

CITY OF OAKWOOD
COUNCIL AGENDA
JUNE 3, 2024

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF MAY 6 REGULAR SESSION, WORK SESSION & EXECUTIVE SESSION, MAY 13 EXECUTIVE SESSION AND MAY 29 EXECUTIVE SESSION
- V. STATUS REPORTS
- VI. VISITORS
- VII. LEGISLATION
 - An Ordinance to prohibit adult use cannabis operators from operating within the city of Oakwood, Vice Mayor Byington.
 - An Ordinance to consider a proposed text amendment to the sign regulations of the Zoning Code, Vice Mayor Byington
 - An Ordinance to provide a supplemental appropriation for additional concrete road repair costs, Vice Mayor Byington
- VIII. STAFF REPORT – LEISURE SERVICES DEPARTMENT
- IX. CITY MANAGER’S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR JULY 15, 2024

AN ORDINANCE

BY: _____ NO. _____

PROHIBITING ADULT USE CANNABIS OPERATORS, AS DEFINED BY SECTION 3870.01 OF THE OHIO REVISED CODE, FROM OPERATING WITHIN THE CITY OF OAKWOOD, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023, which enacted a new Chapter 3780 of the Ohio Revised Code that became effective thirty days from the date of the elections; and

WHEREAS, Chapter 3780 authorizes and regulates recreational adult use cannabis in the state of Ohio, including the cultivation, sale and use of marijuana products for recreational purposes; and

WHEREAS, Section 3780.25 of the Ohio Revised Code authorizes municipal corporations to prohibit or limit the number of adult use cannabis operators, as defined in Section 3780.01 of the Ohio Revised Code, within the city limits; and

WHEREAS, pursuant to the Ohio Constitution, home rule authority, and local ordinances, Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business activities; and

WHEREAS, this Council previously adopted a temporary moratorium on the cultivation, processing, or retail dispensing of marijuana for adult use business purposes in any form within the city of Oakwood, and finds that it is in the best interests of the public health, safety, and welfare to prohibit these activities within the city on a permanent basis;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Ordinance No. 4991 is hereby repealed, and the moratorium thereby established is revoked and superseded by this Ordinance.

SECTION II.

Adult use cannabis operators are hereby prohibited from operating within the city of Oakwood, Ohio. No provision of the Codified Ordinances of this city shall be construed to permit such operation.

SECTION III.

It is the intent of Oakwood City Council to prohibit the activities described in Section II above to the maximum extent permitted by Section 3780.25 of the Ohio Revised Code, and any other applicable provisions of state law. This Ordinance shall be construed in a manner that gives maximum effect to that intent.

SECTION IV.

All terms used in this Ordinance shall be defined in the same manner as Chapter 3780 of the Ohio Revised Code, as it pertains to adult use cannabis. All terms used in this Ordinance but not defined in said chapter shall be constructed, for purposes of this Ordinance, in a manner to be consistent with the use of such terms in both chapters.

SECTION V.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio R.C. 121.22.

SECTION VI.

This ordinance is hereby declared to be an emergency measure and as such takes effect immediately on the basis that it is necessary to avoid any practical or legal entanglements that may arise during the developmental roll-out of the State of Ohio's adult use marijuana program, and on the further basis that doing so will promote the immediate preservation of the public peace, health and safety of the City and its inhabitants.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this 3rd day of June, 2024.

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Publish the foregoing Ordinance in the summary form set forth below.

City Attorney Robert F. Jacques

LEGAL NOTICE

Ordinance ____ of the Council of the city of Oakwood, Ohio was passed on the 3rd day of June, 2024. Said ordinance was enacted as an emergency measure to prohibit adult use cannabis operators, as defined by state law, from operating within the city of Oakwood, Ohio.

LORI STACEL
CLERK OF COUNCIL

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the city of Oakwood, State of Ohio, hereby certify that the foregoing Ordinance was duly published in summary form in The Oakwood Register, a newspaper of general circulation in said city of Oakwood, and that said publication occurred on the following date:

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: _____ NO. _____

AMENDING PROVISIONS OF CHAPTER 12, *SIGNS*, OF THE OAKWOOD ZONING ORDINANCE, SO AS TO CLARIFY THE REGULATORY EXEMPTION FOR CERTAIN FLAGS AND TO SPECIFY A METHOD FOR CALCULATING THE SIGN FACE AREA OF TEMPORARY SIGNS INSTALLED AS LAWN SIGNS.

WHEREAS, a proposed text amendment to the Oakwood Zoning Ordinance was presented to the Planning Commission in a duly-noticed public hearing held on March 6, 2024, and the Planning Commission by a vote of 5-0 recommended approval thereof; and

WHEREAS, the proposed amendment was presented to Council in a duly-noticed public hearing held on May 6, 2024, and as required by Section 1003.6(B) of the Zoning Code, Council reviewed and tabled the proposed amendment and finds that it is consistent with the purposes of the Zoning Code, the Comprehensive Plan, and the interests of the city of Oakwood as a whole;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Existing Section 901.4, *Standards for the Placement of Flagpoles*, of the Oakwood Zoning Ordinance, specifically subsection 901.4(B), is hereby amended to read as follows, with new text appearing in **bold** font and deleted text appearing in ~~strike-through~~ font:

B. Regulations

One flagpole may be permitted in any yard if in accordance with the following conditions:

1. The flagpole shall be used solely for the display of not more than two (2) flags so long as the combined area of one side of the flags does not exceed sixty (60) square feet, **unless a larger size is approved as a Special Use.**
2. The flagpole may not be used for any type of sign nor for any other purpose.
3. The flags displayed may not be used for commercial advertising purposes.
4. The flagpole may not project more than thirty-five (35) feet above the average grade of the property, **except as may be approved as a Special Use.**
5. The flagpole must be self sustaining and may not be supported by braces, guywires or other supports.
6. The diameter of the flagpole must be similar to standard or customary flagpoles of the same height.
7. Illumination shall be so designed, placed, shielded or arranged so as illuminate the flag only, not to cause glare, light or reflection upon adjacent premises or upon the adjacent street.
8. Every flagpole must be erected sufficiently far from any power or telecommunication lines so as not to cause a hazard.
9. All flagpoles must be set back a minimum of twelve (12) feet from all property lines.
10. **In any residential zoning district, a flag larger than sixty (60) square feet and/or a flagpole projecting more than thirty-five (35) feet above the average grade of the property may be approved as a Special Use, pursuant to Section 1004.**

SECTION II.

Existing Section 1201.03(B), *Exempt Signs*, of the Oakwood Zoning Ordinance, specifically subsection 1201.03(B)(7) thereof, is hereby amended to read as follows, with new text appearing in **bold** font and deleted text appearing in ~~strike-through~~ font:

- B. Exempt Signs. The following signs are hereby designated as “exempt signs” and, as such, are subject only to the regulations contained in this Section 1201.03(B).

7. ~~Governmental flags~~ **Flags**, subject to Section 901.4 (Standards for the Placement of Flagpoles). **The combined total surface area of all flags, counting one (1) side only, shall be no greater than (60) square feet unless approved via Special Use permit. Unless displayed on a ground-mounted flagpole pursuant to Section 901.4, no single flag shall exceed thirty (30) square feet in area nor six (6) feet in length at its longest dimension.**

SECTION III.

Existing Section 1201.06(B), *Calculating Sign Area*, of the Oakwood Zoning Ordinance, is hereby amended to read as follows, with new text appearing in **bold** font and deleted text appearing in ~~strike-through~~ font:

- B. Calculating Sign Area. Sign area is defined as the area within any perimeter enclosing the limits of lettering, emblems, or other figures on a sign, together with any material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed. Structural members bearing no sign copy shall not be included in its surface area. In the case of a multifaced sign, **other than a temporary sign installed as a lawn sign**, all sides shall be included in the calculation of surface area. **In the case of a temporary sign installed as a lawn sign, only one face shall be included in such calculation regardless of whether the sign is printed on one or both sides.**

SECTION IV.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio R.C. 121.22.

SECTION IV.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this _____ day of May, 2024.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish by incorporating into the Codified Ordinances of the city.

City Attorney Robert F. Jacques

AN ORDINANCE

BY: _____

NO. _____

TO AMEND SECTION I, 2024 ORIGINAL APPROPRIATION ORDINANCE NO. 4985, AND ANY EXISTING SUPPLEMENTS THERETO, TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$450,000 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND FOR ADDITIONAL COSTS FOR CONCRETE ROAD REPAIRS ON RALEIGH, WOODSTOCK, DEVEREUX AND ASHRIDGE; AND
2. AN AMOUNT OF \$450,000 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE CAPITAL IMPROVEMENT FUND;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024.

WHEREAS, work on the 2024 Concrete Street Repair Project is underway and is progressing well, and the City Manager has determined that it would be prudent to perform additional concrete repairs now which would otherwise be planned for 2025 or beyond, allowing for the completion of certain streets in a single project year; and

WHEREAS, pursuant to Sections 145.04(E)(2) and (3) of the Oakwood Administrative Code, the City Manager intends to enter into a change order for this additional work with A to Z Property Maintenance, which is the contractor for the ongoing 2024 Concrete Street Repair Project and already has concrete crews mobilized within the city; and

WHEREAS, in addition, the 2023 Far Hills Storm Sewer Reconstruction Project is in its final stage, and a significant portion of the project area along Devereux Drive is planned for restoration with asphalt; and

WHEREAS, in addition to expanding the scope of the 2024 Concrete Street Repair Project, the City Manager has recommended completing the Devereux restoration with concrete in order to retain its existing material and character, consistent with other streets in the immediately surrounding neighborhood; and

WHEREAS, pursuant to Sections 145.04(E)(2) and (3) of the Oakwood Administrative Code, the City Manager intends to engage Kinnison Excavating, who is the contractor already performing the 2023 Far Hills Storm Sewer Reconstruction Project, for the additional concrete work on Devereux Drive, or to award a contract for this work without formal bidding to a suitable contractor who can expedite the work so as to finalize the sewer project as soon as possible; and

WHEREAS, this supplemental appropriation will authorize an additional amount of \$450,000 to be expended from the Capital Improvement Fund, and the transfer of \$450,000 from the city's General Fund to the Capital Improvement Fund, which will be utilized to fund this project;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

To provide for the current expenses and other expenditures of the said city of Oakwood during the period commencing January 1, 2024 and ending December 31, 2024, the following revised sums shall be and they are hereby set aside and appropriated as follows, with added material in **bold** type and deleted material in ~~strike-through~~ type:

Fund	Appropriation	
101 General Fund	\$3,907,501	\$4,357,501
309 Capital Improvement Fund	\$2,229,900	\$2,679,900

SECTION II.

The Director of Finance is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by this ordinance of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION III.

This ordinance, as an appropriation to meet current expenses of the City, takes effect immediately upon its passage as provided by Section 3.04 of the City Charter.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this 3rd day of June, 2024.

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please publish the foregoing Ordinance in the summary form set forth below.

City Attorney Robert F. Jacques

LEGAL NOTICE

Ordinance _____ of the Council of the city of Oakwood, Ohio was passed on the 3rd day of June, 2024. Said ordinance was enacted to make a supplemental appropriation for current expenses of the city of Oakwood, Ohio, for the period ending December 31, 2024.

LORI STACEL
CLERK OF COUNCIL

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the city of Oakwood, State of Ohio, hereby certify that the foregoing Ordinance was duly published in summary form in The Oakwood Register, a newspaper of general circulation in said city of Oakwood, and that said publication occurred on the following date:

Lori Stacel, Clerk of Council