

VILLAGE OF OAKWOOD  
COUNCIL MEETING  
December 12<sup>th</sup>, 2023  
7:00 p.m.  
AGENDA



Council Meeting will be held at the: OAKWOOD COMMUNITY CENTER

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- November 28<sup>th</sup>, 2023, Council Meeting  
November 30<sup>th</sup>, 2023, Finance/Budgetary Meeting

5. Clerk Correspondence
6. Departmental Reports

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

7. Recognizing Reverend Claudie Williams, Jr.
8. 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.*
9. Legislation

2023-42 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 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.
2023-43 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 THE PENSKE TRUCK LEASING CO. LP, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY

**2023-44**

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 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  
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 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  
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 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\*\*

**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\*\*

**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\*\*

**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**

**2023-50**

Introduced 12-12-23

By Mayor and

Council as a whole

1<sup>st</sup> read

**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

**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**

**2023-52**

Introduced 12-12-23

By Mayor and

Council as a whole

1<sup>st</sup> read

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

**10. Adjournment**

**VILLAGE OF OAKWOOD  
WORK SESSION**

**December 12<sup>th</sup>, 2023**

**7:00 p.m.**

**AGENDA**

**Council Meeting will be held at the: OAKWOOD COMMUNITY CENTER**

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

<del>11-28-23</del>	1st Reading
<del>12-12-23</del>	2nd Reading
_____	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:

<u>QUANTITY</u>	<u>ITEM</u>	<u>PRICE</u>
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 (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: \_\_\_\_\_



\_\_\_\_ 1st Reading  
\_\_\_\_ 2nd Reading  
\_\_\_\_ 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), Key Chrysler, Jeep DodgeMontrose 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 purchase or leaselease with option to purchase of the following cars for use in the police department:

<u>QUANTITY</u>	<u>ITEM</u>	<u>PRICE</u>
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(1/2) 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: .....

2023 POLICE EXPLORER

Order No: [REDACTED]

OAKWOOD PD

FIN# QH160

\*\*\*PLEASE NOTE: COLOR, MOTOR AND OPTIONS CAN ALL BE CHANGED TO SUIT YOUR NEEDS\*\*\*

K8A 4DR AWD POLICE  
 .119" WHEELBASE  
**UM AGATE BLACK**  
 9 CLTH BKTS/VNL R  
 6 EBONY  
 S00A EQUIP GRP  
 .AM/FM STEREO W/SYNC

99W 3.3L HYBRID CHANGED  
 44B 10 SP MOD HYBRD CHANGED  
 425 50 STATE EMISS  
 51R GRV LED SPT LMP UNITY BRAND CHANGED  
 55F KEYLESS - 4 FOB

THIS AMOUNT IS FOR THE ABOVE LISTED UNIT ONLY. ANY CHANGES (ADDING OR REMOVING OPTIONS) MADE BELOW WILL INCREASE OR DECREASE THE AMOUNT OF THE UNIT.

\$ 43,437.00

FORD FACTORY VSO (Vehicle Special Order) LIGHTING Add-On by customer request

\*\*ALL FORD FACTORY LIGHTING COMES STANDARD AS RED/BLUE\*\* THIS SECTION IS FOR ALL OTHER COLOR OPTIONS\*\*

<b>ADDL KEY (COMES WITH 4 ALREADY)</b>		DLR	\$ 339.00
<b>WHEEL COVER (grey hubcaps)</b>		65L	\$ 59.00
<b>3.3L V6 GAS Flex Fuel</b>		99B/44U	\$ (2,200.00)
<b>3.0L V6 ECOBOOST</b>		99C/44U	\$ 1,388.00
<b>REAR LOCKS INOP</b>		68G	\$ 74.00
<b>REAR HNDLS INOP</b>		68G-1	\$ 74.00
<b>REAR WINDOWS INOP</b>		68G-2	\$ 74.00
<b>HEATED MIRRORS</b>		549	\$ 59.00
<b>CARPET</b>		16C	\$ 124.00
<b>RED/WHIT DOME IN CARGO</b>		177	\$ 49.00
<b>PER- ANTI-THEFT (req- 55F)</b>		593	\$ 674.00
<b>REMOVE KEYLESS ENTRY (DELETES FOB5)</b>		RMV	\$
<b>REAR CONSOLE PLATE FOR WIRE CHASE</b>		85R	\$ 44.00
<b>GRIL LED LGHTS/SIREN/SPKR PRE-WIRE</b>		60A	\$ 59.00
<b>REAR LIGHT - BLUE/BLUE FOR CARGO</b>		66C & 217	\$ 659.00
<b>MINIMUM DELIVERY CHARGE</b>		DLR	\$ 300.00
<b>TITLE FEE</b>		DLR	\$ 15.00
<b>TEMP TAGS</b>		DLR	\$ 10.50

CODE	DESCRIPTION	AMOUNT
153	ADDL KEY (COMES WITH 4 ALREADY)	\$ 339.00
43D	WHEEL COVER (grey hubcaps)	\$ 24.72
51T	3.3L V6 GAS Flex Fuel	\$ 405.82
63B	3.0L V6 ECOBOOST	\$ 281.19
<b>STD IS RED/BLUE</b>		

CODE	DESCRIPTION	AMOUNT
99W	3.3L HYBRID	CHANGED
44B	10 SP MOD HYBRD	CHANGED
425	50 STATE EMISS	
51R	GRV LED SPT LMP UNITY BRAND	CHANGED
55F	KEYLESS - 4 FOB	

ROUND TRIP DELIVERY CHARGE IF GREATER THAN MINIMUM CHARGE (round trip miles \* \$0.36)

TOTAL OF UNIT W/ ADDED ADDL BID ITEMS FROM ABOVE	\$ 45,330.00
TOTAL FOR UPFIT PROVIDED VIA MONTROSE FORD (IF REQUESTED)	\$ -
TOTAL FOR EXT WARRANTY (IF REQUESTED)	\$ -
<b>TOTAL FOR CUSTOMER ADDED OPTIONS:</b>	<b>\$ 711.73</b>
TOTAL FOR CUSTOMER ADDED FORD FACTORY VSO LIGHTING OPTIONS	\$ 0.00
TOTAL FOR SINGLE UNIT QUOTED / ORDERED	\$ 46,041.73
3 unit/s requested	<b>\$ 138,125.19</b>

Attn: STEVE VAN NESS

Derek Powers  
 Fleet/Gvmt. Sales Mgr.  
 Montrose Ford  
 QUOTED 9/27/2023  
 ORDERED 9/8/2022

ACCEPTED BY:

Date:

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  
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 to 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  
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 maimer 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.



<u>11.28.23</u>	1st Reading
<u>12.19.23</u>	2nd Reading
_____	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: \_\_\_\_\_

EXHIBIT A

rt.

: Sit ---, ; ; t S ; ! J ---,

- . :



SP/1.1 DOWNSIDE, W. W. R. R.  
 (C/S, E/S, W/S, N/S)  
 P. J. J. R. S. J.

rw:  
 c::J

h. X. R. A.

SP/1.1 DOWNSIDE, W. W. R. R.

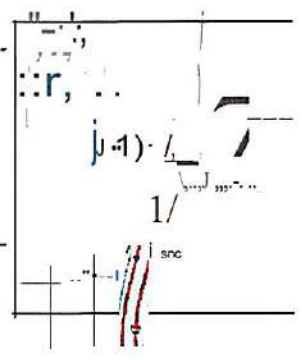
**PROPERTY INFORMATION**  
 PROJECT: 1.662SF  
 MAP: 1.662SF  
 ZONING: 1.662SF  
 PAVING SPACES: 1.662SF

**ZONING INFORMATION**  
 1.662SF  
 1.662SF  
 1.662SF  
 1.662SF

**PARKING PROVISIONS**  
 1.662SF  
 1.662SF  
 1.662SF

**NOTES**  
 1.662SF  
 1.662SF  
 1.662SF

OAKWOOD COMMONS DR.



LOCATION: 1.662SF

DW/1.662SF  
 OAKWOOD COMMONS DR.  
 2 DOCKAY WOOD COMMONS DRIVE  
 OAKWOOD COMMONS DRIVE

DW/1.662SF  
 OAKWOOD COMMONS DR.  
 2 DOCKAY WOOD COMMONS DRIVE



EXTERIOR VIEW  
T + PICK UP

# STARBUCKS



CENTRAL DIVISION DESIGN STUDIO

STARBUCKS COFFEE COMPANY - CONFIDENTIAL - TOP 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
_____	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.

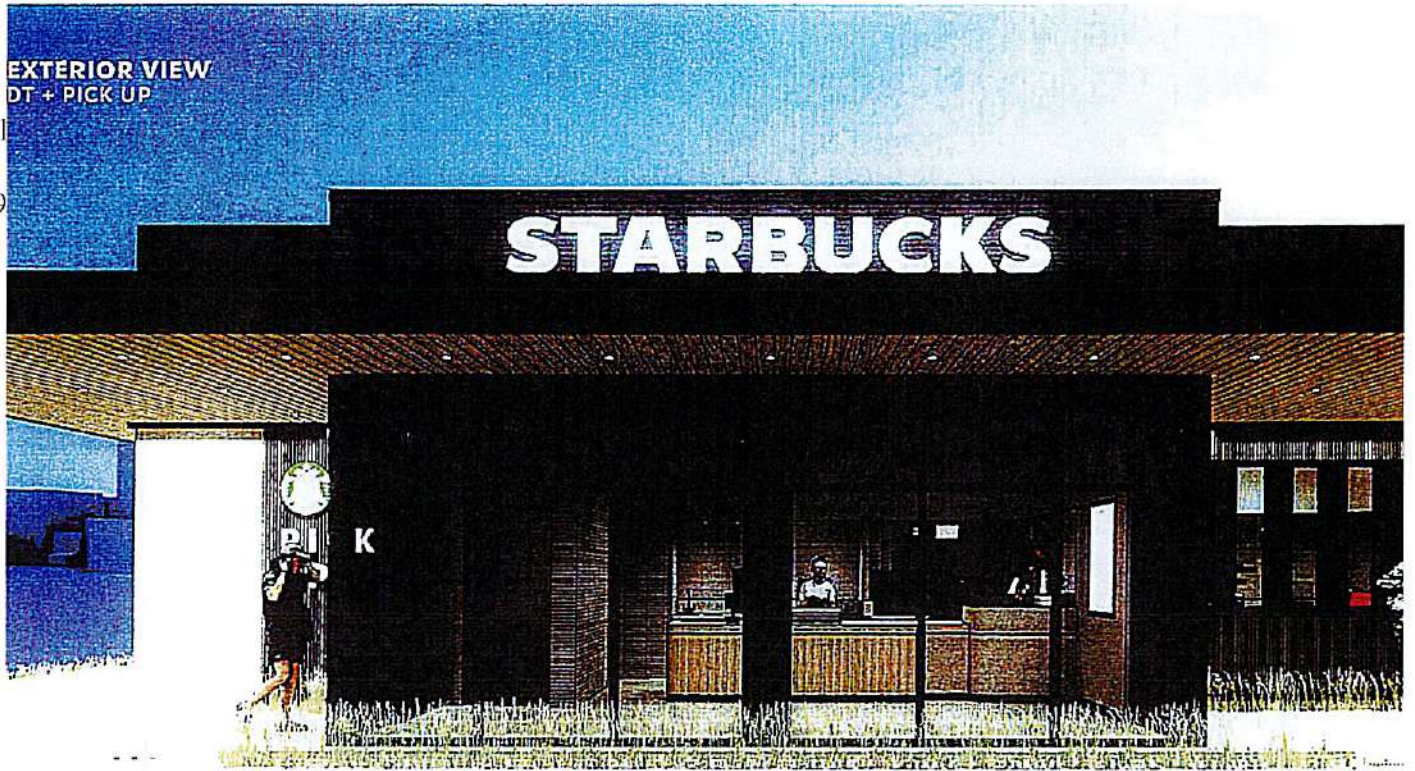
All of the above-mentioned Public Improvements are hereby determined to be Public Infrastructure Improvements (as defined in Revised Code Section 5709.40) and will benefit certain parcels of real property as set forth in Ordinance No. 2023 -46. All of the above-mentioned Public Improvements are anticipated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

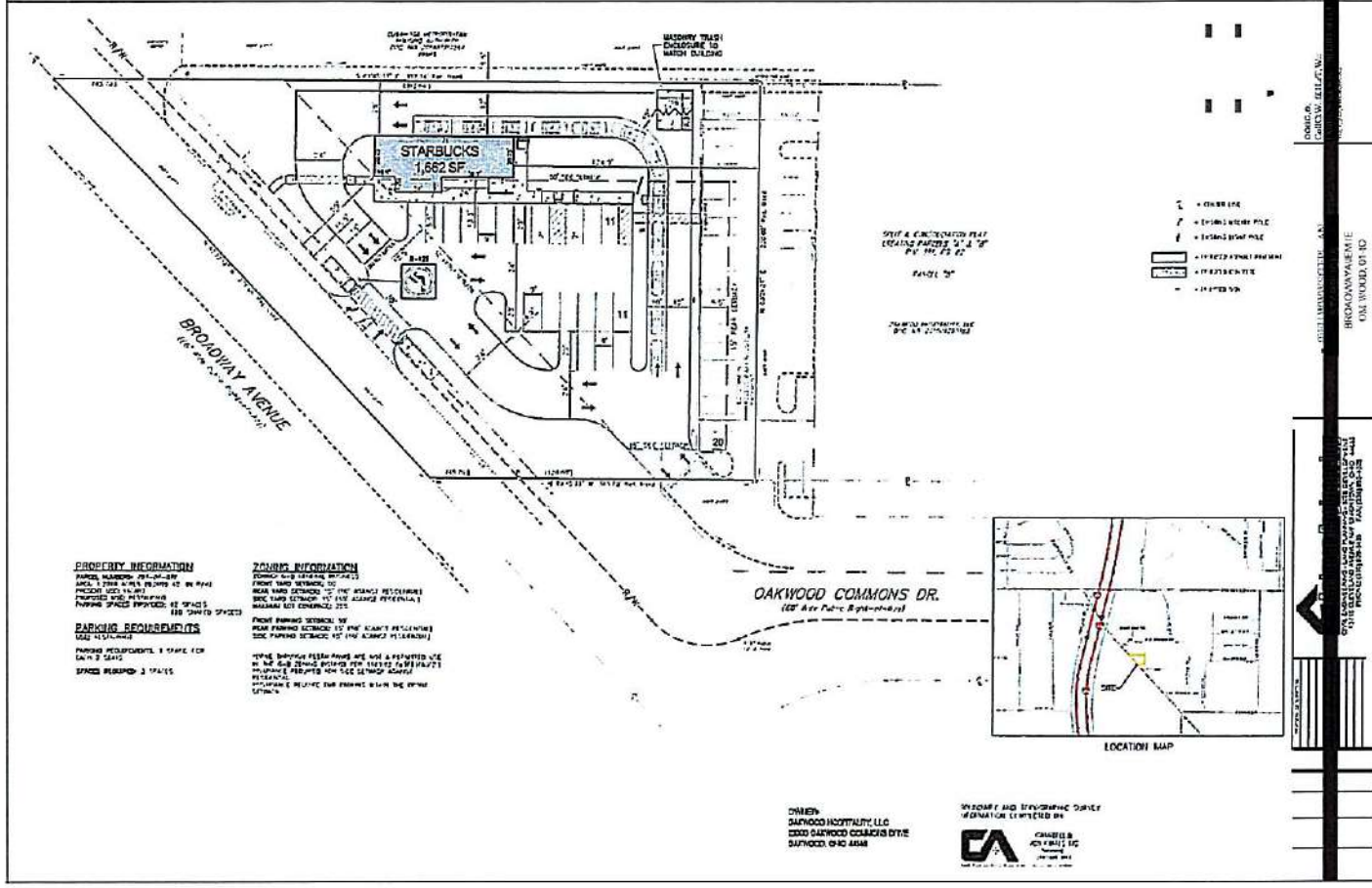
EXHIBIT B

EXTERIOR VIEW  
DT + PICK UP

AI

79





**PROPERTY INFORMATION**  
 PARCEL NUMBER: 011-01-01-01  
 AREA: 1.285 ACRES (54,900 SQ. FT.)  
 ZONING: O-1 (OFFICE)  
 PERMITTED USE: RETAIL  
 PARKING SPACES PROVIDED: 15 SPACES  
 SEE SHOWN ON MAP

**ZONING INFORMATION**  
 FRONT YARD SETBACK: 10 FT.  
 REAR YARD SETBACK: 10 FT.  
 SIDE YARD SETBACK: 5 FT.  
 HEIGHT RESTRICTION: 35 FT.  
 SIGNAGE RESTRICTIONS: SEE CITY ORDINANCES

**PARKING REQUIREMENTS**  
 SEE CITY ORDINANCES  
 PARKING REQUIREMENTS: 1 SPACE FOR EACH 200 SQ. FT.  
 SPACES REQUIRED: 15 SPACES

- CHASE LINE
- EASEMENT EGRESS PILE
- EASEMENT EGRESS PILE
- EASEMENT EGRESS PILE
- EASEMENT EGRESS PILE
- EASEMENT EGRESS PILE
- EASEMENT EGRESS PILE



OWNER:  
 OAKWOOD COMMONS, LLC  
 1000 OAKWOOD COMMONS DRIVE  
 OAKWOOD, OHIO 43040

DESIGNER AND ENGINEERING FIRM:  
 INFORMATION IS LIMITED BY:  
 CHASE & CHASE, INC.  
 1000 OAKWOOD COMMONS DRIVE  
 OAKWOOD, OHIO 43040



CHASE & CHASE, INC.  
 1000 OAKWOOD COMMONS DRIVE  
 OAKWOOD, OHIO 43040  
 CHASE & CHASE, INC.  
 1000 OAKWOOD COMMONS DRIVE  
 OAKWOOD, OHIO 43040

tabled 11-28-23

\_\_\_\_ 1st Reading  
\_\_\_\_ 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

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):

ROBERT J NAGUSKY  
Property Owner

ROBERT WITTENBERG  
Contact Person

Property Owner  
THE FEDERAL METAL CO

440 232 8700 x2232  
Daytime Phone #

Business Name  
7250 Division St

RWITTENBERG@federalmetal.com  
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 11/2024 Be Completed 11/2025

(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~~ that includes constructing an entrance/exit for trucks  
7,000,000

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

Please include existing as well as new products or services which will result from this Project:  
No new projects – just to make 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 m/ 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:

---

---

---

- (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:

---

---

- (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:

---

---

---

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.



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:

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  
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
_____	2nd Reading
_____	3rd Reading
_____	Under Suspension
_____	Adopted

ORDINANCE NO. 2023 -51

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**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**

**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**, 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 and Mt. Zion Circle 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)

12/12/23

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

RESOLUTION NO. 2023-52

INTRODUCED BY THE MAYOR AND COUNCIL AS A WHOLE

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

**Whereas**, Reverend Claudie Williams, Jr. and 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 and 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.

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. 2023-52 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. 2023-52 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: \_\_\_\_\_

**VILLAGE OF OAKWOOD  
COUNCIL MEETING MINUTES  
2023-11-28**

**ATTENDANCE**

Johnnie Warren, President	Gary V Gottschalk, Mayor*
Elaine Gaither, At- Large	Dave Tapp, 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
Candace Williams, Ward 5*	

**ABSENT**

Ed Hren, Village Engineer	Carlean Perez – Recreation Director
Ross Cirincione, Prosecutor	Mark Garratt, Police Department
Mary Davis, Ward 4	Daniel Marinucci, Chief Bldg. Official

\* Arrived after roll call

---

Meeting opened at 6:58pm by Warren  
Pledge of Allegiance  
Roll Call taken

**Warren:** Any Correspondences? **Joseph:** I sent out an email, but at your seats there's a flyer for the upcoming Rain Garden Planting event on December 2<sup>nd</sup>, 2023, from 12:00p.m., to 1:00p.m. We are going to be planting about twenty new plants. So, if anyone would like to come out and help it would be greatly appreciated. There is also a waiver attached to allow them to take photos and to use it. I just wanted to make sure everyone had a copy. **Warren:** May I have a motion to approve the minutes of November 14<sup>th</sup>, 2023, finance budget meeting.

Motion to approve finance minutes of November 14<sup>th</sup>, 2023, made by Hardin seconded by Gaither  
YES VOTE: Warren, Gaither, Hardin, Matlock ABSTAIN: Callender  
MOTION PASSED

**Warren:** May I have a motion to approve the minutes of November 14<sup>th</sup>, 2023, regular Council budget meeting.

Motion to approve Council meeting minutes of November 14<sup>th</sup>, 2023, made by Hardin seconded by Matlock  
YES VOTE: Warren, Gaither, Hardin, Matlock ABSTAIN: Callender  
MOTION PASSED

*Departmental Reports*

**Finance-Thompson: Thompson:** Thank you, Mr. Chairman. We did have our finance and budget meeting scheduled but due to inclement weather and request of the Police Department, we moved it to Thursday. We are diligently working; we will have Police on Thursday and three more after his depending on time. **Warren:** Anybody have questions? **Hardin:** Brian, do you have the information that I asked for? **Thompson:** Gave some documents to Ms. Hardin and expressed that someone else had the information and summary of dollars.

**Hardin:** I want it in hand tonight. **Thompson:** Ok, no problem. **Hardin:** Thank you. **Warren:** Any other questions? May we hear from the Fire Department.

**Fire-Tapp:** **Tapp:** Thank you, Council President nothing new to report since last meeting. We just got fire truck back today from a major repair. Hoping that's the last repair we have on it. All vehicles are up and running now, here for questions. **Warren:** May we hear from our Service director

**Service-Haba:** **Haba:** Thank you Mr. President, just want to thank the Police and Fire Department for plowing the parking lot. It helps a lot, doesn't seem like a lot but it is, I appreciate that. Ms. Matlock I got a hold of the previous owner, they put the stuff out there. I got a number for the new owner and called him. He said he would take care of it. I gave him a couple avenues to take and told him to get back to me. We would try to give him a hand because he didn't do it. But he is going to clean it up soon. **Matlock:** Ok, because I did see it out there again today. **Haba:** I figure by the end of the week he would have it out. **Matlock:** Ok, thank you. **Haba:** The leaves, residents keep calling about the leaves. We will for sure pick them up again. It is supposed to be 40 degrees tomorrow and 50 degrees on Thursday. So, as long as the weather is good, we'll pick up leaves. Other than that, I'll take any questions. **Warren:** Maybe hear from our Law Director.

**Law-Climer:** **Climer:** Thank you, Mr. President, you'll notice on agenda a number of items relating to economic development. Which I am sure will be discussed in detail during Council tonight. With that said I am happy to answer questions. **Warren:**

**Mayor-Gottschalk:** **Gottschalk:** Thank you, Mr. President. We will go over what's on the agenda tonight. There are four companies, the first is Penske. It is just a TIF which is a tax increment financing agreement for 30 years. The schools are not affected. Whatever the County appraises what they did in terms of reconstructing the outside of the building, that's what it will be. You see a picture of that in the legislation. It's interesting that most communities don't do this because the County doesn't promote it. The money that would be going to the County in taxes on that improvement, now comes back to Oakwood. It is used for various infrastructure improvements. **Williams:** Bedford has to approve this before we approve the legislation? **Gottschalk:** There's a 14 day notice the schools have to be given, even though they aren't affected. So, we can have readings but can't make any final decisions. **Williams:** Until the 14 days expires? **Gottschalk:** Until the 14 days are up, which should be before the end of the year. **Hardin:** Is there a dollar amount associated with the legislation? **Gottschalk:** We won't know until the County does the actual appraisal of what they did. **Hardin:** What they did as in improvements that their making? **Gottschalk:** Yes, and that's been done. It's the only one out of the four that you have right now. The others are going to be starting next spring. **Hardin:** When you say that's been done, what do you mean? **Gottschalk:** You can now go over to First Place and see that this is now how the building looks. Compared to what it looked like six months ago. **Hardin:** So, what you are saying is, at this point you don't know the dollar amount in the abatement. Is that what you're saying? **Gottschalk:** This isn't an abatement. **Hardin:** In the deal. **Gottschalk:** We won't know, but I might as well go over exactly what happens with the TIF and money that comes back from the County. **Williams:** Is there no projection to base these numbers off of? **Gottschalk:** It might be \$300,000.00. **Warren:** Increased in value. **Gottschalk:** The County makes the appraisal we aren't. It doesn't matter what they spent either. It's when the County comes and takes a look from the outside. They make an estimate for what they feel the real improvement of that property is. **Williams:** When you have these discussions, do they give you an estimate or projection that you are basing these things off of? **Gottschalk:** They were supposed to get back to me on it, but again, not really relevant. What is relevant is how is this money going to be spent when it comes back. **Williams:** But the money is based

off the projection. **Gottschalk:** Yes, exactly, and the types of public improvements that come from TIF. Money can be used for improvement of streets and intersection leading to the site, not anywhere in oakwood. It has to be at the site or leading to the site. **Hardin:** When you say not anywhere in Oakwood, I want to follow you. **Gottschalk:** Well, you can't just use the money anywhere. Law makes it very clear you have to use the money at the site or leading to the site. **Hardin:** Makes sense now that's clear. **Gottschalk:** Next is sanitary connections/utility connections including sewer, water, and drainage. Next is installing street lighting and traffic control devices, and artistic lightning fixtures can be included. Next is landscaping, you can't put in petunias. We're talking either perennials, scrubs, or trees, things with durability. You can also use this money for multi-purpose trails and off-street parking. Again, we are one of the few communities to do this. You can see the difference in some of the areas like Broadway where TIF money has been used. We went over what's going to happen over at Waste Management with their improvements. We're looking at about \$40,000.00 coming in over thirty years but that's because there's no CRA. When you have a community reinvestment agreement where the schools are affected. Let's say in this case when we get to Federal Metal, it's 90%. That means only 10% of the money that's left goes to the County. The TIF will only be 38% of that 10%. So, you're looking at \$1000.00, maybe a year for the first fifteen years. That's with a million dollars of improvement. That's what the money can be used for. You've seen Glenwillow uses it very effectively as well, and a few of our communities are using it. That was Penske, next company is Cardinal Realty which is Starbucks. They will be beginning in the early part of Spring. A CRA Community Reinvestment Agreement of 49%. **Hardin:** What number? **Warren:** That's legislation 2023-45. **Gottschalk:** With Cardinal there's a 49% CRA and there's a TIF. It's the same thing we did for Dunkin Donuts, the exact same agreement. **Gottschalk:** Next is Federal Metals, they are expanding their current operations. That includes production, receiving, shipping, and warehousing. They are on Division Street, building three new steel frame buildings. These are very small, they're only about 35,000 to 50,000 square feet total. They estimated it would be appraised at \$4.5 million dollars. **Hardin:** Since you've been doing this for so long as you stated. If they give you a \$4.5 million dollar evaluation for appraisal. What would you ballpark the TIF at? **Gottschalk:** Because of 90% CRA, we are not getting that. We will only get about \$3,000.00 for the first fifteen years. From the 16<sup>th</sup> to the 30<sup>th</sup> year we will be getting about \$40,000.00 a year. **Hardin:** Is this in writing? **Warren:** We want you to identify the project, identify the TIF or CRA, identify the receivables projected to be a results of each and every one of these TIF or CRA requests. We want it in writing even if it is a projection. We want something to fall back on to see what went wrong or whatever the case may be. We need it all laid out. Although the problem I don't personally have, is that it's still business retention. So, you're still keeping those companies in our community anyway. So, allowing the TIF's and all of that stuff is incidental to just making sure that these businesses stay in Oakwood Village. That we allow them to put the investment in Oakwood Village for the expansions and everything else. We know that we have a reasonable commitment similar to Sam's Club back in 1998. We got them to make that commitment for the gas station. That locked them in because they were considering moving to Streetsboro. We got them to stay by investing in the gas station, so we understand that part. But we still would like to see the money projected for the TIF's. **Gottschalk:** Federal Metal began in 1913 in Cleveland. They came to Oakwood in 1959. They now have worldwide operations. They expanded to a facility in Pennsylvania and in Arkansas. This stabilizes them being here. They are very pleased with what we are doing here. Additional there is a Job Creation Tax Credit. We are currently getting a payroll of \$8 million. So, what I proposed was for the next ten years. Anything above \$8 million, which is the money we receive from that payroll. Will be given back to them. **Warren:** Why? **Hardin:** Is that in writing somewhere? **Gottschalk:** It's in the legislation. Now understand that amount increases every year by 2% with the cost of living. In addition, this is encouraging them. This project is adjacent to Northfield Rd. They own property on the other side of the division. Which are the back yards of Wright Ave., but they aren't affected. This is not happening on that property. This is happening on their headquarters property adjacent

to Northfield. As a carrot to insure they will be here, we are locking in at \$8 million. Anything above has to be non-discretionary hire. If an opportunity exists where the skill of that person lives in Oakwood, they have to hire. **Hardin:** This is all on the legislation? **Gottschalk:** Yes, and we have done this for others, this isn't new. **Warren:** Maybe those things you are talking about should be highlighted to make it easier. **Hardin:** Turn to page four, what's happening in 2025? **Climer:** 2025 is the initial grant payment and they are eligible for ten years. Each year there is a cost-of-living adjustment upward on that \$8 million figure before they get anything. The payroll has to increase I believe by 2% per year. **Hardin:** Minimum cost of living. **Climer:** Correct, before they get any. **Gottschalk:** It has to be in addition to the \$8 million. **Climer:** \$8,160,000.00 a second year. **Hardin:** You have to really dig into this, and I guess that's our job. But I think the president expressed my concerns. It took a lot of work and a lot of time to do it. I guess the least we can do is dig, but I disagree. It would be easy if you highlight where these dollars are involved. **Gottschalk:** So, that was Federal Metal, DCOMM is next. They are right over here; they do installation for Spectrum. The problem is the backyard is not zoned for parking, it's residential. They are going to put 11,000 square feet concrete on the side of their building to park vehicles, with a mound in front. That cost will be \$150,000.00. The Job Creation Tax Credit will be for 3 years. Or from the three million, we get the withholding of \$150,000.00. A TIF on that, surprisingly no CRA here. So, you're looking at probably not getting more than \$1,000.00 a year from this. **Hardin:** I understand the incentive to want to keep them here. But what do they currently bring in now, to make us want to do this? **Gottschalk:** On those that have community reinvestment agreements, there's only two that do. The others, Starbucks doesn't, and neither does Penske. **Hardin:** Is this the company you wanted to do some zoning for? **Gottschalk:** Yes, this would be on the next ballot for next fall. We are going to rezone it to general business. So, they wouldn't need the parking on the side anymore. It would be at the back of the building. **Hardin:** Would you consider that spot zoning? **Climer:** It is not. **Hardin:** What about the people in the back, how does that count? **Climer:** It joins the back of their properties. It does not extend up into the residential zone that's being used residential. **Williams:** Do they have any drawings for this? We'll put it on the ballot, it has to be approved. It is not just a given right? **Gottschalk:** It's 60 vehicles and 11,000sq ft. **Williams:** Is that enough? **Gottschalk:** There's no drawing of the parking lot. **Warren:** There will be drawings submitted to the Planning Commission. **Gottschalk:** What they're going to show is the landscaping to screen anything that would be of obtrusive view. That's what they would be showing. **Williams:** Well, you have to put it on the ballot. So, I guess what I'm asking is, what are the people going to see? Because there has to be some drawing for people to see what's happening, right? **Climer:** Yes we can get you a drawing, you can see it on the County map where it's located. We can also show you on the zoning map where it's located. **Gottschalk:** I got a letter from Donald King, President and CEO of King Group, company out of Paris, France. It says, "Dear Mayor, we're happy to announce we have executed a long-term agreement for the company headquartered in France". They are the parent of a company and again I cannot name the company. The tenant is a global leader in calibration services. They have offices and laboratories worldwide. They are now consolidating several offices and relocating to our property in access point in Oakwood Village. "In order to finalize the deal. We have agreed to provide numerous improvements in a major build out at our cost in the existing access point site. We appreciate your help and what you were able to offer us and encourage us to execute and finalize this deal. We're still working on the construction aspect and don't necessarily want to announce anything publicly. We'll continue to update you on this progress. We hope to have it there in the Spring." Of course, before that, this will be before you in terms of the agreement. This is another Job Creation Tax Credit; in this case it is 75% and it is for seven years. **Warren:** What kind of payroll? **Gottschalk:** Probably thirty-five to forty people. So, you are looking at maybe \$60,000.00 per person. Additionally, I have a letter from Kevin Callahan. This is from Premier Development. And in it he has, "Dear Mayor, this letter will convey Premier's interest in purchasing the 32 plus acres of land on Alexander Rd., in Oakwood, OH. Should Kroger not decide not to move forward with their proposed



development of the site. There are several strong prospects for the site. And would be delighted to arrange a conference call to move on our next step". Again, I've had calls in the last week and a half despite Thanksgiving from Amsterdam, Netherlands, from Paris, France, from Houston, TX, nothing from Kroger. My patience is at its limit. And I'm hoping, as I say, they have the liaison officer for the Governor here on this meeting. At which time I will make a decision and probably terminate it. Unless they're going to put in writing that they owe us the money that they owe us for our youth. There's already \$95,000 through 2023. At least that, and also their plan and date at which they're going to move forward. Without that, I'm done, I'm prepared to go public on this. It's not going to be good for Kroger and that concludes my report. **Hardin:** We can maybe put some of this on second reading. With that being said, will you have those numbers? **Gottschalk:** Yes. **Warren:** We would like to get those, as you already know them and already have them available. So, we have them before the end of the week. **Gottschalk:** You'll have it Monday of next week, worse case. **Warren:** Ok. **Williams:** So, you're entertaining Premiere for that property again. Whatever happened with the Premier deal? Didn't they owe us money that they did not want to pay for the trees and replanting? **Gottschalk:** No, they took care of their obligations. It was Kroger who hasn't paid anything. This is what would have happened. The only reason Kroger's even involved was because Premier came to us. If Kroger had come to me frankly at the beginning and wanted to buy the land. We would have never had an arrangement to begin with. Because I don't believe in committee forms of decision making. I believe in dealing with people that can directly give you an answer. This is now the third person involved in leading their committee. The last one was only there for three months. She just quit and the new ones in there right now. Again, the only reason I've held off for these last few weeks. Was because of Jobs Ohio and Team Neo asked me to at least have the benefit of a meeting. They support what I'm going to do, whatever I do. But they would at least have a meeting. We can't keep waiting for this lady to return the call. I'm going to go right to the CEO with an e-mail and say we were flattered that you were interested but this is over with. **Hardin:** The first part you can cut because we are not flattered. **Gottschalk:** Well, we're flattered on the initial interest that they were coming to Oakwood. But the point is we can't keep waiting. We're losing potential businesses that would probably be there by them continuing to wait. I'm looking at about \$650,000.00 a year coming into that site when it's developed. We're getting nothing right now. **Williams:** Prior to Kroger we had some issue with something not being paid for landscaping. I remembered because residents were asking about trees. **Gottschalk:** You can ask Brian; Primer has been satisfying whatever it agreed to. It was Kroger, in fact, I told you I used some of my own 501C3 money this week. Just to put up nylon netting around the Arbor Vita, so the deer won't get to it this winter. **Warren:** I think that what we were talking about and what you're probably alluding to. Is the fact that there was supposed to be a benefit for the ward four. For residents for a match of up to \$3,000.00 or \$4000.00. **Williams:** That was the program we created. **Warren:** That was, but that was the initial one that started with Kroger. It was only in ward four, and we added the other four wards to it. But that one was a standing on piece of legislation originally. **Williams:** What was that program called? That wasn't the same thing. **Warren:** Home maintenance. **Williams:** Yeah, that was started with Premier and then we stopped. The trees were before, I'll take a look back. **Gottschalk:** That money would have been coming from the revenue that we would have collected from the payroll. From the companies that were there to satisfy Ward 4 initially. Because they were the most initially affected. **Williams:** We moved from Premier to Kroger because something fell through with Premier, correct? **Gottschalk:** No, Premier sold it to Kroger. **Warren:** What happened is that Premier was initially planning on putting office warehouses there. After the pandemic went by, people weren't using offices. People were working from home. So, Premier decided building offices is not a good marketable tool because people aren't moving their offices. People working from home and everything else. That's why it benefited for Kroger's. Because the home delivery service for food, which is another indirect result of the pandemic. People were not going out and getting the groceries delivered. That's why they expanded it and that's why Kroger's was coming. Because they were going to have a

distribution center to deliver groceries to people's homes. So, that's why the office warehouse went to the Kroger's. That's why Premier was eager to sell the land. Because the office warehouse wouldn't have benefited them. They would not have been able to develop it and make money. **Gottschalk:** Originally it was going to have a payroll \$13 million, but that wasn't satisfactory to me. So, I said you have to guarantee me \$18,000,000.00 and if in fact, it is only ten, eleven, or twelve million, you have to make up the difference. They agreed and this would have been small vans. Refrigerated, delivering West of Pittsburgh, North of Columbus, Eastern Sandusky, and Oakwood would be the hub. The only reason I'm holding off this one is because this would be a great benefit. For not just Oakwood, but for Northeast Ohio, Cuyahoga County. So, I'm willing to give a few more weeks with Jobs Ohio and Team Neo involved. They understand my position and they also agreed this thing has dragged on way too long and it's time to either fish or cut bait. **Williams:** Well, here's my concern, that I just want to raise. We have had several large deals. Kroger, before that Premiere, we had Decar, all things that didn't come to fruition. Like very big deals that the community got tied into, voted for, and just didn't happen. So, I would just express some caution with rushing into the next deal, that may not happen again. As opposed to taking some time and thinking this through and maybe working as a team. So that we can find the right deal that can actually happen. **Gottschalk:** Well, we've waited 2 1/2 years. When Premier sold it to Kroger, Kroger insisted that this would be on a fast track. Obviously hasn't been, and they've reneged on what they've agreed to pay us. **Warren:** Partially because of the fact that they merged with another large company. There supposed to be the 4th largest in the United States. So that merging deal now has other players that's making decisions for the total entity of Kroger. Plus, the other organization that they're buying out and merging with. **Hardin:** Who owns it now? **Gottschalk:** Kroger. **Hardin:** So, if they choose to just sit on it, what would you do? **Gottschalk:** I have media already ready for this. **Warren:** There's nothing we can do. All we can do is just say that we will withdraw our incentives. And you can go on your own to build the distribution center without our incentives and see how far you go. **Gottschalk:** They've already reneged on a settlement agreement with Hawaii. They were distributing their coffee beans; they were saying they're from Kona. Which is the land between 2 volcanoes in Hawaii. The farmers there were promoting their coffee beans being Kona beans. They made a settlement, they reneged on that settlement, and then reneged on a further settlement. That same media would love to have this story again, where they're reneging. It's not going to look good for Kroger. I would see this thing get done pretty quickly. But the point is Premier, has companies ready to go in there. I want to get one other thing, and that was the Decar. We rezoned that obtrusive landfill to where it can only be a scenic park with trails going through it. On the West side of it, you could have had a media operation. But that didn't have to happen, the key was to get it zoned only for that. So, it couldn't be redeveloped into light industrial or something down the road. So that was the importance of the Decar property. **Hardin:** Somewhere in this conversation, we have to memorialize the fact that ward four was the recipient of a maintenance program. That has not been further throughout the Village as you recall. As we go forward, we can't lose sight of that. When do we plan on funding that program again? **Gottschalk:** If Kroger signs and says they're going to start the program within six months, or if it's sold back to Premier. As soon as the buildings are up and the payroll starts coming in, it will be implemented. That's not going away, it wasn't just promised to them, it's going to happen. But you have to have revenue coming in from the site, you just can't... **Hardin:** Well, we did it once before, so we can't say what we can't do. Moving right along here, I'm not willing to wait until we get the first front door of whatever comes in there as soon as we sell. Right now, it belongs to Kroger, right? Is there some way we could set aside funds to make sure that is the first thing that occurs with the sale of it? **Warren:** We don't own the land. **Hardin:** I know, what I'm saying is, with the first deal that involves us. At any point that we are involved with any transaction of that land. My point is, Mayor, whether you're sitting here or anybody else up here. That cannot be lost in the process, that is a program that we started with the promise to the people. Some way, somehow it has to be. **Gottschalk:** Yeah, but you have to have revenue to justify it. You can't just take it out of

the general fund. **Warren:** First of all, the ordinance in the legislation clearly identifies. That whatever is developed on that Kroger site, the beneficiary goes to Ward 4. Our anticipation was that once the revenue started rolling in from the Kroger site. Then those two new buildings, the one that's built on the other side. The last two, the expansion of Waste Management and plus the new building or the new company that moved from Cleveland to Oakwood. That with those revenues starting to generate, then we could look at funding the same program for the other four wards. That's why it was two separate pieces of the legislation. One for the balance of the Village. But we made a commitment to the ward four residents. That the home repair program was going to be generated from the revenues from the Macedonian site that Kroger's is supposed to build on. That's why they agreed, just to let everybody know. When we have a zoning change, and that land was zoned family. We had to get the zoning change. Not only does the zoning have to be approved by a majority of the residents in that immediate ward, but in the Village. If the immediate ward doesn't approve it and the village does, it doesn't move anywhere. Because it has to be approved by the majority of the vote in that immediate ward. So, that's why they went along and said, OK, we don't mind having these buildings in front of us. That was the incentive to build a mounding to hide the buildings. And for you not to resist or fight against this project. So, they went along with changing the zoning. We're just looking for revenue because now the property is zoned for business, it is not zoned residentially. That was the biggest obstacle that we had at the time. **Gottschalk:** This is part of the legislation and so with this happening they will be getting the benefit. There's no way to hide it, they will be getting it. **Hardin:** I just wanted to make a point that, at some point in time. We return to the maintenance program. **Warren:** Any other questions? **Williams:** You didn't go into why it was capped at \$8,000,000.00 for Federal Metal. **Gottschalk:** That was their maximum payroll, so that's the reason we're using that as a base. They have to be above that. Only the additional payroll, above eight million. Every year for the 10 years that goes up by 2%. That's what they receive, not any part of that eight million. **Climer:** The eight million is a base they have to meet in order to get the incentive. **Williams:** Got it, ok. **Climer:** So, if they do the \$7.5 million they get zero incentive. **Hardin:** Is the Mayor going to just discuss the cost of the Police request. Or are we going to wait for the Chief again? **Gottschalk:** I'll have that next Monday. **Hardin:** You're going to have the price dealing with the Police? They're asking for vehicles, it's on our legislation tonight. **Gottschalk:** There shouldn't be any problem with this, first of all, we're late to begin with. The Police Departments are in disarray in every city. Let's not fool around with the Police here and make this a serious matter; let's get it passed. **Hardin:** Let's not go there with that Mayor. **Warren:** Mayor, the thing is that this issue was brought up originally some council meetings ago. The Police Chief was here, and we talked about the cost. At that time, the Finance Director assured us that the money was there and available for the purchase of those cars. That's where we were a couple meetings ago. The police chief already explained to us the age of the cars and everything else. The Finance Director assured us that the money was available based on the projections that we have. Like any other Finance Director or any other community based on projections, and I don't have a problem with it. **Hardin:** No one does. **Williams:** I'm sorry, I don't have a problem, but I do have questions that I'm going to have. **Warren:** You're entitled to do that, that's true, nobody said that. That is why I supported Councilwoman Hardin in making sure that was clarified further. Now we know where we're at now. **Williams:** So, were we going over that piece of legislation now? **Hardin:** I just wondered if the Mayor was going to address the questions that come up. That was my question to the Mayor. **Gottschalk:** On that point, I Don't have anything to say. **Warren:** Any other questions for the Mayor? If not, I will open up the file for public comment. This is the time for the residents to come up, give their name and address to the Council Clerk. And ask whatever questions you may have.

### Open Floor Comments:

**Erica Nikolic, 7230 Wright Ave, Nikolic:** I just wanted to bring your attention to Federal Metal. I am one of the residents that lives on Wright Avenue, right behind them. When I was a little girl, my grandmother's garden was lush. We had fruit trees, we had everything there. It was a gorgeous greenery. Now it's a wasteland, trees are dying in the ground. You don't know if you can plant anything or eat anything from the soil. Just about everyone on Wright Ave, from each house has cancer. My sister, the only one in my family who stayed in that house. With Federal Metal in the backyard, cancer. The guy across the street, cancer. The whole family down the street, cancer. So, while I'm not opposed to job creation, job creation is good. I would like to figure out, to what extent the industry surrounding my home. Is responsible to this problem. What I don't know is what goes into the production of recycle material to metals. What are they using to create this? What are they doing in those buildings? How is it being produced? What exactly are they doing with what they are not using? Has the soil been tested to see why now nothing grows? All trees I planted are dead. They are burning stuff; I don't know what they are burning. You go down the street, there's garbage blowing off from these industries. So, maybe propose a wall, let's start with a wall. If they are expanding, what exactly are they expanding? What exactly are we going to get more of? I don't know what is in the soil causing trees to die. Before we approve an expansion. We should bring it to the County, to make sure we're not expanding a health crisis. Which clearly already exists on that street. Is there any knowledge if there is something coming from that company causing problems in the community? **Gottschalk:** Let me say this, they've been there since 1959. There was never a problem. The buildings that they have on the side adjoining Wright Ave., were only purchased within the last five years. None of them are doing any production, in any of those buildings anyway. Whoever was going to own those buildings and there were some operations before. That we terminated their operations as they were using Wright Ave., as a way to get out of their properties adjoining Wright Ave. Federal Metal only purchased these buildings in the last few years. In fact, one of them just purchased the last half year. Because GM Industrial wanted to buy the building and Federal Metal building. So, these are only just warehouse and receiving buildings. There are no operations of any kind. **Nikolic:** It's their production. **Gottschalk:** Again, they've been there since 1959 and there's never been a problem with health. There isn't a family that doesn't have cancer, and that's one of the reasons that you should be promoting to your residents. Right now, although it's early, we have about 35 to 40 people on the vitamin D program. Get them signed up. **Matlock:** Ask them to do a walk through you, even if it's you. You can probably go to management and ask them to give you a walk through that building. So, you could decide or see exactly what they're doing. If they're producing anything in there, you can also ask some questions. What chemicals are they using if they are producing something in there. Not only you, but residents in your area can go through that building and ask for a walk through of that building. Tell them to give you something like that. You can go with them, and they can tell you how they operate, then you can ask all those questions. **Williams:** It would probably be most appropriate if you could invite them here to do a presentation. **Matlock:** A presentation that is fine, but me myself. I would want to go out and do a walk through their building. Go and see how the production actually functions through that building. **Nikolic:** Whereas you all will be held to approve the legislation, I would implore that you all do this as well. **Matlock:** Well, you're going to be on this board in a matter of four weeks. You don't need approval of legislation to go through a building to actually ask for a walk through of that building. **Warren:** Her concern is that we increase the exposure, if there is one, by allowing them to expand. The one thing that I would suggest. We have to check with the Law Director or the Mayor since he has a relationship with them. Is to ask them to give us soil testing. Soil testing would be perfect like alongside the fence area we can do soil testing. **Williams:** When you say there's never been a problem, what are we using to measure that? Like what tests or what results have we been taking? **Gottschalk:** If there has ever been a problem. That's usually with Agmet on the other side of Alexander, where there's been a terrible smell. This is we're they are taking only copper alloys. We're not

talking all kinds of other alloys which can have more side effects. **Warren:** Mayor things could be accumulative. **Williams:** We can't say there's never been a problem, when you don't have evidence showing us that there's not? That's what I'm saying. When you say there's never been a problem, is there testing that has been done? Or something that we know that there's never been a problem? **Warren:** There has never been a known problem is what he should be saying. **Gottschalk:** The problem is clearly the junkyard that's been there 80 years with all kinds of crap. **Warren:** Mayor, we're just specifically talking about this building. You keep diverting off to some other issue, and we're specifically talking about Federal Metal. We're not talking about all of the buildings around there, we're not talking about anything, but that. **Gottschalk:** I was just wondering would she feel if there's some trees dying, then it's probably Federal Metal? And all I'm saying, all I'm pointing out is any operations occurring are on the Northfield Rd., side. They've only just purchased these properties on the on the side and joining Wright Ave. At the same time, I'm sure that we could set up an arrangement. Where you can go down there and visit them, rather than having them come here. I don't see any point in having them come here. **Williams:** You can do both. **Gottschalk:** They're not coming to a meeting here. **Warren:** Well Mayor, you can say what we not doing. But then you don't get your legislation passed. **Gottschalk:** I'll make it clear you're blowing eight million dollars. What is the point on having them come here? **Warren:** What is eight million dollars, how are we blowing it? You just said that, so as a matter of record, where's the eight million dollars that we currently collect? **Gottschalk:** Payroll we are currently collecting right now... (inaudible) **Warren:** One of the things that's more important to me. In what she's saying, and this directly related to that. That could make our residents and our colleagues feel comfortable, is soil testing. If trees are dying and stuff like that, it has to be some kind of direct relation to the soil. **Matlock:** It's something we need to know. **Warren:** If there is some testing, just going along the line where those residents. In spots like they do with soil testing, it's fine. I'm sure that they wouldn't have a problem with that. especially with the. **Williams:** What I'm asking you to do is to reach out to them. Or I can do it and get a representative here to explain what their production and business is. If we're going to approve a tax anything they can come and present. **Warren:** We got somebody from Waste Management right here. Initiate it on your own to come and talk to us. **Matlock:** I would think a company of that size with \$8 million. I don't think they would have any problems coming to explain. **Warren:** Table legislation until you want to talk to us. The legislation, I guarantee you I'll get the votes to table this legislation. **Nikolic:** In conclusion, I just want to say as a means of process of elimination. Testing the soil, having them gives us a clearer idea of what it is they're doing. It will reassure us that the deaths aren't related to their business if we're expanding. Eight million dollars would not replace my sister.

**Karen Howse, (unknown address), Howse:** Hope everyone had a good Thanksgiving. I just have a couple questions in regard to the Police cars. Of course, we need those cars running all the time. One thing is, when you look at the ordinance generated. Ordinance 2023-42 attached he has I guess a state bid documentation. It references Montrose Ford, but the ordinance references everything but Montrose Ford in Section 2. **Warren:** As long as they don't spend more than what it is, i don't care where they get it from. **Howse:** I understand that but it's saying the state bid is assigned to Montrose. However, it's referencing authorizing the city to purchase from Key Chrysler and Jeep Dodge. The bid says \$46,000.00, and if you divide \$145,000.00 by three, it's like \$48,000.00. So, I'm just asking if we'll be buying the cars from Montrose or the various options, is what i am asking. **Matlock:** I know he made a comment at the last meeting regarding why he was purchasing for Montrose. **Williams:** That's not what she's saying, that wasn't the question. **Howse:** They have been awarded the state debt, but the legislation reads differently in Section 1. **Williams:** It's not in the legislation. **Haba:** Whoever you would buy it from, it would be the exact same price. The only difference comes in if you wanted some options, that might change things. **Howse:** But this is what it said. It says enter into a contract on behalf of the Village with the state of Ohio Department Administrative Services. So, that's the state purchasing through its

designated vendors. The person who was awarded the Police contract was Montrose. But you listed here Key Chrysler and Jeep Dodge for the purchase or lease of the following cars for the use of the Police Department.

**Warren:** Law Director can you just changed that to identify the specific dealer that we're getting them from. After you confirm with the Police Chief that that's where we getting them from. **Howse:** Yeah, if it's not Montrose, as long as they're under the state bid. That's what I'm asking, where we purchasing it? Then it says to purchase or lease. So, are we purchasing it outright or leasing? **Climer:** It is a lease purchase. **Howse:** Ok, so I noticed there are two funds 401 and 101 which is general fund. What is 401, what fund is 401? **Thompson:** Capital. **Howse:** Capital and it's subsidized by the general fund? **Thompson:** Yes. **Howse:** So, that will be changed. Are you going to pass it based on the contingency to change? **Warren:** We're only on first reading. **Howse:** Ok, the next question is, there's a Senate Bill 33 that has was passed January 2023. That changes how the CRA agreement is. Question for you, I know CRA's are great, TIF's are great. I have told you that, I'm not saying that. I just want to make sure that the Village is in compliance with what the new ruling has been for the CRA agreements. I noticed one of the things that makes it easier to establish a CRA. Without necessarily going to school anymore. I noticed that the percentage is like 49%. Which 49% avoids you having to go to the school. Because it's 50% where you would have to go to the school. So, you guys have your 49%, but now you can go up to 75% without having to go to the school. What I want to know is have any changes been applied? Any ordinances to be compliant with the new Senate bill. That says now you don't have to collect fees or anything of that nature. You don't collect fees anymore for the CRA's. So, we're not collecting fees, right? **Climer:** Correct. **Howse:** Ok, with the application, when you're applying for a CRA, before it even gets to legislation. Where's the application for this year? So that the Council can see what company, the number of employees that's relevant. **Gottschalk:** They have it, at the same time, the schools we give a notification on a CRA of less than 50%, it's only 14 days. On 90% in the case of Federal Metal, it will be 45 days. **Howse:** What I'm saying the Senate bill does not require you to go if it's 75% or more. **Gottschalk:** Were still using 49% rather than that. This is a much more liberal bill now, and in fact it actually hurts the schools. But in our case, with Cardinal Realty we're using 49% like we have before. **Hardin:** I think you're both saying the same thing, but the last question. **Howse:** If I can finish, it also states you mentioned that you were going to be doing some income tax sharing with the schools. **Gottschalk:** There's no income tax sharing with anything less than, it will only be with federal medal, not with on a 49%. There's no income tax sharing and now actually there's no income tax sharing even with 75%. But we aren't using 75%. **Howse:** It increased from \$1,000,000.00 to \$2,000,000.00 million so you're not required to share unless it's at 2 million and above. **Gottschalk:** The point, however, is with the huge increase in the levy. I've stripped the donation to the schools because it has such an effect. On a \$100,000.00 house you're looking at around \$345.00, a year just on \$100,000.00. So, imagine four million, what it's going to cost the company. There's no need to be donating any more money to the schools.... **Howse:** That's not what I'm asking. I'm just talking about Senate Bill 33. I'm not talking anything related to the school. I'm glad that was passed in fact. I just want to know, have we put in the ordinance, the changes. Or are you saying it's not necessary to say "upon application, we're not collecting a \$750 application fee for the CRA's. **Climer:** I don't think we need to provide that because we're not collecting it and we never really have. **Howse:** So, do we have the applications? **Climer:** Yes, I believe it's attached as an exhibit. **Howse:** Because I don't see the applications at all. That's why the Council was asking. Where's the application that has been filled out. Because you're required to fill out the applications. **Gottschalk:** There is an application that's been filled out, it's exhibit A. **Williams:** But you said we have it. **Howse:** You said you have it well, where is it? **Climer:** I believe it's exhibit A to the ordinance. **Gottschalk:** It is exhibit A in the Federal Metal legislation. **Howse:** Show me where the application that is actually filled out, because I don't see it. **Climer:** It was getting attached by the mayor's office. **Howse:** If you have it though, I just think you should see it. Because it will tell you what the company is asking for, how many employees, what they're bringing in just to get to know before you pass it. So,

my concern is, I am definitely pro CRA and TIF's I think they're great, I think it's important. But I also think in the same breath that when you're approving it, you need to know what you're approving. I mean, that's just the process before you can get to this part. When you have the applications presented to council to look it over before the legislation. **Climer:** We have the application, and it was getting attached before it went on to the agenda and it must have been some mix up with that. **Howse:** Ok. **Williams:** So, let me understand this process correctly. Can you walk me through because he talked about these CRA's several weeks ago. So, at the point in which he makes a deal with a company, they complete this application immediately? **Climer:** The company applies to the CRA. It's attached to the proposed agreement for Council to pass. If Council agrees, it passes the ordinance authorizing the Mayor to sign the CRA agreement. The company then signs the agreement, and that's in effect. **Williams:** So, that application would be ready before the legislation will be ready? **Climer:** Correct, there is an application, but through some oversight it did not get attached. **Williams:** That will give us some background, even before we had legislation to know what would be coming. **Climer:** Correct and that is why it's attached to the legislation. **Williams:** I've never seen one in my 7 years. **Climer:** I can assure you it has been attached in the past. **Williams:** But we can get those prior to receiving legislation, so we have the information that we're asking for beforehand. **Climer:** I mean theoretically, or you can get it as an attachment to the legislation to consider along with the legislation. **Williams:** That's helpful, thank you. **Howse:** Usually it gives you an opportunity to look at what's being presented before legislation. But ok, I mean obviously you're taking time to go over legislation that you don't know. You're asking legitimate questions, but you just don't have the documentation. The next question is Public Records request. I know that the tradition is you wait till you complete close of a month before you present Council with financial reports. **Climer:** Do you want this to be on the record. **Howse:** Yeah, I do. **Climer:** Well, we may want to wait for Tanya to come back. **Howse:** The last thing, I was just reading through the minutes or whatever. About promising of an updated financial statement. What was the last financial statements you guys received? What month? **Williams:** I believe through August. **Howse:** Through August, I could just ask you, Brian, what was the general fund ending balance for August? **Thompson:** Before or after encumbrances? **Howse:** Unencumbered. **Thompson:** \$506,000.00, all funds were \$1.3 million. **Howse:** What is the 401 fund right now? **Thompson:** The actual balance? **Howse:** Yes. **Thompson:** Through that period, it is \$38,400.00. **Howse:** I'm requesting as of today. What is the November like? I'm asking for the summary cash statement for November through today the 28th. And I understand all revenues aren't posted, all expenditures and all bank fees, I get that. But I'd just like to see November's currently with the financial, with the summary as cash is. **Thompson:** Ok. **Howse:** Can you tell me about when I should expect them? Because you can send them PDF to me. **Thompson:** We're moving forward, my whole staff got COVID. So, we were closing in on closing. **Howse:** I'm just saying just click first, click on it and just one page. **Williams:** Alright, I'm sorry I couldn't hear anything. **Thompson:** She wants to get the same cash summary report as of today. We could put a note in there saying summary to change. **Williams:** How long does it take? **Thompson:** If she wanted to close, that's what I was referring to. It wouldn't take that much time. She can get it in the next couple of days. So, I'll send it to you if it's the same one. **Howse:** My last statement is kudos to the Service Department because this morning the roads were fantastic. When I pulled out, I thought that the roads were clear versus going into other communities. I always brag about things like, oh, well, we didn't have that problem, sorry. But thank you so much for the Service Department for having those roles cleaning. It's so appreciate it. **Warren:** I just want to tell you something. 5:30a.m this morning I saw the grass and I saw the driveways and I'm like what are they talking about. Then around 6:00a.m., it started snowing a little bit, and by the time I left, I left at 7:45. I was on I271, it took me 45 minutes to get up to the I480 split. But that's how long it took me, 45 minutes to get from Forbes to the beginning of the that exit to Rockside. **Howse:** And it's just so appreciated. It makes the public safe, our Police and Fire makes it easy for them to get through when they're needed. It's a hard job to predict but you guys are always on it. So, I just wanted to say that. I

appreciate your willingness to provide that information for me. Then also I just ask you guys, just read the material. Like I said, CRA's and TIF's are a good thing. Thank you all, just read the material before you approve it.

**Vince Crawford, Waste Management,** Good evening everybody, hope you all had a good Thanksgiving. I'm Vince Crawford with Waste Management. I'm stopping on tonight just to give you a little bit of update of where we're at with the new recycling facility. I brought a little gift here. We've had this plaque made for Oakwood Village. We appreciate the partnership that we have with you guys. It says in recognition of the opening of the Cleveland recycling facility September 15, 2023. We're about 8 months behind schedule due to all the wonderful things of supply chain and people, issues, and whatnot. But you know, the plan is working along, it's running better each and every day. We just want to present this to the Council President. Again, to say thank you to everybody here in the community for being a good partner. As we grow our recycling, we've seen the benefit of everything that we've put inside the building. Hopefully you guys have seen the benefit of what we did outside of the building. We put a lot of money into that structure, fixing all those doors, putting new paint on, new siding, new concrete, and we've obviously been able to add some jobs into our facility, which has been good. The machinery that we have in there and inside that plant, someday we're going to be able to have you come take a look at it. I've told Council President and Councilwoman Hardin, but that elevator is still not working. We put an elevator in because you have to go to the top floor. It is two flights high and they're pretty steep stairs to get up and see the whole facility and see how it really operates. But we invested in this elevator. And we're still waiting for one more part. Then once the part comes in, we still have to get it passed and have the inspection. At that point, we'll be able to have you guys come out and do a tour of the whole facility and to see our education room. I think you'd be pretty impressed with it. But it's been good for Waste Management and hopefully you've seen some of the benefits as well. In some of the receivables that the Village has been getting. The plant itself, what it has been able to do is operate more efficiently. We are doing a better job of pulling more materials out of that recycling stream. So, actually extracting more recyclables out of the same material that we've been getting. We've also added for customers. I mean that's the goal of any business; it is to grow. We've been able to add five new customers since we've opened up that plant. One of them starts January 2nd, that's one of the other big pieces I'm here to talk about tonight too. As that growth happens, the change happens in our business. We will need to move our trucks that service the Village on Monday to service in the Village on Tuesday. I put together some examples of what we would give all of the residents. We send it out in the mail and then work with the Service Department on getting out some of the brochures. We know that nobody likes change. The residents of Oakwood have already gone through some change. You know, if you think about it, we started with trash carts first. They never had those. Then we added the recycling carts and change the recycling to every other week. Again, once people get use to that change in new service day, it really is no big deal. If you really think about it, 80% of the world get their trash picked up on a different day, than Monday, right? Because we pick up trash and recycling Monday through Friday in all different communities. But you know there's actually some benefits that we know that will help with that transition. This is a sample postcard of what will be sent. Notifying the people that this is the day that your trash collection will now be done on Tuesday. Then the second page gives the calendar of that every other week. Recycling with the streets and that also provides basically some of the do's and don'ts of putting out your materials. How to set it out, time frames and whatnot. There are two different mailings. You're going to get two notifications of when this date change will be happening. Which would be January 2nd, 2023. Unfortunately, true reality for our business is we have days where not everybody comes to work. So, we're short staffed. Generally, Monday is our day that we have the most absenteeism. So unfortunately, Service Director Haba knows that there's been sometimes we had to call and say, hey, we're not going to finish that route here today. We'll be back tomorrow to finish off whatever



section of the Village that might be. Also Monday holidays, this is not just Oakwood Village, this is the industry thing. Not sure what's going on, but you know people are holiday mode. Having a holiday on Monday, it's not my normal day. I'm not in my normal routine, I don't set my trash out on Monday night. Because trash truck is coming Tuesday now. Then we get calls from the Service Department. Hey, can you go back and check this street? These residents didn't have their trash out after that Monday holiday. Now we have to go back and do double work because of those Monday days of holidays. The other part is on Mondays we have a couple of trucks here in Oakwood doing service. The rest of them are Richmond Heights or somewhere else. We have no trucks close by. If we need assistance provided, we're not close by. It would be 45 minutes to get back here to try and help jump on our route and help take care of whatever needed. On Tuesday, we don't have the attendance problem. But our entire fleet is in Twinsburg, right next door. All of our trucks would be in Twinsburg or in Oakwood Village providing that service. If we are short person, that next driver is 5 minutes away down the road. They can come over here and help provide assistance. Most importantly, it is really not that big of a deal. It's not that difficult to move the next day. Now I would say if Oakwood's day was on Tuesday and we're going to change it to Monday. That's a little bit more difficult because now you're waiting a full week. Typical scenario is, we send out this information. 90% of the people read it, 10% of them it goes in the trash. They've never even looked at it. They have no idea that their trash day is changing. They put their trash out on Monday. We don't show up, they're going to leave it there because where is Waste Management, they didn't come. Tuesday morning our truck comes by it picks up their trash. Then they see everybody else is trashed on Tuesday. Couple weeks in a row that that happens. All those people that didn't get the message. They see all the neighbors putting their stuff out on Tuesday. I put my stuff out on Monday, 2 days in a row, it didn't get picked up until Tuesday. What's going on? Well, the day has changed. We want to do as much as we can to notify and let the residents know what this change is going to be. If we need to get some of the yard signs that put up in some of the corners of the different intersections of the city just so it's out there additionally. We're willing to do that, that's not a problem at all. At the end of the day, we want to provide good service, but also we want to see our business grow. By adding this new recycling on Mondays with the city of Richmond Heights, we just have to move. We need those trucks to be in Richmond Heights on Monday because there's going to be that additional recycling. We have this availability on Tuesday to just move the service day here. Again, I think with the way it lines up operationally. Dan, right next door, we run 18 trucks in Twinsburg on Tuesday. That's a lot of horsepower. If we ever have an issue here with the main driver that services Oakwood Village, if he's unavailable. We're going to have back up right here and a lot of it to make sure that we always get the Village taken care of. We're not going to make it second fiddle. The same guys that have been servicing the community on Mondays, will be the same guys servicing the community on Tuesday. We're not changing those drivers. So, it'll be a very smooth, easy transition moving over Tuesdays. **Matlock:** Do you think one trash can is sufficient for a resident? Because I've just noticed, I'm looking at what's outlined. It says if you have any plastic bags that are not inside of the trash that you will not pick it up. **Crawford:** That's been that way probably the last four years, many residents have a second bin. If they would like, they can come get that from us. **Warren:** \$6 a month, right? **Crawford:** I think it's just four. **Williams:** I have a few questions. Actually, I did get to go and tour, and it was great, it was nice to see it inside. Can you definitely make sure that you all put out additional yard signs before this happens? Because we do get a lot of calls about trash. **Crawford:** Yes. **Williams:** I understand everything you said and hear what was going to be the benefit to you all and us getting better service. From us, the residents, they want to know what is the benefit to them? Are we going to be assured that we won't have half the city picked up and 12 streets left? Is that going to alleviate that problem for sure now, for most of the pickup days? **Crawford:** I would say we don't have that problem. That problem happens when/if we do have a call off or we're short staffed on Monday. That problem we believe by aligning on Tuesday will definitely be eliminated. **Williams:** When you all came and did the presentation for expansion. You talked about

having someone out in the area surrounding Waste Management that would pick up trash. I want to say two or three times a day or week. We have trash that is just littering. You can tell the difference from Bedford Heights to Oakwood to transitioning to Macedonia. It is because that's here and the residents talk about it a lot. So, I don't know if the three days just aren't happening or if three days just isn't enough. Can you speak to that, and can we do something? **Crawford:** I can't speak to that, unfortunately, there's a reality I can speak to. Because Tom called me on that, I think it was 2 weeks ago to say, hey, you guys need to jump on that. When I called over to the facility to talk to the manager of the facility, Dave Weaver. He's like I'm on the road right now picking up trash, that's what I'm doing. **Haba:** If I can say something Vince. I think sometime maybe Candace, it's on the freeway. You're saying travel from Bedford Heights through Oakwood to Macedonia. I think sometimes the freeway. So maybe, Dave can sometimes call the District 12 because we do that a couple times a year. They pick up but not that often. So sometimes we have to call the state even to clean up that area. **Williams:** Yeah, but it's coming, it's originating... **Gottschalk:** She might be referring more to Oak Leaf Road. **Crawford:** Yeah, I agree, so anyways, he had gone through so many different workers. McDonald's can't get people to work and we're trying to ask some guy to go out and pick up trash all day long. It's been a struggle. I think we had a good program going for probably a good solid year. I don't know if it's because of the weather change, but it's definitely been a struggle. We do know about it and when Tom raised it up to me. I talked to Dave and said we got to get back on this and make it a priority. And literally when I called him the manager of the facility was the one picking up the trash. **Williams:** So, all in love, but I think I'm going to... because that's what I'm hearing the most. It's like this trash is just blowing around and it looks like it's just in our Village. It doesn't look good, and I know Mr. Jackson is going to Jump. **Crawford:** I agree wholeheartedly, I don't like seeing that either. You know, in fact, today before I came here, I drove down that road. I'm like what does it look? We don't want to have that as our perception. We that's something we need to work on. **Williams:** So, it is three days a week, though? **Crawford:** It might be two days or three days; the ideal is 3 days. **Haba:** Yeah, I'm not just saying this but not 100% of that comes from Waste Management. A lot of it does, but not 100%. You go out to Fair Oaks, and right after they finished that road. Within two weeks, it was unbelievable how much trash was on that street. That wasn't coming from Waste Management, but it was a lot. **Hardin:** So, where did it come from? **Haba:** People coming from the casino, coming off (inaudible). **Warren:** Sometimes you have contractors who work in our communities, and they'll go and ride in the pickup truck. And they'll just be driving, and the stuff blows out in the back of the trucks. I've seen that happen myself. **Hardin:** Tom, do we have any signs posted regarding fines for littering in that area? **Haba:** I don't think we do anymore, I'm not sure. **Hardin:** We should, whether they adhere to it or not. It lets them know that we are looking. When those doors are up and I don't know if there's something you can put up, I'm not an engineer. Maybe something on the side to catch it. Because I kind of took some time to watch. It's like it comes around the building versus coming straight out of it. Does that make sense what I'm saying? **Crawford:** Yeah, I know you're saying, that's why we have the fencing and we put the extra. **Hardin:** Right, but that's what catches the fence. It's too late at that point, and for whatever reason. Like I said, it doesn't come straight out of there. It whips around and then it sends it across the freeway. I don't know if there's a like a netting something, I don't know. But we thought, maybe when you got the doors fixed, that would be a resolution to the problem. But just think on maybe some type of netting or something to catch it, that might help. **Crawford:** One of the things that they did add a street sweeping service. That comes into the whole parking lot area a couple times a week. We did not do that previously. So that is something that they've added to the service over there as well. **Warren:** You guys don't run trash all the way to the doors either. You probably have at least seven or eight feet between the end of the trash and the door. **Crawford:** You always want everything to be inside. **Warren:** Maybe you can consider this, you know those like plastic things, they look like Vertical Blinds. Maybe you can put those in front of the doors. Then it doesn't inhibit the trucks or anything. **Crawford:** They will get ripped off. I appreciate that, I mean, even like those

doors. Again, that was something you guys held our feet to the fire on. We needed to do it and we did it. Those doors were \$40,000.00 apiece. I know that they went through and put them all in. In two weeks, two of them were already off track. So, you know, it's just so old design, it's an old building. We put a lot of into it, a lot of cosmetics to make it look better. **Warren:** A roll up door shouldn't have any effect on this structure of the building. It's just whoever put them in didn't put them in right or something. The building has nothing to do with it. Because those guys would cut to make it work. **Hardin:** One other thing, I want to make very certain that we don't just pounce on you and give any credence to companies coming in. We appreciate you coming that's number one. The fact that we are surrounded in a way by landfills, it's always been important that we keep an eye on what's going on over by the park. Years ago, when we had the closure for Solon. We also participated in the closure of the mound over by the park. The concern then and still is, I would imagine. The leakage from that mound, from the hill. and it goes. You have the creek; the creek is a part of the environmental area there. How often are you required to sample and verify that there's no leakage coming out of the mound? **Crawford:** Basically, the way that system works now, it has piping all through it. To capture that leak, it's called leachate. We pump that, and it goes to Solon's Wastewater Treatment Plant. So, it is getting treated. We do not want that to go into the water stream at all. In all landfills now that's how they're made basically. It's like a big bowl and rainwater is directed to the bottom. Then there's piping that goes through all landfills to capture that rainwater. We're lucky that it can just go right there. Most places must put a tank, then truck it to the treatment plant, but in Solon it goes right to their facility. **Hardin:** How often is it? Is it verified? **Crawford:** So, what I do know, only because I got to go over there and see kind of how it works. The city on their side, they have all the monitors there. There's a lot that goes into monitoring the water that comes into the wastewater treatment plant. So, if there's a high detection level of something they have you know some sort of machinery in there that detects. Like, hey, there's something wrong with your water. The other places where we truck it directly as it's coming out of the truck, they're pulling samples out of that. So essentially all the time, all the water is always. **Hardin:** Who's sampling at you or EPA, or both? **Crawford:** The city wastewater treatment plants, they're the ones that are qualified to do that and certified it. It wouldn't be right if we were doing it. **Hardin:** Those reports are public information too, I would imagine. Thank you so much.

**Mr. Jackson, address unknown, Jackson:** You guys have addressed almost everything that I have come here for today. I've been very concerned about Oak Leaf, it's terrible over there. The building is beautiful, but we want Oak Leaf to be as beautiful. I'm a beautified man, that's who I am. I like staying nice. **Gottschalk:** My first point was going to be with the TIF. We're going to get \$40,000.00 a year coming in because of the facility. We could easily spend \$5,000.00 for Mr. Jackson to do the cleaning himself. That would certainly ease the mess over there. There will never be another issue with all kinds of condiments at either Fair Oaks or Oak Leaf. So that could be a nice use. Anyway, those are the points, but I think we can handle this matter. **Crawford:** Thank you guys very much, I appreciate your time tonight.

**Williams:** Before you proceed to legislation do we have other applications? This shouldn't be the only one, or is this just the one you got for today? **Gottschalk:** That was the only one that was necessary. That was for the 90% CRA. **Williams:** I thought there was another one with a CRA. **Gottschalk:** Yea but that was for 49% you didn't need for that. **Williams:** I thought there was an application regardless. **Gottschalk:** There's only two CRA's. **Williams:** But they all complete applications correct? **Gottschalk:** Only those in the past above 49%, now 75%. **Warren:** I guess the question is how can you get a CRA, if you don't apply for one? **Williams:** All of these legislations should have applications correct? **Gottschalk:** No, we've never had an application for CRA under 49% or less. **Williams:** So, they don't complete them is what you're saying. **Matlock:** It's a certain percentage you have to have in order to get a CRA, is that what you're saying? **Williams:** That is not what I am

asking. To get a CRA or a TIF, you have to apply. So, everyone has to complete that correct? **Warren:** Mayor there is no way in the world you can get me to think. You can just call the government and say I want a TIF or CRA and they say how much do you want. You have got to apply for it, somebody does. **Howse:** All CRA's have to have an application. **Williams:** The Law Director said that there's an application for these, that's the process. So, what do you mean you don't have them follow the process. **Climer:** Certainly, it is required for the 90% CRA, I will review the 49%. We have not historically required an application for a TIF. That is something that is discussed between the administration and the applicant. There's nothing that would preclude us from requiring an application as part of the process. **Williams:** Ok, that's not what you said at first. So, the process does not include an application every time. It depends on the percentage is what you are saying now? **Climer:** That's what we've historically done. **Hardin:** Mayor, you just mentioned, Commissioner and something came to mind. Didn't we recently have a vacancy on one of the commissions that was recently filled? And if so, what ward was it? **Gottschalk:** Ward two. **Hardin:** When did that vacancy become open and was I notified? Because I think each Council person has the opportunity. **Gottschalk:** I can't keep track of everything. This is a responsible person, in fact, his brother lives on Hyannis. He's been there for 50 years. **Hardin:** I don't question the individual Mayor. I'm questioning the process. I think I have that opportunity without making it a circus. So again, I'm not going. I'm not scared. I'm going to ask you again. It was ward two and did you notify me? **Gottschalk:** I did not notify you, no. **Hardin:** You just found somebody. **Gottschalk:** I didn't just find somebody. It was given some thought. I talked with the church he goes to here in Oakwood. I talked to his brother and then the decision was made. **Hardin:** Ok, I want to go on record. I'd like to check the Charter. I'd like to see what the process is because I want to know why and how it was done without me knowing it. And that's because I am concerned. I would have appreciated even a courtesy that it was done. All right. Thank you very much. **Jackson:** Mayor what are we going to do about them big old... I'm so tired of looking at it. **Gottschalk:** We originally were going to put them on our entrance to our community park. The church was not happy about it, it didn't fit with their building. So now we're planning on putting it where the new site will be. Whether it's premier or Kroger on the entrance over there, so that's where they're going to go. It's going to be on the street. You're going to need a lane going from Alexander Road into the site, and that's going to be the entrance. **Howse:** I just wanted to clarify something. I was only talking about the CRA. CRA's you are required to fill out an application. I didn't say anything about TIF. **Williams:** Well, I'm just reading the top of this application. It says CRA and TIF application. **Howse:** But if you're applying for CRA, the portion of that must be an application for the CRA, not the TIF. **Williams:** So, I know our Charter, I'm just thinking about what I can remember that's in there. When a vacancy happens, then there's a certain time that the Council person has to operate within, and if they don't, then the appointment is made by the Mayor. But if you're never notified of that vacancy? **Gottschalk:** No, the Mayor makes that position, not Council. **Climer:** There are certain positions where Council does appoint and if it doesn't act, the Mayor can. Honestly, I need to read. **Williams:** Because my thing is if it does become vacant and you're supposed to fill it but you're never notified of the vacancy. You can't just go to appointing if you haven't followed the process. **Climer:** I think that protocol varies from position to position if I recall correctly. **Williams:** I would like to know the process. **Gottschalk:** Planning, ARB, and Zoning, it's the decision of the Mayor. There are other committees that the Council has a voice on, and one of them is the Charter Review Commission and things like that. **Hardin:** Speaking of that, but I want to go on record and ask the Law Director as we speak. We're going into a time frame where we will be dealing with the Charter Review Commission, is that correct? Will you send out the information and the process and have us get started timely, please. **Climer:** Yes. **Hardin:** Thank you. **Climer:** I will say two or three years ago, we went through that very thoroughly. **Williams:** No, we did not. **Climer:** With the Charter review, we went through the Charter clause by clause by clause. **Williams:** No, there were several people that were appointed that said they felt that it was very rushed. So, I just want to make sure we have adequate time for people not to get rushed this

time. **Climer:** Yeah, that's fine. **Warren:** Well, I was on it and I thought that it went according, nobody that I heard felt rushed. **Williams:** Did you ask? **Warren:** Who do I ask, everybody that was on it was a representative of each ward. The Mayor chose two and each representative of the ward conducted the meeting. **Williams:** I'm just saying you said you heard, so I'm asking you. **Warren:** No, I said I didn't have a problem with it. I didn't see that it was a problem, and I didn't see that it was rushed. But it's a different opinion. Some people catch on slower than other people and or things of that nature. **Climer:** Yeah, and that certainly wasn't the intent. **Hardin:** So, we're going to start very soon so that we have lots of time to go through it. **Warren:** Now we'll close the floor officially, and we'll begin with today's legislation.  
Floor closed.

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

Legislation:

2023-42	<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	<b>AN EMERGENCY.</b>

**Williams:** So, we're going to make the change to make sure that Montrose Ford is listed? **Climer:** Right.  
**Williams:** I was confused also where if it says, "for the purchase or lease," are you saying it should say for the lease purchase? **Climer:** It is typically a lease purchase agreement that is finalized after the legislation is passed.  
**Williams:** So, where it says, "for the purchase or lease", that shouldn't be changed to lease purchase? **Climer:** It permits either, this is a lease purchase agreement. It is a lease that ultimately results in the purchase of the vehicle. **Williams:** Ok, cause above it says cause affective to purchase. So, I am wondering if the language should be consistent or not. **Climer:** If you want to amend that, we'll be happy to do it. **Williams:** Do you know the required amount you have to go out for bid? **Climer:** It's exempted when you go through the state purchasing. **Williams:** There is no required dollar amount? **Climer:** There is no required bid. **Williams:** What is the 101 fund again? **Thompson:** Vehicle lease purchasing budget. **Williams:** Between the two do we have \$145,000.00 to pay for this outright? **Thompson:** What will happen because of the structure of the purchase. we have escrow funds where the bank will pay the whole thing. We'll put the appropriations over to cover the lease every year. **Williams:** So, is it a finance agreement? **Thompson:** Yea, ultimately we'll have it after this piece coming from First National Bank. **Williams:** So, that will be an attachment to this legislation? **Thompson:** We have the line already. If you remember some time back when we did the million dollars. We still have approximately \$350,000 left in escrow. With that once we receive the equipment they will go ahead and send the vendor the \$145,000. Then we'll just service the lease payments and appropriations every year. **Williams:** This is from our original deal we had, now we are basically utilizing those funds. **Thompson:** Yes to balance it out. **Williams:** So that will be added to that? **Thompson:** Yea, I share the schedule for the lease payments. Some lease payments expire as well. Then we get new ones, but I will get that exhibit. **Williams:** Do you know if these three are replacing old vehicles? **Thompson:** He has a certain rotation. **Gaither:** That is what the Police Chief said. **Williams:** Do you know how long it's taking to fill orders for the vehicles right now. **Thompson:** At least two years, it's really out there now. **Williams:** So, if we place these orders they won't come until... **Thompson:** I think for the end of 2024, if I am not mistaken. **Williams:** This wouldn't impact his fleet if we didn't approve this right ow correct? **Thompson:** I would say it is because he wants to upgrade and had some

concerns about his Tahoe repair bill. **Williams:** Do we have three other vehicles he'll be using in place of these three? **Warren:** They are going to use the same vehicles in the fleet. He will retire the oldest, get rid of them, and put these in that place. **Williams:** I am asking because we haven't seen our finances since the end of August. So, to add more debt when we don't know where we stand financially. To me, it's a concern. **Thompson:** We do know where we stand. I do have to close out the current month. But we did have one of our best closes with approximately \$500,000 and \$1.3 million is all funds. **Williams:** In August? **Thompson:** Yes. **Williams:** That could have drastically changed, we're going into December. **Thompson:** It hasn't, we've been trending upwards. **Williams:** But you don't have that on paper. **Thomson:** Not on paper but we moving to close it. **Hardin:** Can we have some of that Thursday. **Thomson:** I will already be providing potential request for the document, so you can see it. **Williams:** Here's what my expectations are, and I can't speak for everybody. You are the Finance Director when you're short staff. To be at the beginning of December to have had so much in front of us financially. We don't have our financials up to date. What I need to see before approving three new cars is the closing out of the year. It doesn't sound like it's going to impact his fleet; he'll still have cars to use. I am thinking about all the things we just passed. The roads, all the things in the coming years. Not to know where we are about to end, not to have anything done up and through December. For me representing people as an elected official. I can't go to people and say I made a sound decision knowing where our finances were. **Thomson:** A lot of the things you approved throughout the year. Has already been appropriated in our process from 2023 to 2024. We are moving diligently to close the books, I do have real time numbers, income taxes are trending... **Warren:** So, you're going to have the financial information? **Thompson:** Yes. **Warren:** Anymore more questions Ms. Williams? **Williams:** You can move on. **Climer:** Next item on the agenda is ...

2023-43  
 Introduced 11-28-23  
 By Mayor and  
 Council as a whole  
 1<sup>st</sup> reading

**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**

2023-44  
 Introduced 11-28-23  
 By Mayor and  
 Council as a whole  
 1<sup>st</sup> read

**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

**AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY CARDINAL REALTY, LLC., LOCATED IN OAKWOOD**

Council as a whole  
1<sup>st</sup> read

**COMMUNITY REINVESTMENT AREA NO. 1**

2023-46  
Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read

**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

**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 table legislation 2023-47?

Motion to table legislation 2023-47, made by Gaither seconded by Matlock  
YES VOTE: Warren, Gaither, Callender, Matlock, Williams  
LEGISLATION TABLED; MOTION PASSED

2023-48  
Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read

**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**

**Climer:** I would suggest a motion to add exhibit A that was omitted. Warren: Can I get a motion to add Exhibit A to legislation 2023-48.

Motion to add Exhibit A to legislation 2023-48, made by Callender seconded by Matlock  
YES VOTE: Warren, Gaither, Callender, Matlock, Williams  
MOTION PASSED

**Warren:** May I have a motion to table legislation 2023-48?

Motion to table legislation 2023-48, made by Matlock seconded by Callender  
YES VOTE: Warren, Gaither, Callender, Matlock, Williams  
LEGISLATION TABLED; MOTION PASSED

2023-49  
Introduced 11-28-23  
By Mayor and  
Council as a whole  
1<sup>st</sup> read

**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 table legislation 2023-49?

Motion to table legislation 2023-49, made by Gaither seconded by Matlock

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

LEGISLATION TABLED; MOTION PASSED

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

Motion to adjourn made by Gaither seconded by Matlock

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

MOTION PASSED

Adjourned at 9:14p.m.

Approved \_\_\_\_\_

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

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



**VILLAGE OF OAKWOOD  
FINANCE/BUDGETARY MEETING MINUTES  
2023-11-30**

**ATTENDANCE**

Elaine Gaither, At- Large	Brian L. Thompson, Finance Director
Eloise Hardin, Ward 2	Mark Garratt, Police Department
Paggie Matlock, Ward 3	John Freeman, Police Department
Candace Williams, Ward 5	

**ABSENT**

Ed Hren, Village Engineer	Carlean Perez – Recreation Director
Ross Cirincione, Prosecutor	Tom Haba, Service Director
Mary Davis, Ward 4	Daniel Marinucci, Chief Bldg. Official
Johnnie Warren, President	Chris Callender, Ward I
Gary V Gottschalk, Mayor	Dave Tapp, Fire Department
James Climer, Law Director	

*\* Arrived after roll call*

---

Meeting opened at 6:03pm by Gaither  
Pledge of Allegiance  
Roll Call taken

**Gaither:** We are here for the budget. **Thompson:** Thank you Madam Chair, tonight we have your Police Department up. He will discuss the Auxiliary budget as well. He has provided his documents for discussion. I added a familiar piece along with his budget. Pretty much lined it up with what he's discussing tonight. I put a little history in there from 2022 to current approved budget for 2023. At this point I will let Chief Garratt and Captain Freeman take over the meeting. **Garratt:** Thank you Brian, Council if you would refer to the handout I gave you. Just like we do every year I have the Police and Auxiliary budget. If you turn to the third page, there is the current Police Department organizational chart. This chart as indicated with the two full-timers we discussed in previous meetings. I did not budget any part timers for 2024. Ms. Williams you and I talked about that a while back, there won't be. The two future hires are for full-time only. The only part-time worker we have is Officer Smith. That's carrying over as long as he's going to stay. Then there's the Records Clerk and Administrative Assistant. The reason there are two Records Clerk. One of them is part-time and one fills in for one when she's on vacation. Auxiliary Officers, it is still just one, Officer Jaros.

**Hardin:** Where is the dispatch lady? **Garratt:** Linda just resigned; she couldn't dedicate the time due to personal matters. She's been replaced by Relich. That's the new Records Clerk who started on Monday. **Hardin:** Does she do any dispatching? **Garratt:** Yes, she's also dispatch certified, LEAD certified and quite a resume. **Hardin:** She works full time? **Garratt:** Full time and has a master's degree. She is brand new starting off but excelling quickly. **Hardin:** Where did she dispatch from before? **Garratt:** Cleveland Clinic Police. **Hardin:** Thank you. **Garratt:** Next set of pages gives job description for each level in the Police Department for you to read at your leisure. Then there's the

total budget if I can draw your attention there. I would like to start and go through each line item. This is for the 2024 compared to 2023 in total budget. As you can see Police wages increased by \$88,000, that's the 5% increase approved for 2024. **Matlock:** 5% each year? **Garratt:** 5% for 2024. **Matlock:** What is it for 2025? **Garratt:** 6%. **Hardin:** In 2023 you got 3%. **Garratt:** Correct. **Hardin:** 2024 you get 5%. **Garratt:** Yes. **Hardin:** 2025 you'll get 6%. **Garratt:** Yes. **Hardin:** This is part of the contract? **Garratt:** Yes, overtime we stay on our overtime. Not going to increase that at all. All this stuff we're budgeting, if I put in for it and I don't use it, it stays. If I budgeted an extra \$500 somewhere and I didn't use the money. It's not used, it's not utilized anywhere else. **Hardin:** You budget \$40,000 last year, how much you use? **Garratt:** Brian do you know exactly what amount? **Thompson:** If you look at the couple pages of handout. Ending 2022 was \$28,216.67 and through 11-30-2023, you have \$22,209. **Garratt:** There will be more over time coming up before the end of the year. We work 24hrs a day and there will be holidays the officer's work. **Hardin:** Why is it different this year than last year. **Garratt:** It is not, I'm just telling you there will be more overtime coming. The other two are the matching pension that comes out and Medicare increase. Police Car Outlay is stuff we do for the new Police Car's. It's budgeted for the two new cars we usually get every year. We took our canine unit when we have promotions. We had a Sargent position available, the person that made Sargent was canine unit. We kept the canine in our office and use him back and forth. However, his car was shot, we put a new engine in it years ago, and it was done. When Wendl made sergeant his canine had several more years of work life. We had to take one of our cars and get him a new canine car. It wasn't brand new; it was used but we converted it over. It cost twelve something thousand to put a cage in back and get it set up for a dog. That's why we usually keep them for five or ten years. So, Vehicle Outlay generally goes for sirens, lights, radio, and dividers. Every new car has a new divider. For some reason they can't use the ones from before. They won't fit in the car properly. I think the manufactures understand this. Center console is another one and cages. Generally speaking, we don't really have to replace the radars and radios every year. Generally, it goes for \$20,000 per car. That's why it's \$45,000, I'm not going to change it even though I'm asking for three cars. Because I still have money left over that I can appropriate some of that money to do the third car. There's more things that come out with vehicle stuff. That money, I will have a balance. I'm waiting for you guys to review the legislation. I'm sorry I was not here to go over legislation and answer questions. Once you guys approve me on that. I can take some of that money from this year's budget and roll it over to next year's to do the additional car. We are doing three cars, it should have been two, we always do two. Now I have four cars at or above 100,000 miles. They are going to kill us here on repairs. we've done two cars for thirty years since I been here. This year it's almost impossible to get cars. Tommy has been waiting a year to get a truck. All Police Departments are going through the same problems. We had a lot of problems with the Tahoe's and we're going back to Ford. Mainly because the problems and secondly I can only get the Fords. That's only because we've been on the list for eight months. They have three available to us if it comes in before the end of the year. That was an issue I had with the cars the other day at the meeting. I wanted to explain, and I know there were some question. In the legislation, if there is something you need changed, I would like to get that done. I want to answer all questions that. I'm only going for these three cars; I didn't get any cars yet this year. I would like to do three cars now and I won't do anymore next year. So, three cars in two years instead of four cars in two years. We would be saving \$43,000, that's my goal. It will actually be an extra \$20,000 from the Police Outlay too. **Hardin:** The three is predicated

on the fact you have money you're rolling over? **Garratt:** No, that's for the vehicle outlay. I usually want to remind you guys. Every citation we write I think it's \$6 a citation that goes into a fund to help pay for the lease payments. We set that up years ago, I don't know the balance. But I will ask the clerk and have it at the next meeting, just to give you an idea. That money goes in the general fund for Police payment on leases. Those leases generally last three years and we buy them out for a dollar. We've always done that, in all the prices, no matter what dealership I go through, it's a state bid price. **Hardin:** You mentioned a bookkeeping process. Now the question to Brian is, is that how you do it? **Thompson:** For example, on the spreadsheet, he put \$45,000 for Police Outlay. So, maybe he gets to the end of the year and only spent \$25,000, he has \$20,000 in appropriations left. All he'll do is encumber the dollars as an outfitting for one of the new cars. That rolls on top of the budget for next year. So, that's how he would accomplish that. **Hardin:** How are you tracking the money he mentioned with the traffic ticket? **Thompson:** They give us a report every month from the Clerk's office. Then we meet with Clerk's and go over the balance. **Garratt:** Either way it goes into our general fund, then the payments come out. **Hardin:** It's a wash but that is how it's done. **Garratt:** Not a wash but it helps contribute to the payments. SEALE Narcotic Task Force won't increase either, that is \$28,000. What that is, that's our SWAT team, Bomb Squad, Narcotics Unit, Investigation team, Critical Incident team, and Missing Person Unit. What that does is, seven cities, Bedford, Bedford Heights, Oakwood, Solon, Garfield, Maple contribute to these funds. We have Officers from all over, so we have this emergency service, as necessary. Any major disaster or serious crime we have those units available to us. That won't increase, it hasn't increased in years. Printing and Reproduction won't change, we use that for a variety of stuff. Not necessarily office expenses but more like our letterheads, our prints, stuff we put out that needs to be printed. Professional dues, some are membership that includes the Captain and I. We are both members of several different organizations that help direct us. We stay current with the newest and latest crime strategies, crime preventatives, and techniques. That will go up \$500, it's more around three hundred and eighty something dollars, but I put five hundred as a buffer. Contractual services, this is kind of the meat and potatoes of the contractual account we use every year in the department. All traffic solutions on the left, that company provides software and data keeping for our speed trailer. We can monitor on the speed trailer while it's on or off. A lot of times people see it and slow down. If we get complaints, we put it out there, we won't turn it on. We want to monitor it, then we turn it on to display the speed. You see the flashing lights indicating you're going too fast. Records are all kept for us in this software, this software is very valuable. Also, if somebody strikes or damages it, we would be notified via cellphone. Amazon we order a lot of stuff through Amazon, so we keep prime for free shipping. Axon is our taser company. We have warranties on our tasers and that's what the line item comes under, five-year warranties. That is on all of our taser, these tasers are super expensive. The Captain is in charge of all the training. How many have we sent back under warranty? **Freeman:** They replaced them. **Garratt:** That warranty has saved our butts many times. **Freeman:** Taser are probably over \$1200 each, you almost have to have a warranty on it. BCI, criminal investigation and identification, that is what we use for our DNA testing and fingerprint analysis. Bedford Heights Range that's our indoor shooting range, for pistols only. We shoot every other month. We stay current on our training. You have to qualify once a year, but we train every other month. Dispatch through Bedford Heights they help us out, it's a good working relationship. They haven't hit us hard with any major bills. **Williams:** I thought we just signed that contract. **Garratt:** That's dispatch, not

range. They also have a physical range underneath their building that we use. **Williams:** That was a Bedford Heights dispatch contract? **Garratt:** That has nothing to do with this. The Bedford dispatch contract doesn't have anything to do with the range. We also have a contract with them for dispatching. **Matlock:** How is it working so far? **Garratt:** It's working good for us they just had a lot of brand-new dispatchers. They are doing well, things are going well, we like our relationship with them. They help us, we help them. I keep that \$2500 there but they haven't sent a bill in a while. We also have training incentive; we have a simulator, and we invite them to come and use it. **Garratt:** Next is Concentra, they are the ones who do our drug testing. If we have an Officer or someone gets involved in an accident. We require they take a drug test and alcohol test immediately. Cuyahoga County Coroner's office, that's where we do our blood work testing for OVI. We have picked up on our OVI's, I increased that \$500. Discount Tire does our tire repair and mounting. Tires are very expensive, I got four new tires put on the Police car today. It was \$1031.00 for one car. We don't generally buy tires from them, however, if tires aren't available we purchase through them. **Hardin:** Who do you get it from? **Garratt:** We get the fleet tires from them now. We used to get them from Tredlock, we use to get them but in bulk. But the problem we had was one, storage no room to store it. We used to store it at the towing agency. Then we started getting the Tahoe's because we couldn't get Ford. Now all the wheels we had are no good because it's different tires. Didn't make sense we were losing money. **Hardin:** How many Tahoe's we have? **Garratt:** Three, so we order as needed instead of bulk. Finishline and Wheely Clean, that's our car wash fleet. we go to two different car washes. They are going up a bit each one of them, so I'm just buffering \$500 in case. If we don't use it, great. Guardian/Target that's our yearly renewal. Yearly evaluations never set right with me. Because you never know how to evaluate somebody every six months. That is our software system we've been using for last 5/6 years. Coaching, counseling, or good stuff Officer's do on a constant basis. For my Supervisors, Captain, and myself to do constant evaluations on Officers, where training is necessary. Especially with all of the problems law enforcement has, we want to stay current. Re-certification of our radars, we have an additional vehicle from two years ago, I know that went up. So, we are going up \$400, I put it to \$1200 just in case. IGV is website hosting and security, that won't change. The refresh we do, I think this is a year for a refresh. They charge accordingly we're not going to change that. Lexipol is our policy and procedures that has all legal updates. That is a company we used a few years ago. One of the issues when I took over as Chief, we had constant problems with constantly updating the policy and procedures. We've had three different Law Directors since then. It's very difficult to get information from Law Directors because they have a million other things going on. That keeps us up on everything, 70 lawyers that work just for Ohio. That updates our laws, pushes it right to us and we do approvals. It changes our policy and shoots out to all of our Officers. They get a quick questionnaire to ensure that they understand the new policy changes. Microsoft email, that is going up also, went from \$1500 to \$2000. So, it gives us a \$200 buffer. Planit is a yearly renewal that is going up a bit. That is the software we use for all our scheduling and payroll. I can't tell you how essential that is. Emergency call ins, like when *I. Schuman* blew up. When we needed people immediately, we hit one button and people were coming. The PMI evidence software, that is the barcode we put on all the evidence we take in. We have the scanner, and we keep everything organized basically, it's \$500.00. Polytech is our polygraph people; it is for hiring. I increased it by \$500 because when we did polygraphs for the last two hires, it was more than \$3000. Portage Sheriff is our outdoor range, that is what we use for our rifles. You can't

use rifles at the Bedford Heights range. It's \$1000 so we're leaving it alone. Ramsey won't be the same name, the owner Pat Ramsey passed away this year. That is our promotional testing, we did the Sargeant's promotional testing. I always leave it in there, lucky thing I did. Because we do have three supervisors that may require promotional testing. Rich's Towing is for vehicles we tow that's not covered for some reason. we have to tow on our own expense. We tow for vehicles used in crime. We are not going to get that through the person's insurance, but we tow keep it in our possession. TAC computer runs our whole computer system. They are constantly going up every year. Tattletale is a tool we use in the Detective Bureau; we can put a device on driveway. Or if a business gets break ins after hours we can put that securely somewhere. That sends a message to specific Officer's on duty that someone broke the barrier. TLO is a software we use for investigation that gives us information on people. We use it all the time, for traffic stops, backgrounds on potential employees, and any hire in the Village. Toshiba is our copier, TrendMicro is our virus software for anything not stuck in the building. Laptop's, MTD's, etc., that is carried out of here, it is locked into our system. **Hardin:** In the vehicles? **Garratt:** It can be, but if we are at the training center we have a laptop down there this is all the virus protection. University Hospital, new hires have to go through medical testing. Verizon cellphones and MDT's, that's going up \$1600. We just changed over to new cell phones and upgraded a couple networks that keeps us more encrypted. That's so people can't pick up scanners and hear. Bedford Heights Dispatch Contract, I read the contract they have a right to do an increase, they have not. Generally, it's 3% but it doesn't have a percentage in there. It has to be agreed upon by both parties. I put 5% in as a budget; I don't think we will need it. But I don't want to go halfway through the year for something that hasn't been approved. **Williams:** What is the clause in contract? **Garratt:** It's open ended, it's like a cost-of-living expenses. That has to be negotiated and agreed upon. **Hardin:** Does the contract state who negotiates that potential increase? **Garratt:** Yes. **Hardin:** You just said council? **Garratt:** Not specifically the Council but it has to be agreed upon by the two Councils. It will probably be negotiated with the Mayor's and then brought to you as a body to approve. It may not increase. **Matlock:** You're just putting it there as a buffer. **Garratt:** I talked to Police Chief over there that oversees dispatch, he told me it won't increase. I read through the contract and invite you to read it too. I just don't want it to come up without having some money allotted in case. **Williams:** Is there a time frame? It sounds extremely open-ended to be in a contract. I know we approved, and I remembered reading it but there is no time frame for it. Because when we do our budget, I know Bedford won't sign it over to us. **Garratt:** I can print it out, all other contract is a 3% increase each year. Here's the other thing, they are not going to increase it. I don't want to poke the bear and they say oh yeah lets increase. **Williams:** I follow, I'm not unclear but when does that contract end? **Garratt:** There's a time frame on the contract. I think what you're looking for is a timeframe for them to come with an increase. **Williams:** Yes. **Matlock:** When did we sign? **Garratt:** (Stepped out to print contract). **Hardin:** I get calls asking where our calls are going to. Because when you call Bedford it's like they don't know you're calling in from Oakwood. Are they not designated? **Freeman:** They have their own lines for Oakwood Police Department. Usually there's two dispatchers there. Both dispatchers may be working for Oakwood. But if something happens in Bedford Heights one dispatcher moves. **Hardin:** But it does come in designated? **Freeman:** Yes. **Hardin:** Thank you. **Garratt:** We signed November of 2022. **Williams:** I'm looking for the Auxiliary job description. **Freeman:** Chief did you put a job description for Auxiliary? **Garratt:** It may not be in the package. **Williams:** But they do have a separate description? **Freeman:** Yes.

**Garratt:** Reads the Dispatch Contract for Council. It has to be announced by October first for the following calendar year, so that covers it for 2024. So, I put the 5% increase, I don't think it will be used, we haven't been notified by October. Hopefully, we can just leave it alone and not poke the bear. Walton Hills we still pay them for the connectivity of the radios. We have a monthly fee when we got the radios we were Walton Hills dispatch. So, they still incur a fee, we pay for each radio. That's for all the Police Cars and Dispatchers here in Oakwood not Bedford Heights. Watch Guard is the company we buy body and Police cameras through. This is the company that met us halfway on the grant. That's a \$24,000 grant for ten radios, we are responsible for \$12,000, it is already in my budget. We accepted the grant, it's kind of a big deal because our cameras are out of date and need new ones. They are really expensive if you have to buy new ones without a grant. Watch Guard server warranty that is another server. We have got new cameras we need new servers to run the cameras. We put in a grant for it, but I haven't found out if we got the grant yet. I budgeted it just in case we don't get the grant. **Hardin:** So, two grants one for the server and one for the cameras? **Garratt:** Yes, and the grant for the server includes more cameras we don't have to pay for. **Williams:** One time warranty for camera or annually? **Garratt:** Annually, IACP/OACP/CCPCA, Captain Freeman is on with me now. We are both members of those three organizations. This is our networking we do locally, out of state and internationally. Spectrum Wi-Fi, we found a better way. We get the new update from Verizon, and we can use Verizon hotspot off our phones instead of Spectrum. We budget for that and that fell off. If you go back a few pages to the total budget. That takes us down to contractual services, that is why there is a \$9790.79 increase. That was from all those items discussed. Training cost has been good, we haven't exceeded that. Mostly because the state reimburses some of the training cost. Canine expense are canine expenses, prisoner expense is through Solon. We are still on the contract, and it won't exceed 2024. **Hardin:** We pay that to who? **Garratt:** Solon, they do our jail, it used to be Bedford Heights, but they shut down the jail. **Hardin:** How much we spent so far? **Thompson:** \$29,691. **Hardin:** \$30,000 and we budgeted \$50,000. **Garratt:** \$5600 a month but I budgeted a little more if any prisoner needs medical attention or prescriptions; we pay for that. Secondly, it looks like we spent only \$30,000 so far this year, but part of it from last year rolls over. **Hardin:** Look at 2022 you spent \$18,000. **Garratt:** That is when we started that. **Hardin:** What does that mean when we started? **Garratt:** When we started the contract in 2022 it was at the end of the year. **Hardin:** It wasn't a full year, ok. You made a statement that we are responsible for their medical. What if someone needs a heart transplant? **Garratt:** Depends on what we arrested you for. Say we arrested someone, and the prisoner has chest pains and we arrested for petty theft, that is a personal bond. We release them, if it was for aggravated robbery but has medical expense that is something serve. We turn them over to the County, once the County takes possession, it is on the state. If you noticed I haven't come to you with a \$25,000 surgery for a prisoner. We don't allow that; we are on top of that. **Hardin:** I don't know how a personal bond works. **Garratt:** It's a signature bond that says you don't have to post any money. **Hardin:** What if I say I don't want to. **Garratt:** They don't have a choice. **Hardin:** Ok, I got it. **Garratt:** Uniform allowance went up \$200. **Freeman:** For the new clerk. **Garratt:** Bullet proof vest went from \$900 to \$1100. Secondly, they are on a 5-year shelf life, we replace them every 5 years. They are staggered through the department. Thirdly, we get reimbursed for most of the cost from the state on the grants. However, this is a year that more people are coming up with it. We have to pay for it then get reimbursed, that is why it had to go up \$5,000. Because we have seven more coming up, they are

\$1100/per vest. If I don't have the money in there then I can't pay for them. **Hardin:** So, we can really say it's a wash basically. **Garratt:** It is a wash, that's how we've been running it all the time. Travel and Transportation we do a lot of training. Some require transportation including air fees. We have a class coming up in May. We bumped it up \$1,000, if we use it fine, if not ok. Here's where I've had my issues this year. Repairs on the Tahoe's, they cost almost \$2,000 to do the breaks. We had a Tahoe that was fortunately under warranty, with 15,000 miles that needed a new engine. I don't understand it, the breaks squeak constantly. Instead of going to a dealership we took it to local ones around here and it was still expensive. We had to move funds around, I had \$1500 left in my budget. I got a \$1600 bill that day for repairing a car. Since then, I got more repairs, and it wasn't enough. **Hardin:** We got these through the state bid like we always do right? **Garratt:** Correct. **Hardin:** Do you report it to the state, so they know. They aren't doing you any favor by letting you buy bulk. **Garratt:** You don't report the issue to anybody. The state bid is not because of bulk, state bid is because they want to cut down on the taxes. Our car is not luxury, but they have better suspension and stuff that matters. The lemon laws went into effect, but we didn't meet the criteria of lemon laws yet. I wasn't allowed to get two cars because we couldn't find them to replace them. Last year 2022 I didn't get cars. I'm paying for it now is basically what I am saying. **Hardin:** What happens to the old ones? **Garratt:** One goes to auxiliary, road jobs and side jobs. We charge people to use the vehicles. **Williams:** When you make a decision to buy a new model. Does anyone do research on the cost of repairs? **Garratt:** We do a total cost analysis on the vehicles themselves. But we are limited on what we can get. Ford stopped making Police packages. So, we were left to Dodges, which would fall apart we have a problem with it. We went into Chevy, if you go in any agency you'll see Chevy's. That's all we can get; they stopped making all the other Police cars. So, we didn't know about issues because nobody knew about the issues. It's a brand-new Police model one, every city is complaining about the same thing. **Williams:** This was the first year for that? **Garratt:** Yes, for that model and that was our issue. It was the only thing available from Covid. A lot of it they blamed on covid, but either way I was limited on what I can get. It's cool looking and everything but not worth it. Ford is what we are going back to, they have been good. Ford also allowed me, Chevy didn't. But I did a maintenance package with them for like \$2000. They covered repairs including brakes and windshield wipers. I hooked into three Fords, that is all I can get. If I don't I do not know what we will do. Our expenses will go up more than that. I had to increase the cost of repairs. I don't know if any of you done anything with your cars. **Matlock:** They are expensive. **Garratt:** They've gone up tremendously. Just a regular oil change was \$15.99 every other place, now it's \$35. If don't rotate tires then it voids warranty on my tires. **Freeman:** We ended up going to the place in Oakwood because dealers... **Garratt:** They were killing us. Bodywork too, we don't do the bodywork at the dealerships anymore. When I started as Chief, we paid 3 quarters of a million dollars at Liberty Ford. For vehicle repairs, not new vehicles, too much that's crazy. Another thing that slowed us down is the UAW strike. They have an issue too with getting vehicles and they still haven't caught up on manufacturing. These vehicles we are getting now are 2023's not 2024. **Thompson:** When you do the warranty they go direct to the dealer. They don't really have a state bid purchasing for warranties right? **Garratt:** Right. **Thompson:** When you mention your milage being high on the Tahoe's, what's been equating to that? **Garratt:** It's not on the Tahoe's it's the older car. Then we would replace other vehicles too besides the fleet cars. Detective car we are down one and we haven't replaced it. We may take one of the older cars and make it the Detective car. **Hardin:** How are you

going to catch up? **Garratt:** Well, the three cars will help if you allow me. That will take me through 2024 and in 2025 we will get two, assuming we could get it. Office supplies we're not changing that; gas has been fine will keep it. Let's jump to equipment, range equipment and targets that's \$3,000. I see no need to increase it. Police fleet tires are just the tires themselves with mounding and balancing thing, won't change that. Uniform patches increased and we need new ones this year. **Hardin:** Why are you changing patches? **Garratt:** I'm not changing, we need more. We're almost out, all we need is day patches. Detective Bureau equipment all of them have a shelf life, that price is fine. The taser cartridges. **Freeman:** Each cartridges, the duty cartridge the ones we use when working is \$50 dollars. **Garratt:** Each. **Freeman:** The training cartridges are \$48, it's not like you're getting a deal with the training one. To be certified in the taser, each Officer has to shoot two. So, every time you train, you'll spend at least \$100 on cartridges. If they take someone out in the field, you'll have to replace it with another duty cartridge. We kind of run through them because each guy has to get trained. We're talking twenty guys at \$100 each. **Hardin:** How often do you have to train them? **Garratt:** Every year and if you don't meet the criteria, they won't back you legally. If you follow the protocol and you use your taser in the proper manner. They will back you legally and they will at no expense. Ammunition I had to go up on that, we can't even get them right now. Our dealer that hooks us up, he had one crate at the old pricing. He saved us ammunition; he has 10,000 rounds of practice ammunition. He got us 400 rounds of duty bullets. The increase on ammunition, is every time shootings occurs, there's no ammunition and no guns. The conflict going on in Israel is why we can't get them. Because the companies are giving that to Israel because it's more money. Brian and I did projection on it, I would be under \$1000,000 under my budget projected. Even with the overage on the repairs. I constantly have printouts regarding what is spent, where I am at, and what's put into what line item. If I see it where it shouldn't have been, it needs to be in the right line. Generally speaking, we are really good. We work closely, Brian's new hires are fantastic, they really have been well. Workstation, our Police computers, I'm going to need four of them next year. Mines haven't been replaced since 2017, it's bad, it's slow. We stagger them, it has to go up because taxes are going up for the price of them. Promotional products stay the same. Body cams stay the same, we are waiting for the grant. New radars in cruisers are \$2500 apiece. We've been upgrading them; this project will be over several years. We did two last year, two this year and that's five thousand dollars. It's important because if we cite people, which we do. We need updated equipment that is calibrated and respected and honored by the court. Replace MDT expected in 2023 is \$4,500, we'll keep that the same. MDT is the mobile data term; those are the computers in the Police cars. We stagger those too so we are not incurring extra expense. MDT/E-cite and the mounds we did the last couple years have fallen off. We're done upgrading those, it has all been purchased. That's \$4,000 we don't have to pay again. We've reduced first responder medical bags we get grant for those. Staples, that's our toners for printer. That completes my Police Department budget. Auxiliary budget, the only change is the 5% increase for the one Axillary Officer. **Williams:** Do you have a schedule you work from that tells you when your fleet needs to be retired? **Garratt:** Yes, we have a Sargeant that monitor's all of our equipment. **Williams:** Can you export something to print and put it in the budget? **Garratt:** I probably could. **Williams:** Remind me why we did 5%, then 6%? **Garratt:** That's what was approved by FOP due to cost of living. Also, in prior contracts it's been 0%, Officer's didn't get increase for a couple of years. There were two years but not 100% sure which years. **Matlock:** Who's a part of those negotiations? **Garratt:** I am a middleman between the Mayor and the Law Director. I



help them differentiate between what the FOP is asking for. The FOP has a negotiation team, three Officer's that represents the body. When they ask for stuff I interpret that to Mayor and Law Director.

**Williams:** Do you know how many people you have that are eligible for retirement? **Garratt:** Three.

**Williams:** Like right now? **Garratt:** Right now, any other questions? Thank you. **Matlock:** I know the FOP states for the Police Department to increase 5%, then 6% next year. Administrative, are you guys following the same guidelines for FOP for administrative? **Thompson:** Yea. **Matlock:** How? Is administrative under a union? **Thompson:** No, we are all at will workers. Historically, with the FOP increases followed suit. Administrative gave it to the at will employees as well. **Matlock:** Who did that? **Thompson:** The Mayor. **Williams:** So, I know we set some precedent but we talking 11% over two years for the entire Village. It sounds like a decision was made without Council. We have to actually approve this budget. What you've done is directed all of the department heads to increase by 5%. Which sets a precedent that we may not be ok with approving. So, I'm just throwing that out there, what's done is done. I would say in future years we don't have to follow the FOP contract. There's a lot of things out there, insurance, stop loss gaps, end of the year numbers. A whole lot of things we need to consider before we say the entire Village should increase by 5% and then 6%. That's a significant assumption. **Thompson:** I won't put out 6% before we go into 2025. **Matlock:** Didn't they just get an increase in 2023? **Thompson:** That was a three percent. **Matlock:** I understand we need to follow the FOP for the Police Department because they are a union, it's a contract. The rest of the city is not a contract. **Williams:** It's not an entitlement, you guys are killing us. Then we're talking about three new Police cars, and we keep saying we're not going to pay for that right now. What you're doing is putting it on the future Council members and future Village residents. You're just putting the debt off into the future. Our job right now is to be fiscally responsible for now and in the future. What I see is a whole lot of spending, spending, spending. The seven years I've been here we have been proactively defending not creating a contingency budget. We're not saving one penny; I don't even operate my house like that. We are spending all this money every year and then we're making increases. That seems to be not fiscally responsible in my opinion as a Council person.

**Matlock:** There's a whole lot that can be cut honestly. We can go through some places that we can save. **Williams:** I am going to tell you right now. You know there's new Council people coming in. It's not going to be something that I am going to sit back and not question us not creating a reserve budget this year. There is no reason we shouldn't have a reserve budget, every community around us has one but us. We can't say there's any precedent for not having one. **Thompson:** Ultimately, Council has the authority in the end to make these cuts. So, if that's the pulse of the Council then we need to be heading in that direction. There are just some things that need to be discussed and implemented. **Williams:** Implement something, we have been discussing this for seven years. I have every year I have been here said something. **Matlock:** Oakwood has moved forward in a lot of ways.

**Gaither:** Let me tell you something Ed Hren had told me. When he goes for grants, with the grant rating process. If we have unencumbered extra money sitting around, they take that into consideration. We may not get the grant. So, there's a balancing act that has to be looked at.

**Williams:** That's not fiscally responsible. Solon has a reserve budget and they're getting grant money. **Matlock:** Solon is a city; Oakwood is a Village. Their percentage wise and their budget is going to be much greater than Oakwood, because Solon has a whole lot more going on than Oakwood Village. **Williams:** That does not have anything to do with setting money to the side. **Matlock:** We would not be able to put money to the side like Solon, Twinsburg... **Williams:** That's not the point.

**Matlock:** We can put money aside, but it's not going to be a vast amount like Solon, Twinsburg, even Warrensville, Bedford Heights, Bedford. Because those are considered cities, we are a Village, we have less than... **Williams:** They are Villages across the state with reserve budgets. **Matlock:** Well, I want to see, I want to pull some records and see exactly. What they are holding, what do they have, and I'll tell you if it's a Village. I guarantee you those are Villages that are much more prosperous than Oakwood. I could pull some Villages, and those Villages have a lot of money, just capital out there versus Oakwood. Oakwood's medium on income is what? What can you say? You have mostly retired, mostly elderly, mostly those who are living off social security. They are not in the workforce anymore. This is their income, they cannot afford an extra one to two thousand added on a year, they can't do it. They are barely making it now. **Williams:** I'm not sure where we are going with this, but we cannot spend every dollar. **Thompson:** We do not spend every dollar, we also don't want too many reserves where... **Williams:** It's not about too many reserves, a reserve is meant to be restrictive. So, when you talk about getting grant dollars and you restricted a fund to be spent on X,Y,Z. They can't say because you have restricted funds we can't get you the grant money. So, there are ways to work through it. First of all, you haven't looked into it. The GFOA recommends Village, City, Municipality no matter the size, that's what it says. So, take a lot at it because it's there. **Thompson:** I'm not against the reserve, I will investigate the information. **Hardin:** We're going to look to you to help us set it up. Whatever the process, just get it started. We're asking you to give us the template to make this happen, now whether we do it or not, it's off of you. **Thompson:** I hear you loud and clear, I work this Council as well. **Gaither:** Anything else?

Motion to adjourn made by Hardin seconded by Matlock

YES VOTE: Gaither, Hardin, Matlock, Williams

MOTION PASSED

Adjourned at 7:42p.m.

Approved \_\_\_\_\_

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

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