

JULY 15, 2019 COUNCIL MEETING

City Council met in public session on July 15, 2019. Here are the highlights.

Council meeting minutes were approved for the June 3, 2019 regular session & work session and June 17 work session.

STATUS REPORTS – NONE

VISITORS

- Mr. Greg Derus, 829 Far Hills Avenue, asked City Council to consider adding additional dogipot stations (dog waste containers) throughout the City, and shared some concerns regarding invisible fencing.

LEGISLATION

Oakwood City Council approved the following legislation:

- A Resolution and Public Hearing to review a request for a special use permit/amendment to the Sugar Camp Master Plan for the installation of a replacement monument sign in front of Building B at the corner of W. Schantz Avenue and Sugar Camp Circle.

PUBLIC HEARING

- Public hearing to review a request for a special use permit/amendment to the Sugar Camp Master Plan for the installation of a replacement monument sign in front of Building B at the corner of W. Schantz Avenue and Sugar Camp Circle.

The hearing included a staff report and testimony from a representative of Oakwood Investment Group. By a vote of 4-0, with one member recusing himself, said request was approved. This decision was memorialized in Resolution No. 1856.

- An Ordinance to enact a one year moratorium on the use of shared mobility devices.
- An Ordinance to levy special assessments for the 2018 Sidewalk Repair Project.
- An Ordinance to amend the organization and staffing schedule and the personnel schedule.
- An Ordinance to amend 2019 appropriations to provide \$240,000 in additional funds for concrete street repair.
- An Ordinance to establish the Refuse Improvement/Equipment Replacement Fund.

Oakwood City Council conducted a first reading on the following legislation:

- An Ordinance establishing regulations to prohibit the operation of short-term rental properties.

STAFF REPORT

- Personnel & Properties Update: Mrs. Jennifer Wilder provided an update on Properties, New City Website, and Personnel.

CITY MANAGER'S COMMENTS

City Manager Norbert Klopsch thanked Personnel & Properties Director Jennifer Wilder and Clerk of Council Lori Stacel for their leadership and work in creating the new website. He then reported on the following:

- Work on the 2019 asphalt repaving project started last week. The milling will occur for a few more days and then JR Jurgensen will begin the asphalt overlay work. Additional information is available on the City's website.
- The annual Sidewalk, Curb and Driveway Apron Project is well underway. Most of the work is taking place in the eastern quadrant of Oakwood.
- Roadways throughout Oakwood are in the process of being re-stripped. The work will continue throughout the month of July.

- Vectren gas line work for 2019 is underway on E. Schantz Avenue and Volusia Avenue, east of Oakwood Avenue, and in the Hadley and Corona area. This is a multi-year project to replace the original bare steel and cast iron pipeline infrastructure. By 2022, all of the underground gas infrastructure in Oakwood will be rebuilt.
- Fiber optic installation is being done on the north side of town along W. Schantz Avenue. This is part of the fiber optic network project managed by Miami Valley Cable Council (MVCC).
- Asphalt repaving on East Drive started today. The City reached an agreement with Vectren to pay for this work due to the extensive pavement damage resulting from gas line work they completed last fall.

COUNCIL COMMENTS – NONE

The meeting adjourned at 8:40 p.m.

A RESOLUTION

BY: MAYOR DUNCAN

NO. 1856

TO GRANT APPROVAL OF AN AMENDMENT TO THE APPROVED MASTER PLAN FOR THE SUGAR CAMP AND POINTE OAKWOOD DEVELOPMENT, AFFECTING SIGNAGE FOR THE SUGAR CAMP COMMERCIAL PORTION OF SAID DEVELOPMENT.

WHEREAS, on April 23, 2007, Council passed a resolution granting approval of the Special Use Applications filed by Oakwood Investment Group (“OIG”) and the Versant Group for a Planned Development of the 36+ acres encompassing Sugar Camp and the surrounding undeveloped land (the “Master Plan”); and

WHEREAS, that original Master Plan provided for the redevelopment of four major buildings in the NCR Sugar Camp campus, to be known as the Sugar Camp Commercial Development; and development of the surrounding undeveloped land as the Pointe Oakwood Residential Development, to include: construction of single-family residences in the southeast portion thereof, with attached residence units near the corner along Far Hills Avenue and West Schantz Avenue; a professional building on the northeast corner; and four mid-rise (4-story) condominium buildings arranged on a private circle just west of the intersection of Pointe Oakwood Way and Old River Trail; and

WHEREAS, since the original Master Plan was approved in 2007, several modifications to the Master Plan were approved by the City; and

WHEREAS, in the original Master Plan, Council authorized city staff to approve signage for the three entrances to the development, so long as such signage was consistent with the architecture of the site, landscaped around the bases, and lit via uplighting or shadow lighting; and

WHEREAS, staff approved entry signage thereafter, and it has remained unchanged ever since; and

WHEREAS, the number of commercial tenants at Sugar Camp has increased over the years, and OIG now wishes to modify the Sugar Camp entrance sign located near the intersection of W. Schantz Avenue and Sugar Camp Circle to provide more space to list tenants; and

WHEREAS, OIG has now submitted Application 19-3 for a special use/Master Plan amendment pertaining to the Sugar Camp entrance sign, seeking approval of a modified design that is the same width but approximately 2 feet taller than the existing sign in order to accommodate display tiles for up to fourteen (14) tenants; and

WHEREAS, a duly-noticed public hearing on this matter was held by the Planning Commission on June 3, 2019, and having carefully considered the matter, the Planning Commission determined that the proposed monument sign is consistent with the recommendations set forth in the 2004 NCR Sugar Camp Subarea Plan Site Development Alternatives and Guidelines, the 2004 Comprehensive Plan and the 1997 Subarea Plan, as well as the special use standards set forth in Section 1004.6 of the Zoning Code, and by a vote of 4-0 with one (1) member recusing himself, the Planning Commission recommended approval of the same; and

WHEREAS, on July 15, 2019, Council held a duly-noticed public hearing upon the matter, and heard testimony both for and against Application 19-3, and finds that the Planning Commission’s recommendation is well-taken; and

WHEREAS, Council further finds that the proposed monument sign is consistent with the recommendations set forth in the 2004 NCR Sugar Camp Subarea Plan Site Development Alternatives and Guidelines, the 2004 Comprehensive Plan, the 1997 Subarea Plan, and the standards for special uses set forth in Oakwood Zoning Ordinance Section 1004.6, by reason of complementing the architectural styles and building materials in use at the Sugar Camp development; being scaled appropriately for the area; and providing effective identification in a manner that ensures compatibility with the surrounding neighborhood; and

WHEREAS, by a vote of _____ with one (1) member recusing himself, Council has voted to approve Application 19-3, with conditions set forth below (if any);

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

SECTION I.

The foregoing recitations are hereby adopted as Council's findings of fact with regard to the Application 19-3 to amend the Master Plan for the Sugar Camp and Pointe Oakwood developments.

SECTION II.

Application 19-3, being an application for a special use/Master Plan amendment submitted by Oakwood Investment Group, is hereby approved.

SECTION III.

The approval herein is granted with the following conditions, if any, which Council has determined are necessary to ensure consistency with the above-referenced city planning documents and special use standards:

(NOT APPLICABLE)

SECTION IV.

The amendment approved herein remains subject to all determinations, conditions and restrictions set forth in the original plan approval Resolution of April 23, 2007, as amended.

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 Revised Code, Sec. 121.22.

SECTION VI.

This Resolution shall be and remain in effect upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this 15th day of July, 2019.



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. 4886

ADOPTING SECTION 375.10, *SHARED MOBILITY DEVICES*, OF THE OAKWOOD TRAFFIC CODE TO ENACT A ONE YEAR MORATORIUM ON THE USE OF SHARED MOBILITY DEVICES, INCLUDING THE PLACEMENT OR OPERATION THEREOF IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, AND OFFERING THE SAME FOR USE ANYWHERE IN THE CITY.

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

Section I.

Dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations, have arrived in many cities suddenly and unexpectedly, and have since proliferated rapidly. These shared mobility devices are largely unregulated. They exist in a kind of legal limbo where, despite some level of public demand, they cannot be used legally on sidewalks due to their status as “motor vehicles” under state law nor can they be used legally on streets due to equipment limitations and the lack of adequate mechanisms for titling, registering, and insuring them. As a result, there are several lawsuits pending around the nation and the Ohio General Assembly and a number of other state legislatures are considering possible frameworks for regulation of shared mobility devices.

Until the General Assembly determines a path forward for our state, the problems inherent with shared mobility devices must be addressed by local government. In cities where shared mobility devices are available, they are frequently abandoned by users in streets, sidewalks, and other public places, creating visual clutter and serious safety concerns, especially for the most vulnerable pedestrians. Moreover, due to the spontaneous nature of these rentals and their appeal to young people, shared mobility devices are nearly always operated by users—often minors—without helmets. For the immediate preservation of the public peace, health, and safety, Council has initiated this legislation to address the hazards posed by shared mobility devices placed in and operated on public property, with the intent to revisit the issue in one year when the legal landscape may have become more firmly settled.

Section II.

New Section 375.10, *Shared Mobility Devices*, of the Oakwood Traffic Code, is hereby adopted to read as follows:

Sec. 375.10 SHARED MOBILITY DEVICES

- A. Purpose. The purpose of this chapter is to prohibit Shared Mobility Devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City, so as to allow for adequate vehicle and pedestrian traffic flow and to promote public safety.
- B. Definition. For purposes of this chapter, “Shared Mobility Device” means any wheeled device, other than an automobile or motorcycle, that is powered by a motor; is accessed via an on-demand portal, whether a smartphone application, membership card, or similar method; is operated by a private entity that owns, manages, and maintains devices for shared use by members of the public; and is available to members of the public in unstaffed, self-service locations.
- C. Prohibitions.
 - 1. No person shall park, leave standing, leave lying, abandon, or otherwise place a shared mobility device in a public right-of-way or on public property anywhere within the City.
 - 2. No person shall operate a shared mobility device in a public right-of-way or on public property anywhere within the City.
 - 3. No person shall provide or offer for use a shared mobility device anywhere within the City.
- D. Violations.
 - 1. Violation of this Section shall be punishable as an unclassified misdemeanor. In addition, any violation of Section 375.10(C)(3) shall constitute a public nuisance,

and the Law Director is authorized to file for injunctive and/or other relief on the city's behalf as necessary to abate the nuisance.

2. Public Safety Officers, Code Enforcement Officers, other city officials designated by the City Manager, and any party contracted by the City to specifically impound shared mobility devices are authorized to impound any shared mobility device that has been offered for use, placed in a public right-of-way or on public property, or operated in a public right-of-way or on public property in violation of this Section. Impounded devices shall be subject to impound and storage fees established by the City Manager in the same manner as other city fees.

E. Sunset Provision. This Section shall remain in full force and effect until August 14, 2020, at which time it shall become ineffective and shall be removed from the Codified Ordinances of the city of Oakwood, Ohio, unless Council acts to readopt or otherwise continue the provisions herein.

Section III.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section IV.

This ordinance shall be and remain in force from and after the earliest date permitted by law, subject to the sunset provision set forth in Section II herein.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 15th day of July, 2019.



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: MR. STEPHENS

NO. 4888

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. 4880 adopted April 1, 2019, 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. 4880, an unpaid balance of \$23,856.78 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. 1843 adopted March 12, 2018. 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, 2019.



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, 2019 the Council of the City of Oakwood, Ohio, passed Ordinance No. 4888 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 against benefited lots and lands of the cost of constructing or reconstructing sidewalks and appurtenances thereto on the following streets or portions of said streets within the City of Oakwood: Aberdeen Avenue, Claranna Avenue, Corona Avenue, Delaine Avenue, Far Hills Avenue, Hadley Avenue, Hathaway Road, Monteray Avenue, Orchard Drive, Peach Orchard Avenue, Shafor Boulevard, Shroyer Road, Telford Avenue, Triangle Avenue, Wiltshire Boulevard, and Wonderly Avenue, which shall be certified to the County Auditor 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. The assessments levied by such Ordinance are now on file and may be inspected in the office of the Clerk of Council of this City.

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 24 day of July, 2019.

Lori Stacel

Lori Stacel, Clerk of Council

EXHIBIT A
CITY OF OAKWOOD
2018 SIDEWALK PROGRAM CERTIFICATIONS FOR 2019

Parcel ID	Property Location	CHARGE	5 % COUNTY FEE	TOTAL CERTIFIED
Q71 01406 0034	3 Aberdeen Ave	\$ 238.88	11.94	\$ 250.82
Q71 01405 0035	131-33 Aberdeen Ave	\$ 477.75	23.89	\$ 501.64
Q71 01409 0005	222 Aberdeen Ave	\$ 223.11	11.16	\$ 234.27
Q71 01410 0008	336 Aberdeen Ave	\$ 238.88	11.94	\$ 250.82
Q71 01302 0009	400 Aberdeen Ave	\$ 218.81	10.94	\$ 229.75
Q71 01302 0004	428 Aberdeen Ave	\$ 250.05	12.50	\$ 262.55
Q71 01210 0009	242 Claranna Ave	\$ 179.83	8.99	\$ 188.82
Q71 01210 0012	258 Claranna Ave	\$ 863.77	43.19	\$ 906.96
Q71 01206 0059	313 Claranna Ave	\$ 573.30	28.67	\$ 601.97
Q71 01206 0050	355 Claranna Ave	\$ 402.27	20.11	\$ 422.38
Q71 01306 0030	18 Corona Ave	\$ 226.93	11.35	\$ 238.28
Q71 01306 0039	26 Corona Ave	\$ 497.34	24.87	\$ 522.21
Q71 01306 0023	45 Corona Ave	\$ 241.25	12.06	\$ 253.31
Q71 01305 0026	202 Corona Ave	\$ 242.70	12.14	\$ 254.84
Q71 01305 0029	216 Corona Ave	\$ 187.66	9.38	\$ 197.04
Q71 01305 0019	225-227 Corona Ave	\$ 234.58	11.73	\$ 246.31
Q71 01305 0033	236 Corona Ave	\$ 242.70	12.14	\$ 254.84
Q71 01305 0035	244 Corona Ave	\$ 481.57	24.08	\$ 505.65
Q71 01305 0036	248 Corona Ave	\$ 728.57	36.43	\$ 765.00
Q71 01304 0015	345 Corona Ave	\$ 238.88	11.94	\$ 250.82
Q71 01304 0035	348 Corona Ave	\$ 226.64	11.33	\$ 237.97
Q71 01303 0019	415 Corona Ave	\$ 234.58	11.73	\$ 246.31
Q71 01208 0024	2720 Delaine Ave-401 East Dr	\$ 230.85	11.54	\$ 242.39
Q71 01209 0017	2721-23 Delaine Ave	\$ 223.11	11.16	\$ 234.27
Q71 01210 0019	231 East Dr	\$ 323.72	16.19	\$ 339.91
Q71 01304 0044	321 Hadley Ave	\$ 242.70	12.14	\$ 254.84
Q71 01310 0001	400 Hadley Ave	\$ 242.70	12.14	\$ 254.84
Q71 01310 0005	416 Hadley Ave	\$ 107.49	5.37	\$ 112.86
Q71 01310 0007	424 Hadley Ave	\$ 238.88	11.94	\$ 250.82
Q71 01303 0043	427 Hadley Ave	\$ 250.82	12.54	\$ 263.36
Q71 01310 0008	428 Hadley Ave	\$ 477.75	23.89	\$ 501.64
Q71 01205 0040	2611 Hathaway Rd	\$ 569.00	28.45	\$ 597.45
Q71 01307 0023	17 Monterey Ave	\$ 665.25	33.26	\$ 698.51
Q71 01307 0016	115 Monterey Ave	\$ 242.70	12.14	\$ 254.84
Q71 01308 0033	208 Monterey Ave	\$ 289.71	14.49	\$ 304.20
Q71 01308 0037	224-230 Monterey Ave	\$ 489.22	24.46	\$ 513.68
Q71 01308 0045	256 Monterey Ave	\$ 269.74	13.49	\$ 283.23
Q71 01203 0053	241 Orchard Dr	\$ 331.54	16.58	\$ 348.12
Q71 01201 0048	441 Orchard Dr	\$ 175.33	8.77	\$ 184.10
Q71 01203 0007	228 Peach Orchard Ave	\$ 234.58	11.73	\$ 246.31
Q71 01203 0009	236 Peach Orchard Ave	\$ 234.58	11.73	\$ 246.31
Q71 01308 0049	245 Peach Orchard Ave	\$ 266.58	13.33	\$ 279.91
Q71 01309 0059	305 Peach Orchard Ave	\$ 234.58	11.73	\$ 246.31
Q71 01309 0056	317 Peach Orchard Ave	\$ 238.88	11.94	\$ 250.82
Q71 01201 0008	430 Peach Orchard Ave	\$ 321.72	16.09	\$ 337.81
Q71 01409 0025	206 Telford Ave	\$ 234.58	11.73	\$ 246.31
Q71 01409 0014	247 Telford Ave	\$ 728.57	36.43	\$ 765.00
Q71 01410 0034	352 Telford Ave	\$ 267.59	13.38	\$ 280.97
Q71 01302 0016	406 Telford Ave	\$ 242.70	12.14	\$ 254.84
Q71 01302 0018	416 Telford Ave	\$ 250.82	12.54	\$ 263.36
Q71 01302 0012	417 Telford Ave	\$ 373.60	18.68	\$ 392.28
Q71 01302 0049	455 Telford Ave	\$ 832.72	41.64	\$ 874.36
Q71 01203 0025	231 Triangle Ave	\$ 267.59	13.38	\$ 280.97
Q71 01203 0022	245 Triangle Ave	\$ 242.70	12.14	\$ 254.84
Q71 01202 0035	316 Triangle Ave	\$ 223.11	11.16	\$ 234.27
Q71 01202 0036	320 Triangle Ave	\$ 532.64	26.63	\$ 559.27
Q71 01306 0009	8 Wiltshire Blvd	\$ 271.80	13.59	\$ 285.39
Q71 01306 0016	66-68 Wiltshire Blvd	\$ 449.66	22.48	\$ 472.14
Q71 01305 0001	200 Wiltshire Blvd	\$ 234.58	11.73	\$ 246.31
Q71 01305 0002	206 Wiltshire Blvd	\$ 253.78	12.69	\$ 266.47
Q71 01409 0038	245 Wiltshire Blvd	\$ 242.70	12.14	\$ 254.84
Q71 01304 0009	342 Wiltshire Blvd	\$ 441.92	22.10	\$ 464.02

EXHIBIT A
CITY OF OAKWOOD
2018 SIDEWALK PROGRAM CERTIFICATIONS FOR 2019

Parcel ID	Property Location	CHARGE	5 % COUNTY FEE	TOTAL CERTIFIED
Q71 01304 0012	356 Wiltshire Blvd	\$ 242.70	12.14	\$ 254.84
Q71 01302 0038	401 Wiltshire Blvd	\$ 238.88	11.94	\$ 250.82
Q71 01302 0031	437 Wiltshire Blvd	\$ 286.65	14.33	\$ 300.98
Q71 01205 0025	205 Wonderly Ave	\$ 485.39	24.27	\$ 509.66
Q71 01205 0018	241 Wonderly Ave	\$ 902.99	45.15	\$ 948.14
Q71 01205 0039	252 Wonderly Ave	\$ 258.65	12.93	\$ 271.58
Q71 01206 0025	321 Wonderly Ave	\$ 473.45	23.67	\$ 497.12
Q71 01207 0041	410 Wonderly Ave	\$ 286.65	14.33	\$ 300.98
Q71 01207 0022	423 Wonderly Ave	\$ 238.88	11.94	\$ 250.82
		\$ 23,856.78	\$ 1,192.84	\$ 25,049.62

AN ORDINANCE

BY: VICE MAYOR BYINGTON NO. 4890

TO ESTABLISH AN AMENDMENT TO THE ORGANIZATION AND STAFFING SCHEDULE AND THE PERSONNEL SCHEDULE FOR THE PURPOSE OF CREATING AN ACCOUNT CLERK I CLASSIFICATION; TO ESTABLISH THE HOURLY RATE OF COMPENSATION FOR THAT CLASSIFICATION; TO REDUCE THE NUMBER OF EMPLOYEES IN THE EXISTING ACCOUNT CLERK II CLASSIFICATION FROM THREE TO TWO; AND TO DECLARE AN EMERGENCY.

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

SECTION I.

Council hereby adopts and establishes an amendment to the Organization & Staffing Schedule and to the Personnel Schedule, copies of which are attached hereto as "Exhibit A" and "Exhibit B," respectively, and are being made part of this ordinance through the doctrine of incorporation by reference. The purpose of this amendment is to create a full-time Account Clerk I classification, to establish the hourly rate for that classification, and to reduce the number of employees in the Account Clerk II classification from three to two.

SECTION II.

This Ordinance is hereby declared to be an emergency measure and as such shall take effect immediately on the basis that it is necessary to officially authorize the creation of the Account Clerk I classification in order to begin the hiring process in advance of a scheduled retirement in September 2019, and on the basis of preservation of the public peace, health, safety and welfare.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 15th day of July, 2019.



Mayor William D. Duncan

ATTEST:


Clerk of Council Lori Stacel

TO THE CLERK:

Please publish in the following summary form:

LEGAL NOTICE

Ordinance No. 4890 of the Council of the City of Oakwood, Ohio was passed on the 15th day of July, 2019, to establish amendments to the Organization and Staffing Schedule and Personnel Schedule. This is an emergency ordinance to take effect immediately.

Lori Stacel, Clerk of Council, City of Oakwood



City Attorney Robert F. Jacques

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing ordinance was duly published in the *Oakwood Register*, a newspaper of general circulation in said city and that the publication occurred on the following date: July 24, 2019



Lori Stacel, Clerk of Council

EXHIBIT A
AMENDED ORGANIZATION AND STAFFING SCHEDULE

July 15, 2019

<u>Number of Authorized Positions for each Classification</u>	<u>Title of Each Position</u>
	<u>Council</u>
1	Mayor
4	Members of Council
	<u>Administrative Staff</u>
1	City Manager
1	Director of Personnel and Properties
1	City Manager's Secretary II*
1	City Manager's Secretary I
1	Part-Time Receptionist
	<u>Public Safety</u>
1	Public Safety Director
2	Captain
4	Lieutenant
22	Public Safety Officer
4	Dispatcher
2	Part-time Dispatcher
4	School Crossing Guard
1	Department Head Secretary
	<u>Engineering & Public Works</u>
1	Director of Engineering and Public Works
1	Water Plant Superintendent
1	Refuse Foreman
1	Streets Foreman
1	Foreman/Inspector/Engineering Technician
1	Water and Sewer Line Maintenance Foreman
4	Maintenance Worker
12	General Service Worker I
1	Water Plant Technician - Repairman
1	Truck Driver I
2	Refuse Collection Driver III
1	Motor Equipment Operator
1	Motor Equipment Mechanic II
1	Motor Equipment Mechanic I
1	Department Head Secretary
	<u>Public Finance/Income Tax</u>
1	Finance Director
1	Assistant Finance Director
1	Income Tax Administrator
2	Account Clerk II
1	Account Clerk I
1	Part-Time Account Clerk
	<u>Health Functions</u>
1	Health Commissioner
1	Assistant Health Commissioner
1	Sanitarian
1	Code Enforcement Officer
	<u>Municipal Court</u>
1	Judge
1	Clerk of Courts
1	Deputy Clerk of Courts
1	Bailiff**

Law Department

1 Law Director

Leisure Services

1 Leisure Services Director
2 Leisure Services Program Supervisor
1 Department Head Secretary
3 Part-Time Clerk Typist/Secretary I
1 Horticulturist
1 Custodian
1 Part-Time Athletic Field Maintenance/Groundskeeper
2 Part-Time City Grounds Maintenance

* Also serves as Clerk of Council

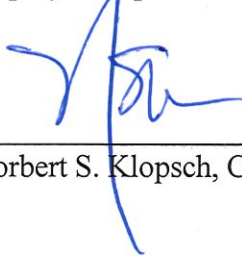
** Also serves as Probation Officer

The City Manager is hereby authorized to revise any of the above position titles, add new positions and to create the titles for them and to hire up to the maximum number of positions for each classification as authorized herein.

The City Manager is further authorized to transfer persons from one position to another, to combine one or more positions, and is authorized to fill temporary seasonal positions and to hire up through five (5) additional full-time or part-time employees as long as such new hirings do not exceed budgeted personnel costs approved by this Council.

Any position titles that have formerly been a part of the organization of the City of Oakwood but that are not set forth above in this Schedule are hereby deemed to have been abolished.

I hereby certify that this Organization and Staffing Schedule is a complete and correct presentation of the authorized employment positions in the City of Oakwood.



Norbert S. Klopsch, City Manager

APPROVED:



Mayor, City of Oakwood

**EXHIBIT B
AMENDMENT TO PERSONNEL SCHEDULE**

Adopted: July 15, 2019

Classification

Rate of Compensation

Account Clerk I.....\$23.91/hour

AN ORDINANCE

BY: VICE MAYOR BYINGTON NO. 4891

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

1. AN ADDITIONAL AMOUNT OF \$240,000 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND FOR ADDITIONAL CONCRETE STREET REPAIR; AND
2. AN AMOUNT OF \$240,000 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, 2019.

WHEREAS, work on the 2019 Concrete Street Repair Project is underway and is progressing well, and the City Manager has determined that additional concrete repairs are necessary now, repairs that would otherwise be planned for 2020; and

WHEREAS, pursuant to Section 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 TH Solutions, which is the contractor for the ongoing 2019 Concrete Street Repair Project and already has concrete crews mobilized within the city; and

WHEREAS, this supplemental appropriation will authorize an additional amount of \$240,000 to be expended from the Capital Improvement Fund, and the transfer of \$240,000 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, 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:

<u>Fund</u>	<u>Appropriation</u>
101 General Fund	\$11,102,420- \$11,342,420
309 Capital Improvement Fund	\$640,000- \$880,000

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 15th day of July, 2019.



 Mayor William D. Duncan

ATTEST:

Lori Stacel

Clerk of Council

TO THE CLERK:

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

Robert F. Jacques

City Attorney Robert F. Jacques

LEGAL NOTICE

Ordinance 4891 of the Council of the city of Oakwood, Ohio was passed on the 15th day of July, 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:

July 24, 2019

_____.

Lori Stacel

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: MR. EPLEY

NO. 4892

TO CREATE A SPECIAL FUND WITHIN THE FISCAL RECORDS OF THIS CITY TO BE KNOWN AS THE REFUSE IMPROVEMENT/EQUIPMENT REPLACEMENT FUND; AND TO DECLARE AN EMERGENCY.

WHEREAS, Sections 5705.09 and 5705.12 of the Ohio Revised Code require that cities establish certain specified funds within their fiscal records, and permit, but do not require, the creation of additional special funds; and

WHEREAS, the City Manager has recommended the creation of the Refuse Improvement/Equipment Replacement Fund, which will allow for the separate accounting of improvements and equipment replacement necessary for the city's comprehensive refuse program; and

WHEREAS, pursuant to Section 5705.12 of the Ohio Revised Code, the State Auditor's approval is required in order to establish this fund; and

WHEREAS, Council desires to accept the recommendation of the City Manager;

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

SECTION I.

Through this ordinance a new fund entitled the Refuse Improvement/Equipment Replacement Fund is created, subject to and requiring the approval of the State Auditor as provided in Section 5705.12 of the Ohio Revised Code.

SECTION II.

The Director of Finance is hereby authorized to seek the State Auditor's approval of the fund created in Section I, and to take such related actions as may be necessary to secure state approval. If such approval is granted, the Refuse Improvement/Equipment Replacement Fund shall be promptly entered upon the fiscal records of this city and may be utilized immediately. If such approval is declined, and such declination is final, this ordinance shall thereupon become null and void, and shall be repealed automatically by operation of law.


SECTION III.

Funds relating to the city's comprehensive refuse program shall be allocated to the Refuse Improvement/Equipment Replacement Fund for improvements and the replacement of necessary capital equipment.

SECTION III.


This ordinance is hereby declared to be an emergency measure and as such shall take effect immediately, on the basis that it is necessary to create the new special fund promptly so that it is in place to receive funds appropriated for fiscal year 2020 and thereafter, and on the further basis of protection of the public peace, health, safety and welfare.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 15th day of July, 2019.



Mayor William D. Duncan

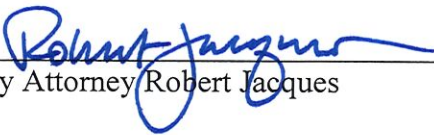
ATTEST:



Clerk of Council

TO THE CLERK:

Please publish in the following summary form.



City Attorney Robert Jacques

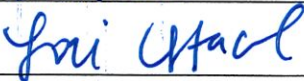
LEGAL NOTICE

On July 15, 2019, the Council of the City of Oakwood, Montgomery County, Ohio, adopted Ordinance No. 4892 entitled "AN ORDINANCE TO CREATE A SPECIAL FUND WITHIN THE FISCAL RECORDS OF THIS CITY TO BE KNOWN AS THE REFUSE IMPROVEMENT/EQUIPMENT REPLACEMENT FUND; AND TO DECLARE AN EMERGENCY."

Lori Stacel, Clerk of Council, City of Oakwood

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing ordinance was duly published in the Oakwood Register, a newspaper of general circulation in said city and that the publication occurred on the following date: July 24, 2019.



Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

ADOPTING NEW SECTION 17-801, *SHORT-TERM RENTALS PROHIBITED*, OF THE PROPERTY MAINTENANCE CODE AND MAKING RELATED AMENDMENTS ELSEWHERE IN THE PROPERTY MAINTENANCE CODE TO PROVIDE FOR THE PROHIBITION OF SHORT-TERM RESIDENTIAL RENTALS THROUGHOUT THE CITY.

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

SECTION I.

The title of Chapter 17-EIGHT of the Oakwood Property Maintenance Code is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~struckthrough~~ font:

CHAPTER 17-EIGHT
RESIDENTIAL RENTALS UNIT ~~INSPECTION~~

SECTION II.

New Section 17-801, *Short-Term Rentals Prohibited*, of the Oakwood Property Maintenance Code, is hereby adopted to read as follows:

Sec. 17-801 SHORT-TERM RENTALS PROHIBITED

17-801.1 PURPOSE

Council of the city of Oakwood has determined that the short-term rental of residential property is inconsistent with the permanence, established character, density, and tranquility of Oakwood’s residential neighborhoods and is potentially detrimental to property values. The purpose and intent of this ordinance is to prohibit short-term rentals to protect and preserve these qualities of Oakwood’s residential neighborhoods and to provide for the comfort, safety, and welfare of Oakwood residents.

17-801.2 DEFINITIONS

- A. “Transient Occupancy” means the right to use, occupy or possess, or the actual use, occupancy or possession, of the following, as defined by the Oakwood Zoning Ordinance: a Dwelling Unit, Single Family Dwelling, Two Family Dwelling, or Multiple-Family Dwelling; or a portion of any of the aforementioned; for a period of twenty five (25) consecutive calendar days or less.
- B. “Transient Rental” means the renting, letting, subletting, leasing or subleasing of the following, as defined by the Oakwood Zoning Ordinance: a Dwelling Unit, Single Family Dwelling, Two Family Dwelling, or Multiple-Family Dwelling; or a portion of any of the aforementioned; for Transient Occupancy use.

17-801.3 PROHIBITION

On or after January 1, 2020, no person shall operate, let, list, advertise, or otherwise make available, any residential property in the city of Oakwood for Transient Rental purposes.

17-801.4 NOTICE OF VIOLATION; TIME FOR PERFORMANCE; APPEALS; VARIANCES; INSPECTIONS AND PENALTIES ARE DEALT WITH IN OTHER SECTIONS OF THIS CODE

Other matters regarding notice of violation, time for performance, appeals, variances, inspections, penalties, and other aspects of administration are covered in Chapter 17-ONE of this Property Maintenance Code.

SECTION III.

Existing Section 17-106.1(A) of the Oakwood Property Maintenance Code, which addresses violations of such Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strikethrough~~ font:

- A. The unlawful acts described in this paragraph A- shall include:
1. ~~Transfer of legal or equitable ownership of premises or change of tenant without having obtained a pre-sale inspection as required by 17-107.5 and 17-107.11 or without furnishing the proposed new owner a true copy of any conditional certificate of occupancy or other notice of violation and obtaining a signed receipt for it, as required by 17-107.10.~~
 2. ~~Further, these unlawful acts described herein shall also include~~ **Occupancy or use of any premises by a new owner or tenant without that owner having obtained from the code official (or from the previous owner) a valid certificate of occupancy for the premises, as required by 17-107.5.**
 3. ~~These unlawful acts described herein shall also include the~~ **Failure to timely submit the information required by Section 17-800.4.**
 4. **Operating, letting, listing, advertising, or otherwise making available, any residential property in the city of Oakwood for Transient Rental purposes, as prohibited by 17-801.3.**

SECTION IV.

Existing Section 17-106.4 of the Oakwood Property Maintenance Code, which addresses penalties for violations of such Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strikethrough~~ font:

- A. Whoever commits an unlawful act as described in paragraph A of 17-106.1 shall be guilty of ~~a minor~~ **an unclassified** misdemeanor.
- B. Whoever commits an unlawful act as described in paragraph B of 17-106.1 shall be guilty of a fourth degree misdemeanor.
- C. Whoever commits an unlawful act as described in paragraph C of 17-106.1 shall be guilty of a third degree misdemeanor.
- D. Whoever commits an unlawful act as described in paragraph D of 17-106.1 shall be guilty of a fourth degree misdemeanor.
- E. Whoever commits an unlawful act as described in paragraph E of 17-106.1 shall be guilty of a third degree misdemeanor.

SECTION V.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance 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 compliance with all legal requirements including § 121.22, Ohio Revised Code.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2019.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

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

City Attorney Robert F. Jacques