

CITY OF OAKWOOD
COUNCIL AGENDA
NOVEMBER 4, 2019

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. EXCUSE ABSENT MEMBERS
- V. MINUTES OF OCTOBER 7 REGULAR SESSION, WORK SESSION & EXECUTIVE SESSION AND OCTOBER 28 EXECUTIVE SESSION
- VI. STATUS REPORTS
 - Lieutenant Promotion
- VII. VISITORS
 - Scarecrow Row Contest Winners
 - 2019 Beautification Award Winners
- VIII. LEGISLATION
 - An Ordinance to amend 2019 appropriations to pay off the Ohio Police & Fire Pension Liability and to purchase a vehicle for the Director of Engineering and Public Works, Vice Mayor Byington
 - An Ordinance to approve updates to the Traffic and General Offenses Codes, Mr. Stephens
- IX. STAFF REPORT – NONE
- X. CITY MANAGER’S REPORT
- XI. COUNCIL COMMENTS
- XII. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR DECEMBER 9, 2019

AN ORDINANCE

BY: _____

NO. _____

TO AMEND SECTION I, 2019 ORIGINAL APPROPRIATION ORDINANCE NO. 4870, SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 4887, AND SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 4891 TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$422,137.00 TO BE EXPENDED FROM THE POLICE PENSION FUND TO PAYOFF THE OHIO POLICE & FIRE PENSION LIABILITY; AND
2. AN AMOUNT OF \$422,000.00 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE POLICE PENSION FUND; AND
3. AN ADDITIONAL AMOUNT OF \$32,000.00 TO BE EXPENDED FROM THE EQUIPMENT REPLACEMENT FUND TO PURCHASE A VEHICLE FOR THE DIRECTOR OF ENGINEERING AND PUBLIC WORKS; AND
4. AN AMOUNT OF \$32,000.00 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE EQUIPMENT REPLACEMENT FUND.

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019.

WHEREAS, this is a supplemental appropriation ordinance to make available the necessary funds for two expenditures not already included in the 2019 budget, to wit: the early payoff of a liability owed to the state of Ohio, and the purchase of a vehicle for use by the Director of Engineering and Public Works; and

WHEREAS, the Ohio Police & Fire Pension Fund (“OPFP”) was created by the Ohio General Assembly in 1965 to replace hundreds of individual local police and fire pension plans, many of which had liabilities exceeding the assets needed to pay future pension benefits to retirees; and

WHEREAS, the creation of OPFP resulted in a net pension liability owed from public employers to OPFP; and

WHEREAS, so as not to stress the financial capacity of public employers, the General Assembly enacted a 65 year payment schedule for these liabilities, with the first payments due in 1970 and the final payments due in 2035; and

WHEREAS, the current payoff figure for Oakwood’s remaining pension liability is \$422,137.00, which continues to incur interest at an average rate of 4.25 percent, and Council wishes to pay off this liability early, thereby saving substantial interest charges that would otherwise continue until 2035; and

WHEREAS, the city has not employed a full-time Director of Engineering and Public Works since the previous Director resigned in the fall of 2014, with those duties being assumed by the City Manager in the interim; and

WHEREAS, the city will hire a full-time Director of Engineering and Public Works in late 2019, and the city no longer has a vehicle available for use by the person in that position; and

WHEREAS, this supplemental appropriation will authorize the transfer of \$454,000.00 from the city’s General Fund to the Police Pension and Equipment Replacement Funds, in the amounts set forth in the title hereof, in order to fund these expenditures;

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, 2019 and ending December 31, 2019, 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	\$11,342,420	\$11,796,420
216 Police Pension Fund	\$96,525	\$518,662
308 Equipment Replacement Fund	\$584,000	\$616,000

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 _____ day of _____, 2019.

 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 4th day of November, 2019. Said ordinance was enacted to make a supplemental appropriation for current expenses of the city of Oakwood, Ohio, for the period ending December 31, 2019.

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. _____

TO APPROVE CURRENT REPLACEMENT PAGES TO THE OAKWOOD
TRAFFIC AND GENERAL OFFENSES CODES.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; and

WHEREAS, such revision is presently before Council in the form of 2019 replacement pages to the Traffic and General Offenses Codes;

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

SECTION I.

The following sections of the Oakwood Traffic and General Offenses Codes are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

- 301.04 Bicycle, Motorized Bicycle, Moped, Electric Bicycle. (Amended)
- 301.20 Motor Vehicle. (Amended)
- 301.251 Predicate Motor Vehicle Offense. (Amended)
- 301.361 Shared-Use Path. (Amended)
- 301.51 Vehicle. (Amended)
- 303.06 Freeway Use Restricted. (Amended)
- 313.09 Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
- 331.03 Overtaking, Passing to Left; Driver's Duties. (Amended)
- 331.14 Signals Before Changing Course, Turning or Stopping. (Amended)
- 331.15 Hand and Arm Signals. (Amended)
- 333.03 Maximum Speed Limits. (Amended)
- 373.01 Code Application to Bicycles. (Amended)
- 373.02 Riding Upon Seats. (Amended)
- 373.03 Attaching Bicycle, Skates or Sled to Vehicle. (Amended)
- 373.04 Riding Bicycles Abreast. (Amended)
- 373.05 Signal Device on Bicycle. (Amended)
- 373.06 Lights and Reflector on Bicycle; Brakes. (Amended)
- 373.07 Riding on Right Side of Roadway. (Amended)
- 373.08 Reckless Operation; Control, Course and Speed. (Amended)
- 373.09 Parking of Bicycle. (Amended)
- 373.11 Electric Bicycles. (Added)

General Offenses Code

- 509.03 Disorderly Conduct; Intoxication. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.04 Sexual Imposition. (Amended)
- 533.07 Public Indecency. (Amended)
- 533.15 Dissemination of Private Sexual Images. (Added)
- 549.01 Weapons Definitions. (Amended)
- 549.06 Unlawful Transactions in Weapons. (Amended)

SECTION II.

That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Oakwood, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances, to-wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
4875	1-7-19	505.01
4876	1-7-19	301.181, 301.185, 301.491, 301.495, 375.09
4886	7-15-19	375.10

SECTION III.

The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current replacement pages to the Traffic and General Offenses Code. The publication of the 2019 replacement pages within the Codified Ordinances shall be deemed sufficient publication of all material contained therein as provided by Section 3.05(1) of the Charter.

SECTION IV.

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

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD THIS ___ day of _____, 2020.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish by including the 2019 Replacement Pages in the Codified Ordinances of this City.

City Attorney Robert F. Jacques

APPENDIX A

Traffic Code

- 301.04 Bicycle; Motorized Bicycle; Electric Bicycle. (Adds definition of “electric bicycle”.)
- 301.20 Motor Vehicle. (Adds “electric bicycles” to definition.)
- 301.251 Predicate Motor Vehicle Offense. (Adds new subsection (d).)
- 301.361 Shared-Use Path. (Adds last sentence to definition.)
- 301.51 Vehicle. (Adds “electric bicycle” to definition.)
- 303.06 Freeway Use Prohibited by Pedestrians and Bicycles. (Adds “electric bicycle” to regulation of bicycles.)
- 313.09 Driver’s Duties Upon Approaching Ambiguous or Non-Working Signal. (Adds “electric bicycle to regulation of bicycles.)
- 331.03 Overtaking or Passing to the Left. (Adds “electric bicycle” to regulation of bicycles.)
- 331.14 Signals Before Changing Course. (Adds “electric bicycle” to regulation of bicycles.)
- 331.15 Hand and Arm Signals. (Adds “electric bicycle” to regulation of bicycles.)
- 333.03 Maximum Speed Limits. (Revised speed limit designations on controlled access highways, freeways and expressways in subsection (b).)
- 373.01 Code Application to Bicycles. (Adds “electric bicycle” to regulation of bicycles.)
- 373.02 Riding Upon Bicycle Seats. (Adds “electric bicycle” to regulation of bicycles.)
- 373.03 Attaching Bicycle to Vehicle. (Adds “electric bicycle” to regulation of bicycles.)
- 373.04 Riding Bicycles Abreast. (Adds “electric bicycle” to regulation of bicycles.)
- 373.05 Signal Device on Bicycle. (Adds “electric bicycle” to regulation of bicycles.)
- 373.06 Lights and Reflector on Bicycle. (Adds “electric bicycle” to regulation of bicycles.)
- 373.07 Riding Bicycle on Right Side of Roadway. (Adds “electric bicycle” to regulation of bicycles.)
- 373.08 Reckless Operation of Bicycle. (Adds “electric bicycle” to regulation of bicycles.)
- 373.09 Parking of Bicycle. (Adds “electric bicycle” to regulation of bicycles.)
- 373.11 Electric Bicycles. (Adds new Section regulating electric bicycles.)

General Offenses Code

- 509.03 Disorderly Conduct. (Adds new subsection (e)(4).)
- 529.07 Open Container Prohibited. (Adds classes of permit holders under subsection (c)(7)A. and adds new subsection (c)(7)C.)
- 533.04 Sexual Imposition. (Revises language in subsection (c) pertaining to multiple violations.)
- 533.07 Public Indecency. (Adds new subsection (d).)
- 533.15 Dissemination of Private Sexual Images. (Adds new section on dissemination of private sexual images.)
- 549.01 Weapons Definitions. (Revises definition of sawed-off firearm in subsection (f) and adds new subsection (k)(7).)
- 549.06 Unlawful Transactions in Weapons. (Revises first line of subsection (a) and adds “transferee” in subsection (a)(2).)