PASSED

**Warren:** Can I get a motion to adjourn?

Motion to adjourn made by Davis seconded by Gaither

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

Adjourned at 8:39p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Tanya Joseph, Clerk of Council

\_\_\_\_\_  
Johnnie A. Warren, President of Council