

CITY OF OAKWOOD
COUNCIL AGENDA
JULY 15, 2024

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF JUNE 3 REGULAR SESSION, WORK SESSION & EXECUTIVE SESSION AND JUNE 17 WORK SESSION & EXECUTIVE SESSION
- V. STATUS REPORTS
 - Citizen Committee Appointment
- VI. VISITORS
 - May and June Beautification Award Winners
- VII. LEGISLATION
 - A Resolution to authorize and direct the Director of Finance to certify certain delinquent charges for cutting noxious weeds and nuisance plant material to the County Auditor for collection, Mr. Stephens
 - A Resolution addressing the membership in the Dayton Regional Energy Special Improvement District (ESID), Vice Mayor Byington
 - An Ordinance to itemize and levy special assessments for the 2022 Sidewalk Repair Projects, Mr. Stephens
 - An Ordinance to itemize and levy special assessments for the 2023 Sidewalk Repair Projects, Mr. Stephens
 - An Ordinance to Consider a Proposed Text Amendment of the Zoning Code for the placement and use of Temporary Outdoor Restroom Facilities, Vice Mayor Byington
 - A Resolution to participate in the Kroger Opioid Settlement, Vice Mayor Byington
- VIII. STAFF REPORT – PUBLIC SAFETY DEPARTMENT
- IX. CITY MANAGER’S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR AUGUST 5, 2024

A RESOLUTION

BY: _____

NO. _____

A RESOLUTION TO AUTHORIZE AND DIRECT THE DIRECTOR OF FINANCE TO CERTIFY CERTAIN DELINQUENT CHARGES FOR CUTTING NOXIOUS WEEDS TO THE COUNTY AUDITOR FOR COLLECTION.

WHEREAS, after notice, as required by law, the owners of the property hereinafter described failed to cut the noxious weeds growing upon such property, and this Council heretofore caused such noxious weeds to be cut and destroyed; and

WHEREAS, such owners have heretofore been notified of the costs incurred in connection therewith with a request for payment and have refused or failed to pay such costs; and

WHEREAS, Section 731.54 of the Ohio Revised Code and Section 551.05 of the Codified Ordinances of the city of Oakwood authorize the City to make written return to the County Auditor of a statement of charges for its services in cutting such noxious weeds and provides further that such amount shall be collected as other taxes and returned to the municipal corporation with the general fund; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I:

That the charges for cutting noxious weeds, an aggregate amount of \$ 1,679.34, as specified in Exhibit A, are hereby found and determined to have not been paid and are hereby returned to the County Auditor in accordance with Section 731.54 of the Revised Code and Section 551.05 of the Codified Ordinances of the city of Oakwood.

SECTION II:

That the Director of Finance is hereby authorized and directed to certify such delinquent charges, together with a certified copy of this resolution, to the Auditor of Montgomery County who shall enter the same on the tax duplicate to be collected as other taxes are collected.

SECTION III:

That 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 of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:
Publication is not required.

City Attorney Robert F. Jacques

EXHIBIT A
CITY OF OAKWOOD
2024 NOXIOUS WEEDS CERTIFICATION

ACCOUNT	PARCEL ID	LEGACY ACCOUNT	CERTIFIED AMOUNT
05149-002 (POLETE, SEAN)	Q71 00603 0004	410 RUBICON RD	168.08
03191-002 (SKIPTON, DALE R)	Q71 01403 0012	358 LONSDALE AVE	186.83
06594-003 (HUMMEL, JOAN & MARTIN)	Q71 00404 0002	436 IRVING AVE	201.04
04232-002 (MUMFORD, CHIP)	Q71 00208 0023	674 GARDEN RD	215.24
08204-002 (MCLATCHEY, GEOFFREY)	Q71 01308 0044	252 MONTERAY AVE	357.32
08079-002 (SCHANTZ , EDWARD)	Q71 00708 0002	825 FAR HILLS AVE	550.83
			<hr/> \$ 1,679.34 <hr/>

A RESOLUTION

BY: _____ NO. _____

AMENDING RESOLUTION NO. 1870 SO AS TO CONSENT TO COUNTYWIDE EXPANSION OF THE DAYTON REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT (ESID)

WHEREAS, on March 2, 2020, City Council (the “Council”) of the city of Oakwood (the “City”) adopted Resolution No. 1870 (the “ESID Approval Legislation”); and

WHEREAS, the ESID Approval Legislation approved the Articles of Incorporation of the Dayton Regional Energy Special Improvement District, Inc. (the “Articles of Incorporation”) and the *Dayton Regional Energy Special Improvement District Program Plan* (the “Plan”), all in accordance with Ohio Revised Code Chapter 1710; and

WHEREAS, the ESID Approval Legislation further provided the Council’s consent to (i) any addition of real property to the territory of the Dayton Regional Energy Special Improvement District (the “District”) within the boundaries of any municipal corporation or any township which is contiguous to a Participating Political Subdivision of the District under law; (ii) the addition of the municipal corporation or township in which such real property is located as a Participating Political Subdivision of the District, as defined in Ohio Revised Code Section 1710.01(E); and (iii) any amendment to the Amended Articles of Incorporation necessary to recognize or effect such addition; and

WHEREAS, Ohio Revised Code Chapter 1710 has been amended to enable political subdivisions within a single county or within counties that adjoin one another to become participating political subdivisions of a single Energy Special Improvement District regardless of whether such political subdivisions are contiguous; and

WHEREAS, in order to enable the District to expand to include any political subdivision which may become a participating political subdivision of the District under law, this Council desires to amend the ESID Approval Legislation in order to consent to any such addition, as set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I.

Amendment to Section III of the ESID Approval Legislation. Section III of the ESID Approval Legislation is hereby amended by deleting the current Section III and replacing it with the following:

This Council hereby approves and consents to (i) any addition of real property to the territory of the District within the boundaries of any municipal corporation or any township which is or may become a Participating Political Subdivision of the District under law; (ii) the addition of the municipal corporation or township in which such real property is located as a Participating Political Subdivision of the District, as defined in Ohio Revised Code Section 1710.01(E); and (iii) any amendment to the Amended Articles of Incorporation necessary to recognize or effect such addition.

SECTION II.

No Other Amendment. Except as expressly amended by this Resolution, the ESID Approval Legislation shall remain unchanged and in full force and effect.

SECTION III.

Compliance with Open Meetings Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this legislative resolution were taken in an open meeting of this Council or any of its committees, 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 in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

SECTION IV.

That this resolution shall become effective immediately upon passage.

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

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

No publication is required.

City Attorney Robert F. Jacques

AN ORDINANCE

BY: MR. STEPHENS

NO. 5005

TO ITEMIZE AND LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS AND APPURTENANCES THERETO IN THE CITY OF OAKWOOD, OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, OHIO:

SECTION I.

That the assessment of costs and expenses of constructing or reconstructing sidewalks, as set forth in Ordinance No. 5002 adopted May 6, 2024, is hereby restated and confirmed.

SECTION II.

That this Council finds and determines that notice of the filing of the foregoing assessments has been given as required by law, and no objections have been filed.

SECTION III.

That of the aggregate amount set forth in Ordinance No. 5002, an unpaid balance of \$20,280.63 remains due and owing to the city of Oakwood, and the same shall be and is hereby levied and assessed upon the lots and lands provided for in Resolution No. 1893 adopted April 4, 2022. The individual amounts comprising said unpaid balance, which amounts and the description of said lots and lands are set forth on the attached Exhibit A, are not in excess of any statutory limitation.

SECTION IV.

That all remaining unpaid assessments and installments thereof, as shown on the attached Exhibit A, shall be certified by the Clerk of this Council to the County Auditor as provided by law for collection with other taxes in five (5) or fewer annual installments with interest thereon at the same rate as shall be borne by the bonds issued in anticipation of the collection of such assessments.

SECTION V.

That the Clerk of this Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City within ten (10) days after its passage and to continue on file in this office said assessments.

SECTION VI.

The Clerk of this Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within twenty (20) days after its passage.

SECTION VII.

That this ordinance be and remain in force from and after the earliest period allowed by law.

PASSED BY COUNCIL, this 15th day of July, 2024.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish the following in summary form.

City Attorney Robert Jacques

NOTICE OF ASSESSING ORDINANCE

Notice is hereby given that on July 15, 2024 the Council of the City of Oakwood, Ohio, passed Ordinance No. 5005 entitled, "TO ITEMIZE AND LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS AND APPURTENANCES THERETO IN THE CITY OF OAKWOOD, OHIO." Said Ordinance provides for the assessment of certain unpaid costs relating to the 2022 Sidewalk, Curb, and Driveway Apron Project, which has already concluded.

By Order of the Council of the City of Oakwood.

Lori Stacel, Clerk of Council

PROOF OF PUBLICATION

I certify that I have caused the foregoing Legal Notice to be published one (1) time in the Oakwood Register, a newspaper of general circulation in the City of Oakwood, such publication occurring on the 24th day of July, 2024.

Lori Stacel, Clerk of Council

**EXHIBIT A
CITY OF OAKWOOD**

2022 SIDEWALK CERTIFICATIONS

ACCOUNT	PARCEL ID	LEGACY ACCOUNT	CERTIFIED AMOUNT
00116-003 (BLANKENSHIP, AMY)	Q71 00507 0004	201 MAYSFIELD RD	1,722.96
01916-002 (TURNER, MEGAN)	Q71 00506 0022	284 SCHANTZ AVE W	680.66
04783-003 (KEYTON , AARON, & ALBERTA)	Q71 00603 0019	15 THRUSTON BLVD W	1,131.82
04946-003 (ADDISON, JEFF & LEIGH)	Q71 00102 0003	700 OAKWOOD AVE	677.10
04964-002 (LAUTERBACH, BRADLEY)	Q71 00101 0006	709 OAKWOOD AVE	236.45
04966-002 (WALLER, PAUL & JENNIFER)	Q71 00101 0008	703 OAKWOOD AVE	265.44
05125-002 (MORRIS, CHRISTOPHER & KATHRYN)	Q71 00601 0008	324 SOUTHVIEW RD	1,070.73
05136-002 (RUBINO , LESLIE)	Q71 00602 0001	201 SOUTHVIEW RD	1,534.25
05174-002 (CONRATH , JEFFERY & HELENE)	Q71 00508 0020	217 NORTHVIEW RD	563.28
05203-002 (KING, SAMUEL & GYN)	Q71 00508 0004	205 HAVER RD	1,051.40
05215-002 (MACDONALD , MOLLY)	Q71 00509 0005	326 MAYSFIELD RD	1,639.92
05220-002 (SCHNELL, PHILLIP)	Q71 00601 0019	501 MAYSFIELD RD	899.64
05229-002 (REICHERT, THOMAS & JENNIFER)	Q71 00507 0018	200 MAYSFIELD RD	733.94
06448-002 (GWIN, LILA)	Q71 00604 0003	235 THRUSTON BLVD W	1,960.69
06469-004 (TRIBBLE, JOHN & KATHRYN)	Q71 00104 0002	620 HARMAN AVE	227.36
06738-003 (BIESER, SIDNEY)	Q71 00601 0004	310 SOUTHVIEW RD	1,372.82
07248-002 (RUSSELL, TAYLOR)	Q71 00509 0028	420 KRAMER RD	1,699.58
07310-003 (SORAH, ROXANN & JAMES)	Q71 00706 0002	999 HARMAN AVE	1,951.32
07530-002 (FOURMAN, CHRISTOPHER & ANNIKA)	Q71 00507 0002	120 SCHANTZ AVE W	861.27
TOTAL 2022 SIDEWALK CERTIFICATIONS			\$ 20,280.63

AN ORDINANCE

BY _____

NO. _____

TO ITEMIZE AND LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS AND APPURTENANCES THERETO IN THE CITY OF OAKWOOD, OHIO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, OHIO:

SECTION I.

That the assessment of costs and expenses of constructing or reconstructing sidewalks, as set forth in Ordinance No. 4997 adopted May 6, 2024, is hereby restated and confirmed.

SECTION II.

That this Council finds and determines that notice of the filing of the foregoing assessments has been given as required by law, and no objections have been filed.

SECTION III.

That of the aggregate amount set forth in Ordinance No. 4997, an unpaid balance of \$13,493.91 remains due and owing to the city of Oakwood, and the same shall be and is hereby levied and assessed upon the lots and lands provided for in Resolution No. 1906 adopted March 6, 2023. The individual amounts comprising said unpaid balance, which amounts and the description of said lots and lands are set forth on the attached Exhibit A, are not in excess of any statutory limitation.

SECTION IV.

That all remaining unpaid assessments and installments thereof, as shown on the attached Exhibit A, shall be certified by the Clerk of this Council to the County Auditor as provided by law for collection with other taxes in five (5) or fewer annual installments with interest thereon at the same rate as shall be borne by the bonds issued in anticipation of the collection of such assessments.

SECTION V.

That the Clerk of this Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City within ten (10) days after its passage and to continue on file in this office said assessments.

SECTION VI.

The Clerk of this Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within twenty (20) days after its passage.

SECTION VII.

That this ordinance be and remain in force from and after the earliest period allowed by law.

PASSED BY COUNCIL, this ____ day of _____, 2024.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish the following in summary form.

City Attorney Robert Jacques

NOTICE OF ASSESSING ORDINANCE

Notice is hereby given that on _____, 2024 the Council of the City of Oakwood, Ohio, passed Ordinance No. _____ entitled, "TO ITEMIZE AND LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS AND APPURTENANCES THERETO IN THE CITY OF OAKWOOD, OHIO." Said Ordinance provides for the assessment of certain unpaid costs relating to the 2023 Sidewalk, Curb, and Driveway Apron Project, which has already concluded.

By Order of the Council of the City of Oakwood.

Lori Stacel, Clerk of Council

PROOF OF PUBLICATION

I certify that I have caused the foregoing Legal Notice to be published one (1) time in the Oakwood Register, a newspaper of general circulation in the City of Oakwood, such publication occurring on the _____ day of _____, 2024.

Lori Stacel, Clerk of Council

**EXHIBIT A
CITY OF OAKWOOD**

2023 SIDEWALK CERTIFICATION

ACCOUNT	PARCEL ID	LEGACY ACCOUNT	CERTIFIED AMOUNT
00177-002 (FIFTH THIRD BANK - OH10058Q)	Q71 01108 0001	2601 FAR HILLS AVE	1,458.48
02026-002 (BAGGOTT, THOMAS)	Q71 01007 0007	2415 FAIRMONT AVE	404.81
02041-002 (BAILEY, KRISTIN)	Q71 01107 0036	132 OAK KNOLL DR	1,063.87
02074-002 (POCISK, JEFFREY)	Q71 01107 0027	215 OAK KNOLL DR	449.62
02088-002 (RAMSEY, JENNIFER)	Q71 01105 0008	2524 ROANOKE AVE	386.53
02122-002 (BERENSON, SARAH)	Q71 01107 0013	100 DELL PARK AVE	736.23
02160-002 (KOLLER, CHRISTOPHER)	Q71 01006 0019	2412 HILLVIEW AVE	744.80
02175-004 (BRISBANE, WILLIAM)	Q71 01105 0049	2520-22 HILLVIEW AVE	960.89
06118-002 (WOMELDORFF, KRISTINA & JOSEPHS)	Q71 01006 0027	2408 ROANOKE AVE	803.67
06416-002 (ROLLER, DAVID)	Q71 01105 0052	2536 HILLVIEW AVE	411.19
06660-002 (CIARLARIELLO, PAUL DAVID)	Q71 01105 0012	2537 ROANOKE AVE	329.44
06858-002 (EIDEMILLER, KATHRYN)	Q71 01105 0050	2526 HILLVIEW AVE	1,305.36
07349-002 (POWELL, JOELLEN & ROB)	Q71 01105 0011	2533 ROANOKE AVE	743.33
07736-002 (CONLEY, DEBORAH)	Q71 01107 0008	128 DELL PARK AVE	435.12
07771-002 (WILTSHIRE, KYLE)	Q71 01105 0037	2525 HILLVIEW AVE	1,381.01
07890-002 (CONNOR, JEFFERY & LINDA)	Q71 01107 0001	2600 FAIRMONT AVE	1,093.01
08109-002 (HIGGINSON, SARA)	Q71 01107 0009	124 DELL PARK AVE	786.55
TOTAL 2023 SIDEWALK CERTIFICATIONS			\$ <u>13,493.91</u>

AN ORDINANCE

BY: _____ NO. _____

AMENDING PROVISIONS OF THE OAKWOOD ZONING ORDINANCE TO INCLUDE A DEFINITION OF TEMPORARY OUTDOOR RESTROOM FACILITIES AND TO AMEND THE ACCESSORY STRUCTURE REGULATIONS TO EXPRESSLY ADDRESS THE PLACEMENT THEREOF.

WHEREAS, a proposed text amendment to the Oakwood Zoning Ordinance was presented to the Planning Commission in a duly-noticed public hearing held on June 5, 2024, and the Planning Commission by a vote of 4-0 recommended approval thereof; and

WHEREAS, the proposed amendment has been presented to Council in a duly-noticed public hearing held on July 15, 2024, and as required by Section 1003.6(B) of the Zoning Code, Council has reviewed 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.

Section 301, *Terms Defined*, of the Oakwood Zoning Ordinance, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strike-through~~ font. For purposes of this ordinance, only the definitions being modified or added are set forth below, and the remainder of Section 301 shall remain in full force and effect without modification.

Sec. 301 TERMS DEFINED

* * *

Restroom Facilities, Temporary Outdoor means a portable structure that is manufactured, designed, marketed, and proportioned for fully-enclosed, temporary, outdoor bathroom use by one person at a time. Such structures are typically mounted on runners or skids, or placed directly on the land without footers, and used on construction sites or for temporary outdoor events.

* * *

SECTION II.

Existing Section 402.1(H), *Permitted Accessory Uses*, 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:

H. Permitted Accessory Uses

1. Residential Districts

The following are accessory uses and structures permitted within all residential zoning districts, subject to applicable requirements of the zoning district and Title 9, Design and Performance Standards.

- a) Air conditioning/heat pump/generator or similar mechanical equipment
- b) Arbor or trellises
- c) Auction sales (See Section 404, *Temporary Uses*)
- d) Convents, seminaries and, monasteries
- e) Type B Child Day Care Home (See *Design and Performance Standards*, 901.3)
- f) Deck
- g) Dog house
- h) Driveways up to twelve (12) feet width
- i) Entrance pillars (See *Design and Performance Standards*, 901.9)
- j) Earth satellite stations and electronic antenna
- k) Fences and walls in accord with Title 4, *General Provisions*

- l) Firewood storage
- m) Flag poles (See *Design and Performance Standards*, 901.4)
- n) Garden, greenhouse, conservatory, private
- o) Garage
- p) Garage sales
- q) Gazebo
- r) Home occupations
- s) Hot tub
- t) Mail box
- u) Patio
- v) Play houses and summer houses
- w) Retaining walls
- x) Service walks (See *Design and Performance Standards*, 901.8)
- y) Sheds for storage of common household items
- z) Signs, in accord with Title 12, *Signs*
- aa) Steps and ramps
- bb) Storage of non-passenger vehicles (See *Design and Performance Standards*, 901.5)
- cc) Swimming pools, private
- dd) Temporary Outdoor Restroom Facilities (See *Design and Performance Standards*, 901.20)**
- ~~dd~~ee) Terrace
- ~~ee~~ff) Yard lamp/light
- ~~ff~~(gg) Vertical Projections
- ~~gg~~(hh) Parking pads

2. Business Districts

The following are accessory uses and structures permitted within all business districts, subject to applicable requirements of the zoning district and Title 9, *Design and Performance Standards*.

- a) Air conditioning/heat pump/generator or similar mechanical equipment
- b) Arbor or trellises
- c) Auction sales (See Section 404, *Temporary Uses*)
- d) Deck
- e) ~~Dumpsters and~~, garbage receptacles, **and Temporary Outdoor Restroom Facilities (See *Design and Performance Standards*, 901.20)**
- f) Earth satellite stations and electronic antenna
- g) Fences and walls in accord with Title 4, *General Provisions*
- h) Garden, greenhouse, conservatory, private
- i) Garage
- j) Gazebo
- k) Patio
- l) Service walks (See *Design and Performance Standards*, 901.8)
- m) Sheds for storage
- n) Signs, in accord with Title 12, *Signs*
- o) Steps and ramps
- p) Terrace

SECTION III.

Existing Section 402.2, *Permitted Obstructions in Yards*, 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. For purposes of this ordinance, only the items being modified or added are set forth below, and the remainder of Section 402.2 shall remain in full force and effect without modification.

402.2 Permitted Obstructions in Yards

Subject to all other requirements of this section, accessory buildings, structures or uses shall be permitted in designated yards of a zoning lot as follows:

F = Front Yard

CS = Corner Side Yard
S = Interior Side Yards
R = Rear Yards

Temporary Outdoor Restroom Facilities

S R

SECTION IV.

New Section 901.20, *Temporary Outdoor Restroom Facilities*, of the Oakwood Zoning Ordinance, is hereby enacted to read as follows:

901.20 Temporary Outdoor Restroom Facilities

A. Applicability

All zoning districts

B. Regulations

1. **Temporary Outdoor Restroom Facilities may only be permitted for installation in connection with ongoing, permitted construction occurring on the same zoning lot. They may not be installed more than three (3) business days prior to the commencement of such construction, and they must be removed no more than three (3) business days after the completion of such construction. Not more than one (1) Temporary Outdoor Restroom Facilities unit may be permitted at any given time on any zoning lot used for residential purposes other than Multi-Family uses having more than four (4) dwelling units. This section shall not apply to any Temporary Outdoor Restroom Facilities placed at a public athletic facility operated by a governmental entity, or to any Temporary Outdoor Restroom Facilities that may be approved as part of any Special Use, Planned Development, or Temporary Use permit.**
2. **While installed, any Temporary Outdoor Restroom Facilities must be regularly serviced and maintained so as to ensure that they do not create a nuisance or otherwise threaten or injure the public health, safety, and/or general welfare. During that time, the Building Commissioner may request, and a permittee shall furnish upon such request, satisfactory maintenance records demonstrating compliance with this provision.**
3. **Temporary Outdoor Restroom Facilities must be removed and discontinued during any period of construction inactivity lasting more than seven (7) consecutive days. The Building Commissioner may waive this provision if, in the Building Commissioner's discretion, the Facilities are located and/or appropriately screened in a manner that ensures they are not visible from any public right-of-way or do not otherwise threaten or injure the public health, safety, and/or general welfare. Any waiver shall be ineffective unless made expressly in writing to the permittee; no waiver may be implied under this section.**
4. **The Building Commissioner may waive the provisions of Section 402.2, allowing placement in a yard that is otherwise not permitted, if, in the Building Commissioner's discretion, the Facilities are located and/or appropriately screened in a manner that ensures they are not visible from any public right-of-way or do not otherwise threaten or injure the public health, safety, and/or general welfare. Any waiver shall be ineffective unless**

made expressly in writing to the permittee; no waiver may be implied under this section.

5. **Failure to abide by the provisions of this Section 901.20 will constitute immediate grounds for denial and/or revocation of the permit for such Temporary Outdoor Restroom Facilities, and may be used as a basis to deny future Temporary Outdoor Restroom Facilities permits in connection with the same construction project. In addition, any such violation shall constitute a public nuisance and threat to the public health, safety, and/or general welfare, and the City Attorney may pursue any lawful remedy, under the Zoning Ordinance or otherwise, to abate the nuisance.**

6. **As part of the Major Site Development Review process, the Planning Commission shall have the authority to approve reasonable deviations from the requirements of this Section 901.20, provided that such deviations shall protect the public health, safety and/or welfare and shall be limited in duration to the time reasonably necessary for the development project at issue.**

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

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 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

A RESOLUTION

BY: _____

NO. _____

CONFIRMING THE CITY OF OAKWOOD'S ACCEPTANCE OF AND PARTICIPATION IN A PROPOSED SETTLEMENT AGREEMENT IN CONNECTION WITH ONGOING NATIONAL OPIOID LITIGATION, AND AUTHORIZING FUTURE PARTICIPATION IN SIMILAR AGREEMENTS USING THE DISBURSEMENT MECHANISM SET FORTH IN THE ONEOHIO MEMORANDUM OF UNDERSTANDING.

WHEREAS, the city of Oakwood is a Local Government that has adopted The OneOhio Memorandum of Understanding (the "MOU"), which establishes a mechanism to disburse settlement proceeds from opioid litigation into Ohio's communities to help abate the opioid crisis, including allocations to Local Governments and Regions through a statewide Foundation; and

WHEREAS, Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and potentially earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS a settlement proposal has been presented to the State of Ohio and Local Governments by one defendant, Kroger (the "Settling Defendant"), that would resolve governmental entity claims involving this party in the State of Ohio using the structure of the OneOhio MOU; and

WHEREAS, Ohio political subdivisions are required to opt in or out of this settlement proposal no later than August 12, 2024;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO, THAT:

SECTION I.

Council hereby authorizes the City Manager to sign and submit, on the city's behalf, a participation agreement and such other documents as may be necessary to ensure Oakwood's participation in the above-described settlement with the Settling Defendant, consistent with the provisions of The OneOhio Memorandum of Understanding ("MOU").

SECTION II.

In the event of any future settlement with one or more defendants of opioid-related governmental entity claims, where such settlement would inure to the benefit of the city of Oakwood and is to be administered under the disbursement mechanism set forth in the OneOhio MOU, the City Manager is further authorized to sign and submit, on the city's behalf, a participation agreement and such other documents as may be necessary to ensure Oakwood's participation in such settlement, consistent with the provisions of The OneOhio MOU, without further legislative approval of this Council.

SECTION III.

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 of any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION IV.

This resolution shall take effect as of the day of its passage.

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

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

No publication is required.

City Attorney Robert F. Jacques