

**VILLAGE OF OAKWOOD
COUNCIL MEETING MINUTES
2024-1-23**

ATTENDANCE

Erica Nikolic, President
Taunya Scruggs, Ward 1
Eloise Hardin, Ward 2
Paggie Matlock, Ward 3
Mary Davis, Ward 4
Candace Williams, Ward 5

Brian Thompson, Finance Director
James Climer, Law Director
Tom Haba, Service Director
Mark Garratt, Police Department
Ed Hren/Matt Jones, Village Engineer

ABSENT

Dave Tapp, Fire Department
Ross Cirincione, Prosecutor
Johnnie Warren, President Pro Tem
Daniel Marinucci, Chief Bldg. Official
* Arrived after roll call

Carlean Perez – Recreation Director
Gary V Gottschalk, Mayor

Meeting opened at 7:04pm by Nikolic
Pledge of Allegiance
Roll Call taken

Nikolic: May I have a motion to approve the minutes of Jan. 9th, 2024, finance meeting.

Motion to approve finance meeting minutes of Jan. 9th, 2024, made by Hardin seconded by Scruggs
YES VOTE: Williams, Davis, Matlock, Hardin, Scruggs, Nikolic
MOTION PASSED

Nikolic: May I have a motion to approve the minutes of Jan. 9th, 2024, regular Council meeting/work session.

Motion to approve regular minutes of Jan. 9th, 2024, made by Hardin seconded by Matlock
YES VOTE: Nikolic, Scruggs, Hardin, Matlock, Williams, Davis
MOTION PASSED

Nikolic: Do we have any correspondence from the clerk? **Joseph:** No correspondence.

Departmental Reports

Police- Garratt: Garratt: Thank you, as I mentioned, our canine unit did take a job at another location. He put his letter of resignation in, it was Josh Wendl and canine Argo. Also, we just had a slew of accidents. I think last Friday and Saturday we had fourteen accidents. Especially the guys who work in the bad weather. And again, this morning with the ice. Other than that, I do not have anything else to report, thank you. **Hardin:** What happens to Argo? **Garratt:** That is what we were discussing before. He will go with the handler one way or the other. Which I will bring to Council's attention at the next meeting. You are going to get a contract; he is going

to Geauga County Sheriff's office. They want to purchase the dog. So, I will bring a contract to you guys to approve and look at, at the next meeting. **Hardin:** Are you going to buy another dog? **Garratt:** Yes, I do not know when though. This dog is nine years old; he will be nine in March. The average work life of a canine unit is seven to nine years. It is reaching the end of its work life. Someone is coming either way, I will have more information. **Nikolic:** Any further discussion for Chief Garrett? Hearing none. May we hear from our law director?

Law- Climer: Climer: Thank you, Ms. President, I'm available for questions. **Davis:** You were going to email me or give to me the pay for John Mantello because he is in ordinance 2023-55. You were going to give me his job description. How will what he does be separate from what Ross will handle? If it is approved what would their pay be? **Climer:** I apologize if I misunderstood, I would get you that. **Davis:** Okay, thank you. **Climer:** I think the question was, what was Ross' present pay and then the proposed pay. **Davis:** And how they are splitting it. **Climer:** I apologize for the misunderstanding. It will say that they are proposing to split it 50/50, but I will get you that. **Davis:** Thank you. **Hardin:** My question would be, before I vote on this. I did not know the Mayors Court has a different functionality. I did not know that it is no longer in place. That being said, I think that would have some impact. What are these attorneys going to be doing as it relates to that process? That is one of my questions before even dealing with this. **Climer:** The Mayor's court is still in existences it is just not open here. There are still waiver fees here, as I understand it. In other words, if somebody gets a traffic ticket and they do not want to contest it. They just want to pay it; they come here and do that. If they are requesting a hearing, it is going to go to Bedford court. **Hardin:** I want to know specifically how that is going to impact the two employees that we have here. Just to put it quite bluntly, do we still need two Clerks here, to do whatever that they are doing now? We can either do it now or in a work session, however. But that would be the reason I am holding off on this. **Williams:** In addition to what Councilwoman Davis asked for. How do we track the cases that Ross has previously had? And whatever work that Mr. Montello was doing throughout 2023? I would like to see some breakdown of what they had been doing. What those hours look like, what those cases looked like. So, we could determine if split salary or hourly is more appropriate. We do not have any way of filtering through that. **Climer:** We can certainly count the number of prosecutions Ross has been involved in. And the number of cases that John has heard. But I do not think that is going to really be relevant going forward. We can also certainly track the number of meetings that Ross has attended with the boards and commissions. There really is not an hourly rate for either, they were both paid salary. I will look into what we can do. **Hardin:** I guess the dollar amount remains the same. The only thing is, they are going to split the same money, is that accurate or not? **Climer:** Correct, they are going to split the payments and split the same rate pay Ross is presently receiving. **Hardin:** So, the question then is as a Council. How does that benefit this community, to what benefit or detriment is it? What are the pros and cons of doing this? **Climer:** The pros and cons are number one, and again I am not sure what John's salary was as a magistrate. But that is going to go away. Number two, it brings some additional flexibility and brain power in the Law Department. There have been quite a number of times Ross and I needed to substitute each other. It will relieve some of the conflicts that Ross and I had with covering things. That is another brain at no additional cost in the Law Department. So, there will be some cost savings overall. You will gain an additional legal mind in the Law Department. Which will make distribution of the work easy. This is all at the same cost that we have been paying. **Matlock:** In section two, "The said employees shall be paid as follows: Salary \$26,775". Should that state it should be divided between the two, instead of saying each? **Climer:** That is the 50% number of what Ross was making. **Matlock:** So, really Ross is making about \$53,000 altogether. **Climer:** Right. **Matlock:** That is why I'm asking so... **Williams:** I think it was \$50,000, and I believe that includes the 5% already. That \$53,000 is with the 5% that we did not approve. **Climer:** I will get you the old number. **Williams:** Do you know when the Mayor's Court changed from, however, it was functioning to waivers bureau? **Garratt:** January 10th. **Williams:** Of this year? **Garratt:** Yes. **Williams:** And then if we do not approve this, is Ross not able to handle the workload

himself? **Climer:** I honestly, don't know what Ross's position would be on that. **Nikolic:** Any further comments for the Law Director? Hearing none, may we hear from our Finance Director?

Finance-Thompson: Thompson: Thompson: Thank you, Madam Chairman. Just, a couple the notes, we had a finance meeting today at 6:00p.m. I reported to Council that we started the year about \$236,000 in our general fund. Our unexpended balance by the end of the year was approximately \$330,000. Our balance after, encumbrances from the prior year ended at \$242,000. We had approximately four hundred and some odd dollars in the beginning with all funds. We ended with a little over \$1,037,000. We discussed some personnel issues that were noted. I will be updating some documents for Council, thank you. **Williams:** Can you follow up on this Mayor's Court since we just finished that conversation. This document that you gave us. It was stated in the last meeting that it was actually in the red. Like, costing us money as opposed to raising revenue. But are you saying that it actually was a revenue source by this document you provided? **Thompson:** Yeah, I just gave a straight accounting of what they collected. Went back to the actual system when they collected tickets. They collected approximately \$314,000 for the year. The budget that you approved for the Mayor's Court was \$188,412. That was the straight accounting for me, which would make a positive difference for the year. I would probably have to coordinate maybe if some of these cost is coming in maybe offset on this. Probably the dispatching or legal fees they may be doing. But actually, Mr. Montello was in there. He is included in that Mayor's Court, what he is getting paid. So, this is just a straight account. \$314,000 collected, their full budget they spent \$188,000 for the year. It is just the straight numbers in your yearend reports. **Williams:** So, there could be other costs from this. **Thompson:** Potentially I think it could, but that is the positive difference. **Hardin:** I can recall that there has been money generated by the Mayor's Court. To the point that the Mayor used those funds for certain purchases. Am I correct or not? **Thompson:** When she gives us reports from the court. There's different things that were adjudicated and you're separating maybe 4 or 5 different funds. So, \$1 may go into certain fund, like the Mayor's computer. The upkeep on the computer is separate from the general fund. So, I guess some of your straight answer is yes, there's different funds there. **Hardin:** Is that still going to get allocated in that way? **Thompson:** Yeah. **Hardin:** So, what kind of confused me was when you made a straight statement, that it is operating in the red. **Thompson:** No, this is just from what they collected versus what your appropriating in your budget. They have a positive \$125,000. **Hardin:** Okay, so what does that say to me? **Thompson:** It is not saying that it is bleeding money from just my straight aspect. I know the dollars I am collecting in finance. Versus what you appropriated, and what they spent as a department over there. **Hardin:** And that includes wages, everything. **Thompson:** Yes, wages, court cost of Bedford, things like that. **Hardin:** We got the attorney's take on dividing up the lawyers. What is your take on this? You do not have to answer me now. There is a cost analysis for staffing. What would be your recommendation? And you do not have to answer. **Williams:** Can you speak to the R.I.T.A withholding collections document that you gave us. **Thompson:** Yeah, kind of a little bit of a historical data collections, over maybe 2021 to current. Collectively from 2021 to 2023 we had a 21.24% increase for our withholding collections. **Williams:** Before you go further, can you clarify the dates for us? Are they correct? **Thompson:** Yeah, 2021 to 2023 are a combination of all three. 2021 to 2022 is just between that year and in their last year, 3.81% over 2022 to 2023. **Williams:** These numbers are the two years. **Thompson:** Yeah, so we have shown a positive increase. Usually when I am budgeting I do a real modest conservative 3% each year. So, overall, it has been a positive aspect for us with the income tax collections. Over the past 2 or 3 years it was trending upwards. I usually give you a 20-year history, I will give you that at the next meeting. But it's going to be higher from 2022 to 2023 when I give you the exhibit. I just wanted to shorten the report for you. Kind of show you some of the trends. **Hardin:** Just trend. **Thompson:** These are actual collections. **Hardin:** But just created for the purpose of trending. **Thompson:** Yes, to show where the percentage is going. **Nikolic:** In our last meeting, you responded to a question from someone in the audience. That we did have the funds for the 5% increases. And you are saying that you are using a conservative 3%. We are getting 3% increase in our income taxes. But we were looking at a 5% increase in raises. Can you explain a little bit? **Thompson:** That is just projections. **Nikolic:** The 3% is just a projection, it could be less than that? **Thompson:** It could be, but we have been trending positive. So, the 3%,

maybe like almost \$8 million. It would be close to \$250,000 new dollars that we would get next year; if the trend continues. **Nikolic:** Which would pretty much equal the total of the 5%. **Thompson:** Yeah. **Nikolic:** Is that fiscally responsible to be that close? **Thompson:** Well, it is pretty close, but you also have to keep in mind you have a \$10.5 million pie. And it has to go if you increase the sum of your revenues like we are talking about. Reducing some of your expenses in your budget could spread your general fund balance. So, not having any negative funds, we are trending in the right direction. I would say that it is all positive indicators that can be done. **Davis:** I am back to the Mayor's Court cost. I found it on our expense reports for the year. It is on page 8 of 26 on your expense report from January 1st to December 31st. Why are we charged bank service charges? **Thompson:** We collect funds a lot on the internet now. We have analysis statement fees that we pay to banks as well. Collecting with that type of mechanism, it does come with fees. We collect quite a bit of fees. **Davis:** Okay, so this is more advantageous for us to do? **Thompson:** Oh yeah, it gives us a lot of access. Not so much advantageous, just give us another outlet. A lot of things are through the internet nowadays. So, it definitely gives us this aspect to collect those dollars. **Davis:** The Mayor's Court wages, is that just Mr. Montello and the two clerks out there? Or is it just the two Clerks? **Thompson:** The Mayor's Court wages are definitely, Mrs. Carolyn Jones and Mrs. Yvonne Jones the two Clerks. Also, the P.E.R.S and Medicaid associated with them. Mr. Montello gets \$880 a month, which is his cost. He is in the miscellaneous contractual, so he is not on payroll. **Davis:** So, he is not part of this Mayor's Court wages. That is just those two Clerks. **Thompson:** Yeah. **Davis:** Okay, and we have overtime. Why would we have to have overtime? **Thompson:** I have to look back and see, it is kind of minimum with the \$177. **Davis:** Yeah, but they used like 89% of the budget we gave them; it was only like \$200. **Thompson:** I would have to dig into details with the director. **Davis:** Okay, and the P.E.R.S is correct? **Thompson:** Yeah, we are mandated by the state to pay a 14% match on the wages. **Davis:** Okay, and the miscellaneous contractual services under that would be Mr. Montello? **Thompson:** Yes. **Davis:** So, as \$18,000 is what we paid him this past year? **Thompson:** No, I think \$880 times twelve is a little... **Davis:** More, because it says here miscellaneous contractual services. **Thompson:** There are additional costs like probably support for their computer programs and things like that. But I have to run detail. Well, approximately \$11,000, for Mr. Montello. The Bedford Municipal Courts is fees we have to pay when the individuals get adjudicated. **Davis:** Okay, but that's that not for whoever is representing over there? **Thompson:** Oh, no, that's not for him. Mr. Montello is strictly \$880 paid under that miscellaneous contractual service. **Davis:** Okay, thank you. **Nikolic:** I know in a previous Council meeting we talked about the cars for the Chief. Is that covered here in this police car outlay? **Thompson:** Not under the general fund, we pay our leases under the 401 fund. Police car outlay can probably be outfitting them with their radios and decals and things like that. **Nikolic:** Gotcha, any further discussion for the Finance Director? **Williams:** Health costs document you gave us. **Thompson:** Yes, this is a summary. If you remember when, Mr. Love came before you to discuss the insurance matter. We were looking at upwards of \$1.6 million if we stayed the course and had to go to a self-insured plan. But we had to convert to a fully insured plan. It is a small bit of savings projected for next year. In terms of the conversion, we did with the healthcare. **Williams:** What is the NHS administrative costs? **Thompson:** We get what is called runoff. So, when we switch companies, there is going to be some runoff claims that they have to continue to manage for us into the new year. **Williams:** Is the brokers fee on this document? **Thompson:** The brokers fee, it probably would be encroached in the premium. Anthem pays them the broker's fee. I think they stated, I forgot what the percentage was. **Williams:** I thought he said that you all had agreed to pay \$35 per month per member. **Thompson:** Yes, that is correct, it would be encroached in the premium. I didn't, break out that line item, but I can amend exhibit. **Williams:** So, clarify that for me. It is not a direct payment? Because he stated it was a payment from the Village. **Thompson:** Yeah, we pay our premiums. And of course, Anthem's going to take those dollars and pay him his commission. **Williams:** So, it is not an additional payment, it is through... **Thompson:** Anthem. **Williams:** Does that not fall in here somewhere within this \$1,092,000? **Thompson:** Yeah, it would probably be in the medical and prescription. That is where we pretty much paid the self-insured fee. **Williams:** Is it per member, as in per family, per single, or is it per every single person? Do you know what the breakdown is? **Thompson:** Not at this time, but I can get the information. **Williams:** Okay, thank you. **Davis:** Did we get the health care or health savings account started for each employee? **Thompson:** Yes, they

actually got activated. **Davis:** When was that may I ask? **Thompson:** It was yesterday. **Hardin:** How are you going to make the payments for the runoff claims? **Thompson:** We pay him a one-time flat fee of \$6,200. That is all the exposure we have. They are just managing the claims. We just pay on that one flat fee. **Williams:** When you go to amend this document, so that I can have a clear understanding of the broker's payment. Can you also add in how many employees were paying for the breakdown? He listed like employee, employee, spouse, family, single. Can you include that? So, everything is in one place for us. **Thompson:** Okay, the headcount? **Williams:** Yes. **Davis:** Also, can we also find out if any more people are going to Medicare? **Thompson:** I can get the information, but some people are moving. **Davis:** Where does that go into, just on the premiums? **Thompson:** If they move they will be off the plan. No premiums for them and the claims will not be on our history. It would be on their Medicare. **Davis:** But I was told that we were going to be paying their Medicare amount. That they would have to pay for... **Thompson:** Yeah, it was like, an incentive he had built into the plan. I think it was like, they paid \$40 a month or something. So, it might equate it to \$1000 to \$1500. But I will get the information and report back or maybe include it in this report as well. **Davis:** Thank you, appreciate that. **Williams:** Was that an idea or was that approved? **Thompson:** It was approved, I signed the agreement. **Hardin:** We definitely need that. **Thompson:** All of these things we are discussing. I will make it comprehensive and put it on a sheet. \$1,092,000 is pretty much the projection, it is a little more than where we ended. We were faced with a \$1.6 million projection. **Hardin:** Unless I missing something, it does not take into account the signed offer or does it? **Thompson:** Are you talking about on the Medicare payment? **Hardin:** Yes. **Thompson:** Yeah, I will update that. It will be an amount; it will not be extraordinary. We only have so many members that are eligible for that Medicare, but I will include it. **Williams:** To the Law Director, was there no legal requirement for us to do legislation. To move from a self-funded plan to a totally funded plan. Also, to then, sign agreements to increase our costs for the HSA? Why was there no legislation required if that is pertaining to our budget? **Climer:** I was not involved in that negotiation. And to be quite honest, I need to take a look. **Williams:** Okay, I did have a question about retired cost allowances. Is this only who is able to retire? Did you go into the future a year or two? Is this just this year? **Thompson:** The request was sent kind of like if it were today, who would be eligible to retire? So that is what I did, I put this report together. Policemen can retire, and correct me if I am wrong, at 25 years. **Garratt:** Right. **Thompson:** Some of these individuals that have less years. Are the ones that have retired and came back to work. So, that is why their years are like lesser on here, but they are eligible for retirement. I kind of just scaled out the accruals that are on the books. What that cost would be on each individual and equate it to the costs. As you requested from me. **Williams:** Is this everybody in our entire Village as of this date? **Thompson:** Yes. **Williams:** Can you give us the next two years as well, please? **Davis:** While you are writing that down. Was anyone that retired and came back to work, paid any of their vacation or sick time pay out? **Thompson:** No, specifically in the legislation for all of them, their accruals continued. There was no cash out at that time. **Davis:** So, they came back and stayed at whatever rate they were before. **Thompson:** They were all in legislation form as well. **Davis:** Okay, thank you. **Williams:** Let me just ask this in regard to our budget. If someone were to decide to retire, do they have to give you a certain amount of notice? Or can they come to you today and say I am out tomorrow? **Thompson:** It probably could be, I am out tomorrow. But usually, it's a courtesy to let someone know you're retiring. I have never had someone say I am leaving tomorrow. It has always been somewhat of a courtesy to notice for retirement. **Williams:** Not a requirement though. **Thompson:** I do not think so. **Williams:** If we had to pay this \$314,000 out, where would it come from? Do we have a line item for this, or does it come from the GRA? **Thompson:** We do not have a line item. Normally when we paid our retirees in the past. It just goes to their departmental budgets under wages. **Williams:** But no one is estimating for that retirement cost when we do the budget. **Thompson:** No. **Williams:** Okay, so, it would not be in their budget. Where would you take those funds from? **Thompson:** I would still make the payment out of their salaries. A budget is like a moving document we have... **Williams:** That transfer will come from the general fund. **Thompson:** It would not be a transfer because most of our salaries and everything is actually in the general fund. I do not pay wages out of SCMR or anything like that. So, it would be directly in the departmental's budget under wages for the payout. **Hardin:** Should we ask/require, make it a mandate. Make it that these figures go forward. This is crucial, especially when we are

walking a tightrope. I think it should be a part of accounting practice. When we are analyzing Council budget, that this document. And if I am not mistaken, I think Council person Williams asked for an actual line item. Can we create that and keep that part of your accounting practices? **Thompson:** I do not think it's impossible, of course not. It can happen with a line item, so, I know that discussion was there before. **Hardin:** This just really brings home the importance of having that information. Can we ask that going forward, for whoever is here left standing. That this is actually a part of the analysis that you give to your Council every year. **Thompson:** Okay. **Hardin:** I really think there should be something in writing. That we have that information as a part of the budget process. And if you have to put it in an Ordinance, now I see why it is so important to have. **Thompson:** It is always accessible... **Climer:** (inaudible). **Hardin:** Mr. Thompson might drop dead today or tomorrow, so might I. My point is it should be a part of it. So, that it does not die with him or me or you. I think it should be documented that that is a part of the analysis. So how do we accomplish that? Do you want a line item? **Thompson:** I mean, to get the information. It is always just a request during that period of time where the accruals are. **Hardin:** It is not a request; it is crucial to have it. That is the whole point we are missing here. **Thompson:** Are we talking about two different topics? Is it a matter of you gaining the information or you're discussing the specific line item or fund for the payments? **Hardin:** My issue is, next year, when we go through the budget. That we know these numbers. You made it very clear; you didn't deny it to us. This information is rolling information. At the press of a button, you got it. How about making sure that we have it. **Thompson:** In budget discussion each year. **Hardin:** Thank you. **Nikolic:** My suggestion would be that maybe we could have the Clerk create a packet. We create a list of documents that we want to see beginning with who is eligible for retirement. And we create what we want to see. We have that list, and we call it our financial package that we require at a certain time each year. Whenever we decide it is most beneficial to make our analysis. So together we could come up with that and anything else that you feel is most beneficial for us to do a complete analysis. But we can start working with the clerk to create our ideal financial packet that we need to properly conduct our analysis. **Hardin:** That is not going to keep it in place either. You have a line item, which means that makes it a part of the budget accounting numbers. That is the only way it will be in place. **Nikolic:** But your point is this should be reserved, that there should be a line item as reserve. **Hardin:** There should be a line item ongoing, so that it is a part of the budget analysis. **Davis:** There are two people on this list that is definitely more than the wages that you have for that department. So, we would have to really jump up the department wages in our budget to cover this if these people did retire. That is more than we have in their budgets right now for wages. **Matlock:** The wages are one thing we have to pay down. My concern is the hours that they carry over. Are these the hours that they have on the books? **Thompson:** Yes. **Matlock:** For instance, I will give you an example, no names, 240 hours of vacation time. **Thompson:** Yes. **Matlock:** My question would be. Is there something in the Charter that states how many hours a person can carry over per year? That is going to be a question because there are so many places that do not let you carry over. You either use it or you lose it. But I am not saying use it or lose it. I am just asking, is there anything in our Charter saying how many hours an employee can carry over for vacation time each year? They have to be a certain number of hours each year. If they are over, they got to use those hours. **Thompson:** We do have sections in the employee handbook. Also, of course, in certain articles in the FOP contract that address that information. **Matlock:** How many hours is that? **Thompson:** I will have to look back at the contract. **Matlock:** Are we following any of that? **Thompson:** Yes. **Matlock:** We are following that, and these individuals still have so much vacation time? **Thompson:** Yeah and it is also based like if you have been here with your longevity. There is a scale on how many you get each year. **Matlock:** Exactly, you get so many hours per year, probably so many hours per pay. But at the end of the year, you have accumulated so many hours. Once you accumulate so many hours, you only keep so many hours on the books. Other than that, you use those hours. I will give you an example. If I get 120 hours of vacation time a year. And just say the company mandate that you could only carry over into the next year. Forty hours of vacation time. That means you, as an employee have to use 80 hours of that vacation time. You could only carry over into the new year a certain amount of vacation time. Vacation time is what you have to pay the employees up front once they retire. We are in a predicament where you're paying a whole lot. These hours are too many it is extreme. I just need to know how many hours are in that employee handbook. That a person is supposed to

carry. **Thompson:** I will review with Mr. Climer, and we will take a look at it. **Climer:** I do not believe that we have an ordinance. But they are cities that do have that. **Matlock:** Then I would suggest that we put something in place. An Ordinance or something that the employees have to keep so many hours on the books, for vacation time. Once they reach that threshold, if they are over that threshold. They have to use it; they can only carry over so many. **Williams:** There does need to be a line item established. Do we need to legislate that, or can you create it? Because separate from a reserve budget, we do not have any way. Yes, they can give you a courtesy. Something may happen where they choose not to give you a courtesy. That would be the expected thing, but that is not required. So, if we had to pay any of this out. Whatever budget we create this year, then that is on top of that. One thing that I see on Council is we just. Yes, we need these new vehicles. Yes, we need this new equipment. Yes, we need this new thing. Yes, we need to do an increase. Yes, we can roll it into a bond. It is like no preparation for what we know this is coming. So, why not begin to set this aside in a line item so it is there. We do not have to spend every penny we get in our budget. Take some money and put it into this line item. So that, I mean a least you could cover five of these if something happened and people wanted to. You do not know what is going to happen in someone's personal life. And they want to retire immediately with no notice. Even if they gave you two weeks or a month. You still have to come up with a decent amount of money over and above our budget. I am going to request that you create a line item, however quickly you can do that. If we need to legislate that, then let us know that. Because we should not just know that we need \$314,000 to pay out and not be creating a plan. To make sure that we have \$314,000 or somewhere in between. **Thompson:** Of course, Council ultimately is the body that controls the budget. I will do some research. I got a gentleman coming in to talk specifically about these reserves. Just a matter of getting the new members on. So, I will go ahead and schedule that individual to come in. I will get a lot of research done so we have a holistic view of what direction we could go. But your points are well taken Ms. Williams. **Williams:** Tell me what the research will be regarding. **Thompson:** It is just requirements that I am sure you have to follow. I would like to research to create the reserve funds. We have never had one here before, so, just want to be correct on it. **Williams:** A reserve fund would be similar to your special revenue funds. Where you create that fund, it is restricted to only that specific thing, right? **Thompson:** Yeah, they may have additional restrictions as well. That is why it would be good just to research it. **Williams:** We have been talking about researching it for about 2 or 3 years. **Thompson:** Yeah, and I have made some progress. **Williams:** Let's put a date to it. Can you have whatever research done by the next council meeting? Because this \$314,000 is coming. **Thompson:** Yeah, well, I will check with my resources and the timing of it. I will let the clerk know when we can set the date. **Williams:** Tell me why we would need somebody to come present the reserve budget. **Thompson:** It is just good to have an outside view, knowing the laws and everything. Just like when we go out to bond. We do not have a bond Council here. So, you go out and get a bond Council. To make sure you are doing everything properly by the state. So, that would be the main thing. Just make sure everything is done correctly. **Williams:** Are you under the GFOA? **Thompson:** Yeah, I think they have guidelines. **Williams:** GFOA offers best practices and one of them is reserve budget. And you feel that we having a reserve budget. Or also reserves to cover retirement costs. Do you feel like that will be out of line with what the GFOA best practices are? **Thompson:** Not out of line, they have best practices. But won't be the ultimate governing body of the Ohio Revised Code laws. Unless there is some type of home rule that would supersede, Ohio Revised Code. I have not seen too many of those in the past. I will bring that information before you and follow through as I just discussed. **Matlock:** Thank you, remember I said kindergarten proof it. Now you see how many questions you got about this. **Thompson:** Yes, I am glad I was able to get the information. **Matlock:** This is also the Village of Oakwood employees request to leave? **Thompson:** Yeah, that is the form that we use. I just wanted to bring that. **Matlock:** These forms should be kept somewhere where you can go back to the forms. To calculate the hours for people leaving or leave, whatever. So, we have some idea when we go over budget to know exactly what is going on. **Thompson:** When those are filled out they get documented on that pay period. So, it is in the system, you can run reports. **Davis:** You said some departments use this. What departments do not use this request for leave paper? **Thompson:** I think you use a different request leave. **Garratt:** Yeah, ours is governed by our contract. **Davis:** Okay, so just the Police Department. But all the other departments use the same request? **Thompson:** Yes. **Hardin:** We have

to have that line item. By April 15th, perhaps maybe that is a magic date. But we want a date when you will have that line item. Because we have been going through this. It is not going to happen unless we have a firm date. So, what date are we talking? **Thompson:** I will not commit to a date right now. I will just follow through with the research we needed. **Hardin:** Well, we have to give him one. You made a comment in that it kind of resonated with me. You are right Council is responsible for this money. And that is what it is going to come down to. If Council want to discuss it. Maybe in work session or however you want to do it. We will have to give the administration a date for that particular one. Councilwoman Williams asked for this, and it has been at least two years. We cannot keep going down this road. It is a minor thing, but it is a big thing. We see how close these dollars are running. Because of what happened with health care. What if two or three of these people walk through the door tomorrow. They do not have to give you a curtesy call. So, that is what I think we need to do Brian. To help you facilitate or move along. Because we have to have these numbers. It is just a running account, and it is nothing big. But it is big when we are dealing with these numbers. **Thompson:** Yeah, no problem. **Williams:** I can assist there. There is some reserve budget legislation from all over the state of Ohio. Many municipalities are doing it. I can just send that over to our Council Clerk. She can share it out with everybody, and we can review what we will possibly want legislation to look like in a work session. It can include a date to establish a line item. We do not have to continue to go round and round. We have just chosen to do that. **Davis:** Also, I would like to request that before, because we are supposed to extend the budget or make the budget by the end of March. So, we need this before we do our budget. Because I would have to have this money to know what we are doing with our budget before that time. So, if we're going to vote in March for the rest of the budget and the rest of the year, we need to have it before. **Williams:** I agree. **Nikolic:** So, what I hear from Council, and what I'll propose to the Law Director, consequences. I guess we will pose that to you. If it is not done, where does the authority lie in terms of consequences? Where we at? Because right now I have been here a few weeks. But for something to go around and around for three years. Could you outlay potential, what that would look like. In terms of consequences or the authority that would require Mr. Thompson to provide the information in a timely fashion. **Climer:** That is a political issue, the Mayor has the appointment authority for the directors that serves at his pleasure. Council can make their wishes known to the Mayor. But at the end of the day, it is a political issue rather than a legal issue. **Williams:** I am not following what you are saying. If we create legislation that we pass, what is political or at the Mayor's pleasure? **Climer:** I understood the question to be if Council has requested the information or creation of a line item and it is not accomplished. What are the consequences that Council can impose. **Nikolic:** Consequences and/or alternative solutions. **Climer:** And again, for you, that is the answer. Mr. Williams had a different question. **Williams:** Can you explain the certificate of estimated resources, so everyone knows what they received? **Thompson:** Yea, I tried to go into the new year. It starts with your unencumbered balance on your yearend financials. I take the information receive from the County of what you may receive on the property taxes in place for the Village. And local government funding that you are collecting. Then you kind of estimate other resources and give a total of dollars you are estimating. That you would be able to have in each fund. They give you a lot of flexibility. You can amend this throughout the year. You can amend it several times as you get new information, grant dollars, or something comes into play. It is just a draft estimate saying what estimated revenues you anticipated getting in the new year; it is always amendable. **Williams:** Thank you, the credit card statements. I did not see the Amazon credit card account. **Thompson:** Amazon goes on the Huntington bank card, so that is where you would look for those. **Williams:** But when I'm looking at the Huntington bank account. I am looking at some charges that Amazon would charge us because we use the Huntington account as payment. **Thompson:** Yes. **Williams:** Okay, where is the actual Amazon credit card statement? That would show its usage and the merchandise or items that are actually being purchased, where is that statement? **Thompson:** We don't have an Amazon credit card, so we wouldn't get a statement. So, if you wanted information for these charges. We would have to go back to the P.O., to actually check things like that. So, you would have to give me a comprehensive list of what transactions you would like to see. Then I would just provide you with that. But we do not have an Amazon credit card. So, they would not provide that. They can give you a year-end statement, but we do not have a credit card. **Williams:** So, we have an Amazon account.

Thompson: Yeah we have an Amazon account. **Williams:** Can you devise a way? Because I think from what I see, a lot of these purchases come from Amazon. All we see is Amazon Marketplace and a number. Which does not provide us any of the details that we've been discussing that we would like to actually see. So, we have some idea of what is being purchased. **Thompson:** Yeah, I would like you to just request what you need. Because if I had to stop and look for every single purchase order it is going to take a lot of time. So, if it is something or concern, they are always in finance if you want to look at them. It is quite a few transactions. I would rather that come as a comprehensive list request on what you are concerned about or want to review. **Williams:** Let me let you ponder, because what we're saying is, Amazon is the bulk of the purchases. However, you can figure out how to track that and then transfer that information to us. That is what we need you to figure out. Because we are not going to request, you need to figure out... **Thompson:** Like I know how to do it. You have to come in and look at every single voucher in the finance. I would have to give you all the vouchers. **Nikolic:** Or potentially go in your Amazon account and just print out the invoices. **Thompson:** Yeah, we can go to the Amazon account and get everything. Then you have to take that comprehensive list. You can look here and then I can provide you with the purchase orders and check numbers. **Williams:** You can go to Amazon, print the invoices, and compile them. **Thompson:** There may be a way to get a yearly list from Amazon. **Nikolic:** You can target it by date in your Amazon account. **Thompson:** I am sure I can get that accomplished. I will run the yearly report. **Williams:** I am sorry, I do not know that we asked for it, at this point, yearly. What we asked for is, can we receive the purchases from month to month? So, from January 1st to January 31st, in February, the first meeting you should have it. You would not have to print all of this stuff, just printing per month. So, whoever you want to assign that to. They need to go onto Amazon and print the invoices from January 1st to January 31st. **Thompson:** So, you want Amazon purchases every month, okay. **Davis:** I had received from you originally from January to June 30th, only the Huntington account. I do not know why, but I have not received anything from July to November. I did not get any, I need copies of the Huntington account charges from July 1st through December 31st, please. **Thompson:** Okay, we will have to get you those statements. **Davis:** Yes, because you gave me, from January to June 30th but that is all I have. And the other accounts too, this is the first time I seen one for Sam's Club. Do we have those too? We should have those from January. **Thompson:** They said they wanted it monthly, the majority of Council. **Davis:** Yes, but we do not have, this is the first time we got one. **Thompson:** I will have Hillary give them to you if you want. **Davis:** Okay, please I appreciate it, thank you. **Williams:** I know I asked for a listing of all employees and consultants that were paid for 2023. And the amounts and what exact service they provide. I see check number 71883 on page number five. We had a conversation in our last meeting, about the former Council Clerk and if she was being paid. I see she received a payment in December, for \$742. It says interim Clerk of Council. **Thompson:** Yeah, she would submit an invoice with her hours. Johnny signed off and we paid it. But if you want that particular one, we can produce it for you. You can look at her invoice. **Williams:** Did we do a pay ordinance for that? **Thompson:** I think we did one for Mrs. Hladky. **Davis:** This is for Mrs. Hladky and not Ms. Morgan. **Thompson:** Yes. **Williams:** I thought it had a six-month time frame on it. I am asking because we talked about when she was being paid through. I see this is for last month, what services are we still paying her? **Thompson:** I mean, that invoice as well for that for prior month. So, we probably have to just go look at it. But the services she has provided are strictly in assisting the new Clerk. **Nikolic:** Any further discussion with Finance Director? Hearing none, may we hear from our Service Director, please?

Service- Haba: Haba: Thank you guys, not much to report tonight. I was talking about saving salt last meeting, but we used a whole lot last weekend. The bad snow Friday and Saturday just kept coming. That is the worst kind because you have to keep salting and re-salting. Other than that, I would be happy to take any questions. **Davis:** How do we get the bypasses, Fair Oaks, and the other side, I never remember the name. **Haba:** Oak Leaf. **Davis:** Because the garbage, when they go down there, for them to clean up. How do we get to Waste Management? Because it's their garbage, it is not people throwing it. **Haba:** They were trying to go out at least a couple times a week. I know last time I called, about five weeks ago. They happened to be already out there about ten minutes earlier. But if you ever need it, you can call me, and I'll call. They are supposed to do it on a

somewhat of a regular schedule. We also have the County prisoners; you see them going around sometimes over here. I gave them a list of streets to hit, couple streets on the list like Broadway and Forbes, etc. So, you will see them out there. **Davis:** The second question I had was, with the snow, people are putting all their garbage cans in the middle of the road. I mean not in the middle of the road, but in the road. Sometimes they get left there for a few days. So, do we let it go because of all the snow this week? **Haba:** (inaudible) **Davis:** Yeah, Hickory, I got a couple of people that are just leaving it right in the middle of the road. And you can't get around with two cars. I will let them go this time. **Haba:** Yeah, I will try to move it. **Davis:** Thank you, I appreciate that. I just want to accolade, I got quite a few calls from seniors. Thank you so much for the Service Department. They did an excellent job of cleaning out their driveways. **Haba:** We did have trouble few months ago looking for drivers. We had drivers apply and then snow came, they were nowhere to be found. But we had a couple guys and we ended up, you know, our guys finishing up. We finished about 5:30p.m., but that snow kept coming. We had to hit all the streets again. So, we got out of here about 8:30p.m. at night Saturday. **Davis:** They appreciate it, the calls that I got, they were thankful for winter jobs, I appreciate that. **Haba:** Thank you. **Nikolic:** Similarly, I received calls as well, saying how appreciative they were of the service. Any further discussion for the Service Director? Hearing none, may we hear from our Engineer?

Engineer-Hren: Hren: Good evening, Madam President, and members of Council. Happy New Year first of all to everybody. I have no report, I'm here to answer any questions. Along with Assistant Engineer Matt Jones. On the Forbes Road force main replacement, which is legislation 2024-02. We'll be happy to answer any questions regarding that legislation. We will also be here during the work session. To discuss the renewal of the engineering services contract, with Chargin Valley Engineering. So, if there are any questions at this point, I will be happy to answer them. **Nikolic:** What is the timeline for the work? Because I know you mentioned it had to be done before another project began. What's the timeline for the work and what will that of the project begin? **Hren:** I'm not trying to be funny but it's as soon as possible. I will let Matt address that. He has been doing a lot of the legwork and upfront work with us. If you want, we can answer that now, or wait until legislation. But it really is an emergency situation. It is something that just came to our attention and we're doing everything we can. There are still a lot of details that are, although not unanswered, we are still working through. Again, we will present that during the legislation if you wish. In particular the funding, which I'm sure everybody's concerned about where the money is coming from for this? We have been doing a lot of legwork during this last week and a half. But again, if you want, I can wait till the legislation. **Nikolic:** We can wait for legislation. **Hren:** Thank you. **Nikolic:** Any further questions or comments for our Engineer? Hearing none, I believe we've covered all of our directors. **Hardin:** Madam chair, the head of the Building Department is not here. I would like to go on record. I have asked for some information from that department five times. Mr. Law Director, I think I mentioned it. 7236 Somerville Road, I think they went to court or something. Are you aware of what is going on with that property? **Climer:** I have not been in contact about that. You said 7236 Somerville? **Hardin:** Correct, at this point, I am just frustrated. I called again today, and no one had the decency to call me back. So, I'm not happy about that. **Climer:** Okay, I will contact him. **Hardin:** Thank you. **Nikolic:** Any further discussion? Hearing none, the floor is open for public comments from our residents. We ask that you restrict your comments to five minutes.

Open Floor Comments:

Mary Warren _____, Pettibone Rd: **Warren:** I been here in Oakwood basically all my life but moved. Now I have a house off of Pettibone Road. I was hearing about the shoveling of the driveways. Since I bought the house in January. I didn't know anything about it, and I think I was too late. **Haba:** Yes. **Warren:** But I don't have anybody to shovel my driveway. So, I wanted to see if there is any way possible I can get the driveway shoveled. But if I can't, I just can't. I am just saying it would be nice if. **Haba:** We were pretty strict with the issue because it's such a pain when people call in late. We give them six weeks' notice, and usually we would still go over. We charge a dollar for everybody and charge \$5 for late fee. It is \$20 late fee this time. Just to stop

people from calling late. Because we would then have to produce more pages. Every street we keep a log, ones with different contractors. It's very confusing, time consuming, and money consuming. So, this year, after we gave the leeway, we gave another week leeway. After that, we cut it off, and we said no. But we had about 50 people call, and I did tell them. If we get a big snow like this past week. I said, you are not going to be on the list this year. Call on time for next year. But, if we get a big snow, 8, 10 inches. We had 15, 17 inches in some driveways this year. If you get something like that, call Service Department. I'm sure we will try to help you out and get it all. But if you get 3 or 4 inches of snow and you are not on our list, then it won't be done. But if it is something big, give us a call. **Warren:** Okay, thank you. **Matlock:** I have a resident who is in their 90s and forgot to call in to have the Service Department plow the driveway. I would like for them to be placed on that list because if there is an emergency situation. They got to get up there. **Haba:** Yeah, right now I really can't. Like I said, I turned down 50 people. I had someone that said they talked to the Mayor and the Mayor said put them on. I said, I'm not going to do it. So, that person you're talking about. If you get a snow where it is bad. And they cannot get in or out, cannot get an emergency vehicle. Tell them to give me a call and we will take care of it for you. **Matlock:** Okay.

Karen Howse, Address unknown, Howse: First of all, thank you, Brian, for providing this information. A lot of information, but hopefully I'm looking forward to the coming months. You said you have new staff, and so you'll be more astute on that as you have helped. So, it is appreciated that you are getting the information to what they need. I just hope that keeps up, thank you. I think one of the questions that was asked from I'm not sure which Council person regarding the Police. I think what probably may throw them off is that. Under the Police budget in the expense report. The first page under salary and wages. You see a Police car outlay, that is not salary wise. Because I looked at it, it said S.E.A.L.E membership, S.E.A.L.E lunch provided. **Thompson:** Yeah, it could probably be moved out of there. **Howse:** Yeah, because it does kind of inflate your salary, that you're spending \$84,000. **Thompson:** Yeah, we could probably put it down to a contractual service, I'm sure. **Howse:** Because I was going to ask me is that for fringe benefits for a car? **Thompson:** No. **Howse:** Okay, that would be the only reason why you had it here. **Thompson:** Yeah, I will amend that. **Howse:** Okay, next question I have, Chief, the traffic bureau. Can you explain that? I'm pretty familiar with the Mayor's court, and how it functions. It has been talk for years about getting rid of the Mayor's court. Because there was some ruling that came in place. Now that the dynamics have changed, you don't have a Mayor's Court. Typically, a Police Department, and every Police Department works differently. So, I am not assuming that. But typically, when you don't have a Mayor's Court. All the traffic violations as far as hearings, asking for a waiver whatever the case depending on the cost. Bedford Court is now handling that right? **Garratt:** Partial. **Howse:** Okay, so the volume of Mayors court is going to be significantly reduced. Because if it's going to be a traffic bureau. They come in, they pay their traffic ticket, etc.. So, I am curious to know what the job description will be now. Because you're taking the tickets, they're paying, you provide a traffic reports. **Garratt:** We still have to have a Mayor's Court, not a session. But Ohio Supreme Court, once you have the mayor's court on record, you can't just... **Howse:** Dissolve it. **Garratt:** Right, so what it does, is turns into a traffic bureau. What happens is any of the citations that are written. As long as they aren't the ones that always have to go to Bedford. Which are driving suspension, DUI, those weren't heard by the Mayor's Court. All others can be sent here, and they will have seven days, eight days, whatever it is to pay the waiver. If they don't want to, they have a court date down in Bedford, that's how that works. So, you can still pay your waivers, we will still get the money from the citations through here. But we still have to keep a log of every citation that comes through. That goes to Bedford through the Mayor's Court. Really, the only difference is, we won't actually house a Mayor's Court. Since Covid we may get four or five people when we had eighty coming in before. I didn't want to interrupt you when you were asking what the money in the Mayor's Court was. It was the staffing; I don't mean their staffing but my staffing. I had myself or the Captain, sit with the Magistrate and call people up. I have three Bailiffs working one at the metal detector, one getting files together, and one working security. It just fiscally was not

making sense to have these guys be obligated to this detail. And the monies weren't there that were justifiable. **Howse:** Did you have an attorney present during that session, too? **Garratt:** The Magistrate was the attorney. **Howse:** So, that is not going to happen anymore, right? **Garratt:** No. **Howse:** So, forgive me for asking this. If that is no longer going to happen. I would think with this ordinance. If that is not going to happen, why are we paying the exact amount for legal services? **Garratt:** Well, the legal services, that is actually not true. The Magistrate is off the books. Our Officers obviously have to work that detail, it really helps. As far as the Clerks, we don't have a firm idea. We thought a lot about what Bedford Heights does and some of the other agencies. We are about the last ones in the County that had a Mayor's Court going to Bedford Court. Now, just because it goes to Bedford Court doesn't mean we don't get fine money out of it either. They get Court processes out of the fines. We get the actual fines that come back here. I anticipate seeing more revenue than we did before. **Howse:** Because it's being collected out of Bedford Court, right? So, now the revenues are funded through Bedford Court. Normally what they do is they send you a check for what they collected. Based on whatever fines or whatever. You get a piece of that, but you also get charged. **Garratt:** I don't know. **Howse:** Yeah, so it does increase. If you do not have a Mayor's Court anymore. I'm just trying to wrap my head around it because it has been talked about for a while now. At some point you guys have to relinquish that. Because it was a push that there is very limited Mayor's Courts around. I'm just trying to wrap my head around it. Now you have two Clerks, the volume, and then we have an ordinance. **Garratt:** I'll give you an example. Bedford Heights runs a similar plan. They have a Clerk and a half, one full time and one part time. Now they write about half as many citations as we do. So, we are just trying to see how it goes through and evaluate. Then see if there are going to be changes made in the staffing. We just did it this month, so we do not know yet. **Howse:** I was just curious about how this all works. **Garratt:** I mean if we were servicing more people coming in here. That would make more sense, but it just didn't. **Howse:** Thanks for that, I appreciate that. I was trying to figure it out, I knew eventually this was going to happen. So, the ordinance that is in question, with that being said, can you explain that again Mr. Climer? You are having two Assistant Law Director, and you are a Law Director. And even though the Mayor's Court, not saying necessarily volume or whatever. But you know, the Prosecutor, Magistrate, etc., is not going to be present. Why do we need to retain two, why can't that price go down? **Climer:** Well, first of all, the assistant Law Director handles all the Boards and Commissions. I once in a while go depending on the issue. He also handles all of the prosecutions at the Bedford Court. It's going to be more prosecutions in the Bedford Court at this point. They are proposing to split that job. Ross is going to generally handle boards and commissions, and it's anticipated that John is generally going to handle the prosecutions at the Bedford Court. At the end of the day, we would end up getting basically three mines for the price of two. **Howse:** Okay. **Climer:** And it will give us more flexibility covering various boards, commissions, Council, etc. **Howse:** Okay, thank you. **Nikolic:** Any further comments from residents before we hear from our environmental consultant?

Mr. Hamilton, CREtelligent, Nikolic: Just to give Council a bit of background. We met with Mr. Hamilton; we had a meeting. It was in response to Wright Avenue and the soil testing that we talked about having done. Council was invited to that meeting, but it was very informative. He created a proposal based on our discussions at that meeting and please, Mr. Hamilton. **Williams:** I'm sorry, can we pause. Council? What meeting where we invited to? **Nikolic:** At the Council meeting where, Federal Metal was invited. There was discussion of the meeting that was held at the office of the Engineers with Mr. Hamilton. You inquired about it because you wanted to know which Council member was participating in the meeting. I raised my hand. **Williams:** It was mentioned, but we were not invited, I just wanted to... got it. **Nikolic:** I invited Councilwoman Hardin, and I told her to inform yourself because it's your ward. So, I was under the impression that at least the two of you were invited. And from that meeting, you all were aware that it was happening. So, not to say anything else besides the fact that the meeting happened. **Williams:** Okay, thank you, we were aware we just were not invited. **Matlock:** We were aware, but I thought it was supposed to be a meeting with Federal Metal. Fire Department was supposed to be involved with that to do some testing or something. **Nikolic:** To discuss it. **Matlock:** The Fire Department, are they here, were they at the meeting? **Hamilton:** So, let me summarize the

meeting. Let me tell you a little bit about myself. I'm a Geologist by training. I've been an environmental consultant for almost 35 years. The range of my experiences is wide. I have helped the Village a couple of times in the past. The gas station down the street, I helped with getting the tanks out of the ground there and getting that, close, through buster. I think I also helped with an underground storage tank issue at the Fire station. In the past, I've worked with other municipalities in the area, and I work with private clients. So, what was explained to me was the issue on Wright Avenue. That there is a concern that there may be an abnormal number of cancers in that area. The Fire Department was at that meeting, and the Engineer, Assistant Engineer, and the Council President. What we're doing here is kind of a first step to gather some information. We are just doing basic science. We have a question, that question is, is there a real problem? We need to gather some data so we can get to our hypothesis. That, yes, it appears that there is a problem. How are we going to test the hypothesis. Proving that there is a cancer cluster is incredibly difficult, it is a big hurdle. But I think from what I've heard, there are a lot of cancer cases in that neighborhood. I am not going to point the finger at potential sources. But there are a lot of industries in that area that could be contributors. What I have proposed to do is interview, and I think my proposal says 20 to 30 residents. The Council President had some questions about the exact number. I won't interview as many residents in that neighborhood. I think we define kind of the study area, from the freeway up to Wright Avenue. I forgot the street names on the other side in that area. Then I also proposed, this week. I would interview all the Council members that live in other parts of the Village. So, that we can gather some background from other people that don't necessarily live in that neighborhood. Those interviews would be to gather information about the residents, demographic information, age, and race. Just a kind of general health analysis. I wouldn't get into details about people's health. If someone had cancer or if I knew that someone had cancer. I would like to gather as much information about what type of cancer and any details about the diagnosis. I'm not a medical doctor, and I don't want to get into a place where we've got a lot of data that might violate a HIPAA rule. I want to collect enough general data that we can say. Resident X has lived here for 50 years, and they're generally in good health. Or resident Y has lived here for 70 years, and they have cancer and their wife, and their two children have cancer. I want to know what type of cancer. Part of doing this analysis is, you want to look at the resident and or the affected community. You have to look in a geographic area. If you are trying to show there is a cancer cluster, it needs to be the same type of cancer. So, we want to collect those sort of information. I also wanted to collect information from residents about their recreational activities. How much time do they spend outdoors and indoors, where do they work, where had they lived, all sorts of background information. I developed a questionnaire that we would use in that process. I have three different parts of the study. The interviews, then I am going to pull regulatory data from state and federal environmental protection agencies and some other local regulatory information, and seeing what industries are in that area. We will look at what direction the wind generally blows, and I want to see what is upwind of that neighborhood. I know there's been this suggestion that Federal Metal is a concern. So, the third part of the study is to collect soil samples. I forgot how many soil samples are proposed. But I would collect soil samples, from two different depths in backyards or front yards, along Wright Avenue. We can adjust those sampling locations after we interview the residents to see if it makes sense. There is a bigger problem on Free Avenue, or next one over. Even though I propose something, we would be flexible in how we implement that last piece of it. I would send those samples to an accredited laboratory. We would follow EPA methods of collecting samples and the laboratory would analyze and follow EPA methods. I think the Councilperson mentioned there was a lot of colon cancer. An environmental contributor to colon cancer is heavy metals. So, we would analyze those soil samples for heavy metals. Then when we're all done, we would write a report. That would summarize everything we did. At that point, if it looked like there was a problem. I would suggest to the Village that you call the County Board of Health or the state EPA and ask them to take the next step. Because the costs will escalate quickly, and those other agencies are better equipped to do that sort of analysis. Rather than, you hiring a consultant. So that is a summary report for what I proposal.

Nikolic: Mr. Hamilton, can you speak a little bit about the environmental covenant for that space of land. Just for the Council's background right there on Forbes Road?

Hamilton: There is a property on Forbes Road, that has gone through the Ohio Voluntary Action Program. The Voluntary Action Program is a program in Ohio to address brownfields sites. Brownfields are

properties where there is a real or perceived threat, or real perceived concern about environmental contamination that is hindering the development of that property. Ohio is not unique; every state has a similar program where you can enter into the voluntary action program. In Ohio, it is a very exhaustive and expensive programs to go through. The property owner has to hire an environmental consultant who is certified by the Ohio EPA. That consultant has to do a phase one environmental assessment. I do phase one environmental assessment all day, all the time. When people are buying or selling commercial real estate, it's a commodity. I do it all over the United States, and we charge \$1900 or \$2000 for that. If you do a (inaudible) phase one, it is a (inaudible) of \$20,000 phase one, just cause the level of effort is that much greater. Then if there are issues identified, your concerns are identified during that phase one. Then you have to go through a phase two, which involves collecting soil and groundwater samples. If you drive by that site, you will see groundwater monitoring wells on the site. So, it tells me that they did groundwater monitoring and groundwater sampling. Once you've done all that investigation, the certified professional takes all that information. And he writes a letter to the EPA, saying no further action is needed. That is based on some risk-based conclusion that there is no imminent threat to human health or the environment. I believe at that site, and I have not read the covenant not to sue or no further action letter. If the EPA concurs with that no further action letter. Then the issue of covenant not to sue. Which means the director of the Ohio EPA won't come back and say, you've got something to clean up there. Unless some new information comes to light. It doesn't mean that the site is pristine. I believe at that property there are restrictions on how you can use the property. I don't think you can use it for residential purposes. I don't think that you can drink the groundwater out there. Which I mean, no one in Cuyahoga County drinks the groundwater, so that is not an issue. I think that there is probably some restriction on it. I think you're not allowed to grow vegetables on that property. There are those sort of restrictions. It is a site that you can redevelop and use for industrial or commercial uses. But you really could not use it for residential development unless you went out and did a lot more. Well unless you start digging stuff up. We will look once we interviewed all the residents. And kind of get an idea of what the health concerns are. We would go back and look at that covenant. I don't think that... the current condition of the property is not a concern. But it could be the industry that was there before. It may have been a contributor to some contamination or impact of soil in the area. We would have to look at that and reviewing that no further action letter during that covenant. That would be part of our data. **Nikolic:** And one other point of clarification before we go to Council questions. What you are referring to is a portion of land that is owned by Bedford. **Hamilton:** Is it owned by Bedford or is it in Bedford? **Nikolic:** It is in Bedford, so for our purposes. If you could just explain what that means for us in that part of the land that resides in Oakwood. **Hamilton:** It is a private piece of property. I know that the engineer received a copy of the no further action letter of the covenant not to sue. That is a requirement of the Voluntary Action Program. You have to let the municipalities know that that piece of property is there. Part of that is also there is a deed restriction on that property. That deed restriction will include all those things that you cannot do on that property. I think that as it affects the Village. If there was a part of that property that was in the Village and somehow the Village wanted to suck it into a land bank. You would have to know that you were limited in your options for development. Probably the best use for that property. Would be for the property owner to sell it to someone who comes in and use it for a use that is allowed. **Hardin:** Did I understand that you said our engineer received that covenant information already. **Hamilton:** Yes. **Hardin:** And that covers the Bedford side and Oakwood? **Hamilton:** That covers that piece of property. It does not matter where it is if it is Oakwood or Bedford. The covenant not to sue applies to that parcel of land. **Hardin:** Thank you. **Hren:** I just want to point out the letter actually went to the Building Department. The Building Department sent it to me and asked me what to do with it. So, I advised them to put it in the property file for that parcel. So, it is on record with the Village. I just wanted to make it clear that it is on file at the Building Department. **Matlock:** Did anyone even go to the Building Department to check that property record? **Hamilton:** If you wanted to see that covenant not to sue and you didn't want to go to the Building Department. You can go to the Ohio EPA website, and it is there. Every covenant not to sue in the state is on the EPA's website, it is all public record. **Nikolic:** And, you know, just additional information with this being right in my backyard. Trees have just started falling out of the ground. One tree fell on my uncle's house who lives next door. It went straight through his window. A tree fell

on my house and took the whole back off, the gutters and everything. So, trees are just dropping out of the ground. **Hamilton:** During the interview process, we've got a space on the form for other information. I would hope that the residents to be interviewed will provide that information. When we go and collect samples, we will also walk through the neighborhoods and those sort of things. We might come back and ask you what happened there. **Hardin:** When he said he is going to go to other neighborhoods. He is just going to start going... **Nikolic:** No, he is referring to the Free and Wright area. **Hardin:** But then he said... **Hamilton:** What I am proposing is we are primarily concerned with the residents in that neighborhood. **Hardin:** Yea, but you said you were going to go to other neighborhoods. **Hamilton:** I would like to interview, and I think Council members provide a good representation of residents who live other places in the Village. I don't care if it is you all or if there are a couple of people in the ward. You just pick people at random and say we want you to participate in the study. My goal there was to get information. If I just interview the people in that neighborhood and I see some pattern. I would like to know that is not a pattern, that is Village wide. Or if it is Village wide, we've got to come back and say there might be a bigger problem. **Hardin:** This could be good, bad, or indifferent, it could start a panic. When you interview people what is your approach? Are you saying we are looking for cancer here? **Hamilton:** My approach is, I have a questionnaire. I would rather not publish that questionnaire until we start the interviews. Because I do not want the residents to get a hold of that questionnaire from one person and then the next. Then they come into the interview, and they filled it all out chatting with each other. I want to interview the residents that we interview kind of free and clear of any influence from their neighbors or anyone else. **Hardin:** All of that is good, but we just don't want you to panic the people. I am serious, you have to have a standard script, I would hope. **Hamilton:** Yes, so what we will do if you approve this. If you hire us to do the work, I'll draft a letter, and the Law Director can review it. You guys can decide how to deliver it. I am happy to mail it to the residents that are identified. Or the Village can distribute it, but it will be a column that says, we understand that... I don't know the exact word for it, but we understand that there is a concern in the neighborhood. The Village is undertaking a study to evaluate whether or not it requires more study. Every day I deal with people who have environmental issues, and I completely appreciate their concern. I can tell you there is a community on the west side that has an old landfill. I get a call in ay dinner, at 8:00pm on a Friday night that the EPA has showed up at random. And had called out two Fire Departments and the adjoining Village and we are going through basements looking for explosive gases. It was completely unwarranted, but I helped de-escalate that. **Hardin:** Well, we are surrounded by landfills here. **Hamilton:** That is a different discussion. But my point is, I don't want to panic anyone. I don't think anyone wants to create panic. But if there is a concern there, let's look at the data and gather enough data so that we can make a decision. **Nikolic:** Okay, one point, we discussed the proposal with the Mayor. He is not here, but Brian, when we discuss with the Mayor. He described where the money for the proposal will be coming from, miscellaneous contracts. Could you give a brief? **Thompson:** I mean it is going to be a contractual agreement with this gentleman. So, we do have a contractual line item for such services. **Nikolic:** So, under which fund would it be? **Thompson:** It would being the general fund under 101-7799- 52150. **Davis:** Did you give us what your cost was. **Nikolic:** It is in your proposal. **Davis:** I am in ward four, it is a different section over here. We've have been calling the EPA for years because we have had smells from Agmet, from I. Schuman, which is now blown up and gone. We have had four people that had to have heart transplants within 500ft from both of those buildings in my ward that I know of. Two had already died before they got a heart. We were always told to call EPA. We call the Mayor; he calls the Police to tell them to shut it down. But it has already been blown all over our properties. We called EPA and never ever received anything from the EPA or anybody coming out. So, how are they going to be helping us now? **Hamilton:** So, we're not going to ask. The objective of this study is to assess whether or not there is a health problem in that neighborhood, a cancer cluster. Then if we collect enough data that there's a cancer cluster. The next step will involve epidemiologists, medical doctors, professionals with different specialties than I have. The Board of Health and the EPA are better suited to address those sort of issues. If you call the American Cancer Society, they will tell you if you if you have the data shows a problem. Get your board of health and the EPA involved. So, the issues that you are discussing. I mean I if there is an industry that's emitting foul odors. **Davis:** Smells like plastic but... **Hamilton:** So, I don't know those

industries. I don't know what their permitting is but if an industry has got air emissions. There should have a permit for air emissions. I mean, we can discuss it separately. I can tell you the right number for the EPA to call. I have had plenty of instances where I was on a call, and it's usually a gas station. That's leaking gasoline into a stream or something. I'll show up and the EPA will be there and other regulators. But there is an emergency response number of EPA. **Davis:** Okay, we need a different number because I have residents call and they never do anything. They take down the information and that's it. We'll never hear from them again. **Hamilton:** So, I can tell you when we pull the regulatory records on that report, we might get some. We can see if there are other industries in the area. A lot of times those records that we pull will show whether or not an issue was reported. **Davis:** Okay, because one is the one that blew up and it is not gone. There were many, many problems with the EPA and they kept giving them violations, but they never followed through. **Williams:** To Engineer Hren are the as the environmental Covenant and the no further action letter that gets sent to the Building Department. Is that a regular type of thing that you always receive or when you receive it. **Hren:** You know, a lot of times if they get a document, they don't know what to do with it. They email it to me, and they ask me, what do we do with this? I read it; I had seen it before. We worked in other communities that had similar covenants. As Mr. Hamilton indicated, they send it to the community. They're required to send it to communities. I advised it being placed in the property file. So that, should anybody ever want to develop or do anything with that. It is there in the property file. **Williams:** How will Council be aware of us receiving it or able to inquire about it? **Hren:** I would assume that they would look at the property file. I'm not sure what the protocol is from the Building Department when they receive such documents. But again, I think it is important that you connect. I don't think they were going to throw it away. But I advised them as to what it is and what should be done with it. It should be readily available. There are times when a resident would call me and ask me does this property has well water or anything like that. I always direct them to the Building Department to check the property file. **Williams:** In the future, can you all share that immediately with Council so we are aware? **Williams:** I will also ask the Building Department. **Hren:** I guess, you know, it's kind of, do you want me to send you everything? **Williams:** That's why I asked you if it is a routine letter. Do you get them often? **Hren:** A lot of times I am like the dead letter office, I'm not trying to be funny. But it's, have you seen this before? **Hamilton:** When I do any permit through the EPA. It depends on what we're doing. But I am required to notify the County agencies. If we are doing something with West Lake. I probably have to let Bay Village know. So, there is a lot of that mail that goes around that is required by regulation. A lot of times it's not applicable to anyone. But again, this is a private property, and so that covenant goes on the deed. So again, if someone wants to buy that property or redevelop it. They are going to find that information as soon as they do the title on the property. **Davis:** Did you say you already did the soil sampling? **Hamilton:** We have not done any work. **Davis:** Okay, so that other soil testing we're sampling that the city did or engineering? **Hren:** No. **Davis:** So, you didn't do anything? **Hren:** The Fire Chief contacted me regarding what Council, had requested of him. And again, it was, had you ever done anything like this? And I hadn't, but I have worked with an individual who has. I guess along the charge of it. Mr. Hamilton is a data analyst. He gets data, he assembles it, he looks at it and determines if it warrants further action or a further investigation. I actually first worked with him probably 25 years ago, in Maple Heights at a vibrations monitoring study. So, this kind of falls within that environmental realm or arena. That's why I reached out to him. Whenever I have a situation similar to this, I ask him. Have you done this, or do you know anybody who's done it. When you call the EPA it is no different than when I call the EPA. When Mr. Hamilton calls EPA, he's got a ream of data. He has looked at the companies that are in the area. What they're permitting is what kind of releases they've had in the past. Are there environmental covenants that are out there? There's a database that he has access to. We all have access to it, but he knows where it's at. He can assemble it, and he can go to the EPA and say, looks like we have a problem. That's what he offers that I can't offer because I just don't know where that information can be found. **Davis:** Okay. **Williams:** Do you know if we've received other letters like this for other properties? Is this our only one? **Hren:** This is the only one that I know about. But again, it doesn't mean they don't exist. It is just coincidental because I think I got the email, might have been in November. That is the only reason it even came up. If it would have happened in November of 2003, I might not even remember it, to be honest with you. But again,

anytime I see documents like that. I just advise to put it in the file so that if somebody should inquire in the future, it's there. **Matlock:** I'm looking at the timeline that you have for this, actual assessment. You said 6 to 8 weeks to complete the total assessment. **Hamilton:** Yes, ma'am. **Matlock:** The soil sampling will take about one week to complete, and the fee is \$22,500. But if you go past a month or whatever it stated that we pay, how much or is that the actual fee? **Hamilton:** I'm not going to charge you any more than that. **Matlock:** Okay, it's just something that I was just looking at, just going over your payment, and when it was due. **Hamilton:** I'm sure there's terms and conditions on the back that say if payments is not received in thirty days there a charge added to it. **Climer:** Is this letter what you use as your contract? **Hamilton:** Yes, it is professional services. So that is how we would propose it. I would just add to the schedule the start date will be contingent upon the weather. I will happily start interviewing people right away, but I'm not going to go out and sample the soil if the ground is saturated or if it's frozen. I'm not going to delay it until June, but to get good soil samples. I want to make sure, number one we can get them it is not frozen and number two we are not going through mud to get there. **Matlock:** Do you take water samples also? **Hamilton:** We are not taking water samples. **Nikolic:** Can you explain why you made that decision to not do water as well? **Hamilton:** Well, I wouldn't sample the surface water. The soil is a better indicator of what's at the surface. There's probably surface water out there. When I say surface water, meaning water that's sitting on the ground. So, there's probably surface water out there today because the snow is melting, and it is raining. But by this time next week, there might not be surface water. The other water we would look for is groundwater. We discussed that with the property with the covenant not to sue. It's because no one is drinking the groundwater. If I go out there and I find out that ten houses have wells. I can't imagine, I know that is not the case. Because when they did that covenant not to sue in that no further action letter. They had to search the entire County for people that were drinking the groundwater. So, no one is exposed to the groundwater. The groundwater is probably 20 or 30 feet below. So, even if your kids are in a backyard digging holes. They are not going to get to the groundwater. **Davis:** How deep do you dig the soil samples? How deep do you have to take them? **Hamilton:** I think in there I proposed, like a 0-to-6-inch sample and then, 12-to-18-inch sample or something like that. **Davis:** Okay. **Nikolic:** Any further questions or discussion? Thank you, Mr. Hamilton. At this point, I would like to request, and correct me if this is not the process. The drafting of the legislation to put this before Council to approve. **Climer:** I have a note to do that. **Nikolic:** Are there any further comments from the floor? Hearing none, the floor is closed.

Floor closed

Climer: Proceeded to read...

Legislation:

2023-55
Introduced 12-22-23
By Mayor and
Council as a whole
1st read 12-22-23
2nd read 1-9-24
3rd read 1-23-24

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

Climer: This is on the third reading. For this, I understand Ms. Davis, I owe her some information. So, I would request a motion to table this pending the provision of that information.

Motion to table legislation 2023-55 made by Hardin seconded by Matlock

YES VOTE: Nikolic, Scruggs, Hardin, Matlock, Davis, Williams

MOTION PASSED

2024-02

Introduced 1-23-24

By Mayor and

Council as a whole

1st read 1-23-24

A RESOLUTION AUTHORIZING THE ENGINEER TO BEGIN THE PREPARATION OF PLANS AND SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR THE FORBES ROAD FORCE MAIN REPAIR PROJECT IN THE VILLAGE OF OAKWOOD AND DECLARING AN EMERGENCY

Hren: Thank you very much, I'll give you a little bit of background on this. Then I'll let Matt take over and give you the details. As you know, we are doing the reconstruction on the Forbes Rd and the County will be implementing that project. Bids were just opened, first week of January. There is excitement in year, but unfortunately, one of our employees was driving down the road. And noticed water percolating up through the pavement and the downside of the Somerville intersection were on Forbes Road. If you recall last year, we replaced the force Main, which was the section, from the pump station up to Somerville. There had always been water showing up on that section which indicated it was a force main leak. Force main is just another name for a pressure pipe where the sewage flows down to the intersection of Forbes and Richmond, and it's actually pumped to the Bedford Heights treatment plant. It goes up and then goes downhill, but it's still under pressure. It formerly tied in at Tupelo Dr., and then maybe 15, 20 years ago. Bedford Heights extended it a little bit farther to a different manhole. If you recall, you and I may be the only ones that recall this. But that actually at one point, went to the pump station at Grove and Forbes. Then it went to the Northeast Ohio Regional Sewer District system. There was an agreement between Bedford Heights and the Village of Oakwood. That is when it was connected to the Tupelo Dr., manhole. So, because that road was widened subsequent to the installation of that force main. It is sitting, like, right behind the curb. Parts of it may actually be under the curb. So, it's really important that we take care of this immediately. **Hardin:** Was that by Somerville or Tupelo? **Hren:** Between Somerville and Tupelo. **Hardin:** Okay. **Hren:** So, it wanders back and forth. It's probably, I got to say, 25 to 30 years old, It's older construction. It's PVC, but it's still belden spigot. The materials that we use now are continuous. **Jones:** It is fused basically. There are no mechanical joints. **Hren:** So, it is less likely to leak and last longer. It's directionally drilled, which means, there's very little excavation. So, what we would do is actually abandon the existing ones and push this one, into the tree line. The important thing is we would prevent any sewage from continuing to enter the environment. Right now, it is probably going into the underground of the street. It's also going in the gutter, flows into a catch basin. It all ends up in Tinkers Creek and then Lake Erie. Which is bad, but from a funding perspective and now we'll get into that. It's actually good for us because it allows us to tap into a funding source that we might not normally be able to tap into. **Jones:** The source of funding that he's talking about is actually the community cost share dollars. Which are through the stormwater side of the Northeast Ohio Regional Sewer districts program. So, the portions of the Village that are within the Regional Sewer District service area, those properties paid into that source of money. But it is actually available Village wide. So, basically that money is available to deal with any issues that are stormwater related. But one of the primary things they are looking at is to avoid contamination. So, one of the main goals of that program is to eliminate cross connections. Eliminate sources of contaminated water getting into the storm sewer system and into creeks, rivers, and things. So, because of the fact that this particular issue, this force main leak. Again, it's got to go somewhere, it's not just going to sit there. So, it being in the pavement currently, the location where we are aware of the leak. Like I mentioned, it's going into the under drain. It's actually surfacing on the pavement, which means it's going into the street gutter and then going into the storm sewer. So, one way or another, ultimately that contaminated water. Which is basically raw sewage is what it is, in very small

quantities, but nonetheless still getting into the storm sewers. So, it's really critical that this leak gets fixed. And again, when the previous section was done two years ago. When the Forbes Richmond pump station was upgraded. That time the force main was replaced from Richmond to Somerville. Correct me if I'm wrong on this, but at that point, there were definitely leaks in that area. Well, now what's happening is again, it's that same system of pipes. That leak is now showing up in the next section, which is west of Somerville. So, like between Somerville and Glenshire. You could do a little patch there, but it's just going to keep happening. So, really that whole section needs to be replaced to stop this from occurring. **Hardin:** How far down is going? **Jones:** Tupelo, because that would replace the entire 30-year-old portion plus or minus 30 years old. That's the idea that would be one source of funding. There's also another source of funding that is available to this. And that is through the County Department of Public Works. That is a rolling fund and I think Ed, you may be able to explain this better than me. Since I am newer to Oakwood. But there is, again, through your sanitary sewage fees. That money becomes available for maintenance. Things like sewer cleaning and things like that. But this type of work would also qualify for funding under that. So, that's another potential source of funding. Both that and the community cost share dollars are both reimbursement type programs. So, to get this job done, it is going to need to be money upfront from the Village. Which will then be reimbursed through one of the other or more likely, both of these, two sources. But there's sufficient funding available through both of those sources. Where the vast majority, if not 100% of this cost of this work, would be reimbursed through those sources. That would include the design work as well. **Hren:** Yeah, this will be very similar to what was done with the original Forbes Road project. In that project, the County Department of Public Works, which if you look at your real estate taxes, there is \$1.50 per lineal type of frontage. That is added to your property taxes as a sewer maintenance fee. Not a tax it is a sewer maintenance fee. That money goes into a fund, with the Department of Public Works. As Matt indicated they use it to clean sewers, make any repairs, and also any capital improvements. With the case of the pump station, they actually took out a loan from the Ohio Water Development Authority, which is an arm of the EPA. Because the project exceeded the balance of funds that were available. And they're using the annual collection to pay off that loan. Yeah, obviously, though, that loan is not the only thing they are using those fees for. They're doing it every three years, clean our sewers. There is a 24-hour hotline number that we have. If a resident has a sewer problem, the County is out there twenty-four seven. I know it took a big burden off of the Service Department. Also, I think the residents appreciate the fact that somebody is going to get out there with one phone call. So, those funds, we have scheduled meeting with the County to determine exactly how many dollars are available. Whether we would have to do another loan. The good thing is the community cost share dollars. We confirmed today that they are eligible. Right now, we have about \$120,000, that's available, we can also borrow against that. For up to five years' worth of community cost share funding. We collect about \$72,000 a year. So, realistically... **Jones:** We don't really want to do that, and we don't want to borrow against our future allocations. But again, just to let you know, we do have multiple sources of funding available. So, depending on how much is available to either format. We may be able to borrow against maybe a future year or something like that. If we end up a little short with what we have coming to us from this year. **Hren:** As far as the reimbursements, we would work with Brian and the Finance Department, as we did with the Forbes Road project. So, it's not like you have to put the whole amount down up front. We try to manage the cash flow. So, maybe spending \$50,000, \$100,000 at a time. They reimburse that within 30 to 60 days. Even though there is an expenditure, it's quickly replenished, in the sanitary account. Again, you hate to see this. We've been on the phone the last week and a half trying to figure out how we're going to get this done. How are we going to get it done quickly. **Jones:** The timing is really difficult because, the Forbes Road project. The notice to proceed on that is going to be in April. We are going to start seeing work out there probably June or July. So, we have to have this done before that starts. Or else these guys would be tripping over each other and that is not going to work. Just to talk about sort of the logistics of this. Basically, what we'll do, again, because this is a really tight timeframe. The thought here is that we would put out an RFP, to various pipe suppliers, to purchase the material. Because maybe the easiest way to do this job would be to go through the traditional process of designing it, bidding it, and having a contractor, get on a contract to supply the materials and install the pipe. Well, if we do that, then it may take too long because, you

know, it takes time to go through the bidding process. It would take time to get them awarded, and then they would have to order the pipe. So that sort of adds like a month or maybe a month and a half to the process. What we would like to do is get an RFP out right away, to get that pipe ordered. Then at that point we can go through and have the contract be awarded such that the pipe is supplied. And then the contractor is taking that supply pipe and installing it. That would shorten that process. It would allow us to begin construction. We're targeting mid-April, and have it done beginning of July. Which would be enough time for us to stay out of the way of the Forbes Road contractor. So, that's the general idea. You know, again, the work would be happening just outside the pavement, the existing line. Which is mostly in the pavement, either under the asphalt or going out to the concrete to curb. In some cases, that would be abandoned, so that's the point. **Hardin:** How much? **Jones:** We haven't fully designed this yet so it's preliminary at this point. But we are looking at \$250,000 to \$275,000 is what we are looking at. And that's out the door, that's the piping installation, design, inspection fees, everything, that's the whole package. **Davis:** Tupelo, is that Oakwood Village or is that Bedford Heights? **Jones:** Actually, out of Bedford Heights. **Davis:** That's what I thought, so why are they having to pay for part of theirs? **Jones:** It is our sewer; parts of the sewer are actually physically located in Bedford Heights. But it is our pipe and the outlet of our pump station. **Davis:** Could this interfere with Garden Road's repairs because they're also using the same funds? **Jones:** Correct, those moneys are already set aside from a previous year. **Davis:** How long does it take from the time that we spend this money to get it back? **Hren:** Typically, anywhere from 30 to 60 days. The Regional Sewer District is usually 30 to 45 days. The County depending what time of year, if it is in December, it's 60 days. But they're usually around 30 to 45 also. **Jones:** Yeah, so the idea is, you don't have to wait for the whole job to be done to get reimbursement. Individual pay statements can be sent in for reimbursement, so it won't accumulate. **Davis:** Okay. **Nikolic:** Could you clarify would this money that we are using. Would that be coming out of the SCMR fund? **Hren:** It would come out of the sewer and water sanitary, 602 fund. **Nikolic:** Any further discussion or questions for our engineer. **Williams:** When does this need to be approved by? **Hren:** Today, on emergency would be ideal. Because that would allow us to immediately issue the request for proposal. The RFP that Matt talked about to suppliers would be under \$75,000, which under O.R.C, you would be allowed to award that contract for the purchase of the pipe. The job itself would be bid. So, there is no need to worry about the owner saying we put out an RFP to avoid the bidding process. Because we're still bidding. Once we get the proposal in and we would go to a minimum of three vendors. There's really only one type of pipe material that EPA even approves for this type of use. So, everybody's bidding the same product. We get a price, we award it, we order it. And when the contract for the installation is designed, advertised, and awarded, the pipe will be arriving. Hopefully, either that day or within a week or so. We would also incorporate that information into the bidding documents. We would also require anybody who's bidding the construction. To get going within, let's say, ten days of the delivery of the pipe. We really structure the whole thing around that pipe being ordered and arriving and being able to be installed. As soon as we have authorization and under the emergency clause because of the nature of this emergency upon signature. **Williams:** So, you would need the \$75,000 like... **Hren:** No. **Matlock:** When do you need the initial... **Hren:** When the guys show up with the pipe, usually you get 30 days after that. **Jones:** They will bill us. **Matlock:** That would be February, March? **Hren:** Probably March. **Matlock:** So, you would need \$75,000 in March and then potentially the other... **Hren:** That again would be like any other contract. As the contractor is performing the work. They give us a monthly invoice for the work that they've performed. We hope that by the end of the month we'll have the dollars identified. Which may also entail additional legislation. As a part of Council entering into agreements with either the County Department of Public Works or the Northeast Regional Sewer District. As we've done with other projects. **Davis:** This work, your \$275,000, does that include your new rates that you put in here for the next resolution? We have to know if it's going to be more than that amount, or this is going to be for sure what we're charged? **Hren:** Typically, contracts are opened up, bids are open. We advertise it, we open bids, and we give them to the Board of Control. The ordinance requires, as all of our ordinances do. When the bid results are opened, we make a recommendation. We forward that recommendation to Council and to the Board of Control. **Davis:** Okay, thank you. **Williams:** I didn't know this was so urgent. I do have several questions now. The \$275,000 is an estimate but did you all overestimate. And you know for sure wouldn't go

pass \$275,000? **Hren:** Our policy typically is as the engineer we never want to be the low bidder. So, what we do, some people call it fluff, some people call it contingency. I'd rather tell you it's going to be \$300,000 and have come in at \$250,000. Rather than telling you it's going to be \$225,000 and have it come in at \$250,000. So, we do tend to overestimate. **Williams:** She asked about the immediate cost. So, it would be the \$75,000 in a month or two. **Hren:** Again, the number that I gave you would be under \$75,000. The only reason I even mentioned that number was because that's an Ohio Revised Code requirement. For where we would have to go out and bid anything above that. But we are confident that the material cost would be under \$75,000. I think we were told by; we have a group that specializes in this type of work. That the cost would probably be closer to \$65,000. But again, we don't know, it'll be under \$75,000. **Williams:** And that \$75,000 is our cost? There is nothing, no grants? **Hren:** Oh no, there will be grants. That number the two \$275,000 includes that material costs. **Jones:** The intent is for all of it to be reimbursed. Through one of those sources that we discussed earlier. **Williams:** All \$250,000 to 274,000? **Jones:** Yeah, correct. **Williams:** Is there any possibility we may not get a reimbursement? What's the likelihood only for that? **Hren:** If we get to that situation, we'll come back and let you know. Because I'm not going to build a \$300,000 project and tell you, hey, I was wrong about the reimbursement. We would find a way to do it. We're very confident, we have worked with the County and Regional before. And as Matt indicated, there's the Ohio Water Development Authority. There are multiple ways to handle this and it's a recognized emergency. They will not take this lightly. **Jones:** And again, we have had preliminary discussions with both of those entities. They have indicated to us that these are eligible expenses. So, we feel very strongly it's okay. **Williams:** So, whatever is billed to us once this starts. We then ask the County or whoever for the reimbursement. **Jones:** Correct. **Williams:** They typically get it to us within 30 days. **Hren:** Yeah 30 to 60 days. **Williams:** Okay, thank you. **Nikolic:** We mentioned that it's coming from 602. Finance Director if you can help me with the numbers. If I understand them correctly, it looks as if there's only \$90. **Thompson:** Sometimes the funds will run negative. But we know that reimbursement is coming. So, I would cut a check for \$25,000 hypothetically. Ed submits the paperwork to the County. I get the dollars back and the fund makes it whole again. **Nikolic:** When you say cut a check, hypothetically. What's a hypothetical check? **Thompson:** I am just talking about the amount that they may give us. Ed sends a pay request to me. **Nikolic:** Okay, but that would just come from general funds? **Thompson:** No, it would come out of the 602 fund. As part of our budgeting process, Ed and I come together and project the whole year. So, he'll have this as a projection for the total appropriations. So, I have the authority from Council to make that expenditure. **Nikolic:** So, even though this is the beginning balance. Once the budget is approved for the annual appropriations, that we're the funds would come from. **Hren:** Yes. **Nikolic:** Any more questions on the legislation? Any more requests for information?

Motion to suspend rules on legislation 2024-02 made by Hardin seconded by Scruggs
YES VOTE: Nikolic, Scruggs, Hardin, Matlock, Davis, Williams
MOTION PASSED

Motion to adopt legislation 2024-02 made by Hardin seconded by Davis
YES VOTE: Nikolic, Scruggs, Hardin, Matlock, Davis, Williams
MOTION PASSED

Nikolic: Is there any further issues or discussion that we would like to have before the meeting is adjourned?
Williams: I sent a public records request January 10th. Do we have a time frame around when we respond to public records? **Climer:** Request to me? **Williams:** You were copied on it, but it was not to you. **Climer:** Oh, okay, I do recall that. I didn't understand it to be directed to me that is why I was asking. The Public Records Act does not provide a definitive time frame. The Act that only the Courts say a reasonable time. That will depends on the volume of the request, issues in the office, how difficult it is to retrieve the information and copy

it, and all of that. **Williams:** Okay, for the record, let me state this. We are a municipal entity, and if somebody sends us a public record request. We should not wait two weeks to just say I received it. Because we are kind of extending that timeline to respond just by virtue of not responding. **Climer:** That doesn't change the way the courts look at it. **Williams:** I'm talking about our practice. I understand it could be interpreted any way. I mean, a municipality could say, you know, I want you to respond in 48 hours. What I'm saying is we actually are extending the response time. When we wait to just say, yes I received the public records request. **Climer:** What I'm saying is that if you delay a response acknowledging the receipt. Let's say you get it on the 1st and you acknowledge you've received it on the 14th. That doesn't change what the court would be determining to be a reasonable time to respond. **Williams:** But you're not going to respond to like, getting the information together, until you say, yes, I got this. You follow me? **Climer:** Yeah, I think I see what you're saying. But it doesn't change the time frame that the court would require. **Williams:** Yeah, I'm not worried about that. I'm talking about our practice. If a resident has a public record request. Yeah, and if an email is sent, we should be able to at least acknowledge that email. Within a reasonable amount of time and that should not be two weeks. Because then we are going to take X amount of time after that public records request to fulfill it. **Climer:** I think I see what you're saying. All I'm saying is doesn't change the legal. **Nikolic:** So, if I'm just hearing the discussion correctly. Mr. Climer, you're saying by law you have 14 days to respond to a public records request? **Climer:** That is not what I am saying at all. I'm just saying that there is no definitive time was provided by the Public Records Act or by the Courts. **Nikolic:** Okay. **Climer:** What they do say, it has to be quote unquote, reasonable amount of time. And they look at any number of factors, determining what that time is. Which are the kinds of things that I just ticked off to Ms. Williams. **Nikolic:** What I hear her saying is, do we have a common practice within our system of functions of responding to request? What is your typical time frame? Or should we establish a time frame for responding to public records requests out of courtesy? Two days is a business courtesy. You make a request; two business days is typical industry standard. What would you say. **Climer:** You're talking about acknowledging the receipt or providing those records? Because those are two different things. **Nikolic:** Okay, let's start with acknowledging receipt within two business days. Acknowledgment of receipt at least stating how long it would take to fulfill the request. **Climer:** We do not have a standard practice for that. **Nikolic:** Okay, but let's institute it. **Climer:** Personally, when it comes to my department, I do try to acknowledge receipt promptly. In terms of the actual production of the records. Again, it depends on all of the things that I listed on to Ms. Williams and more. **Nikolic:** Okay. **Climer:** So, if somebody comes in and says, I want every piece of correspondence that the Village of Oakwood has ever exchanged with Jim Smith. That is going to take a while because you have to go through every department, every computer, every year. If they ask, for instance, can I have a copy of ordinance 2024-02. We'll that should be very quick. Because the answer is right here in the Clerk's possession, and it can be emailed or mailed right away. **Nikolic:** Okay, going forward, let's establish the practice of at least a two-day business response of receipt. With some detail of how long it will take to fulfill the request. **Williams:** I made my statement, and it was very clear. I'm making this for the record. I do think we should discuss it because that is exactly what I'm saying. We shouldn't be responding, yes, I got your email and I'm going to figure out when I'm going to fulfill it, two weeks later. That should not be a practice for a municipal entity. We should be able to have better service than that, for whoever it is. No, you can't address how long it should take you because you don't know what that email is going to contain. I get that I'm clear about that. And we don't have to go into this tonight. But we have had this conversation before and in two weeks to just say, yes, I received the email, unacceptable. **Climer:** So frankly, I think it does vary discussion. Quite frankly, there's some ideas I've had in terms of the public records practices. And I'd be happy to discuss that with any or all people that are interested. **Nikolic:** But in the interim, is two days to respond you received it, sufficient? **Climer:** I mean, that's not unreasonable to acknowledge the response. Understand the Public Records Act does not require a response of yes, I received your request. But as a matter of policy, if the

Village wants to say that people should acknowledge the receipt of that request. **Nikolic:** All of those requests are coming to you? **Climer:** No, I do not get all the public records request. **Williams:** It could go to any public employee. **Climer:** It is generally going to go to a department head. **Nikolic:** Ok. **Williams:** But I did specifically ask for a response to the request to let me know how long they might take to fulfill the request. I asked for that immediately. Because you can immediately look at an email and say it should take me about X amount of time to fulfill this. **Nikolic:** Any other comments or discussion? Briefly, Service Director Haba, we had a discussion about microphones. Have you been pulled into that discussion? **Haba:** Mr. Joseph just called me yesterday afternoon. **Nikolic:** Okay, well, we'll give you a little more time to review that. Any other discussions or questions before we adjourn?

Nikolic: Can I get a motion to adjourn?

Motion to adjourn made by Hardin seconded by Matlock
YES VOTE: Nikolic, Scruggs, Hardin, Matlock, Davis, Williams
MOTION PASSED
Adjourned at 9:45p.m.

Approved 3-26-2024


Tanya Joseph, Clerk of Council


Erika Nikolic, President of Council