

CITY OF OAKWOOD
COUNCIL AGENDA
JANUARY 6, 2020

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. ORGANIZATION MEETING
 - SWEAR IN NEWLY ELECTED COUNCIL MEMBERS
 - ELECTION OF MAYOR
 - ELECTION OF VICE MAYOR
- V. MINUTES OF DECEMBER 9 REGULAR SESSION, WORK SESSION AND EXECUTIVE SESSION
- VI. STATUS REPORTS
 - Oath of Office, Doug Spitler, Director of Engineering and Public Works
 - Council Committee Assignments
 - Citizen Committee Appointments
 - Public Safety Department Awards, Chief Alan Hill
 - Lieutenant Chuck Balaj, 2019 TCSU Investigator Award
 - PSO Jeff Yount, Jr., 2019 TCSU Agent of the Year Award
 - Recognition of Lieutenant Jeff Yount, Sr., Chief Alan Hill
 - December 11 Event at Oakwood Junior High, Chief Alan Hill
- VII. VISITORS
 - Holiday Decorating Awards, Nancy Drozd and Jane Lieberth
 - Little Free Library Eagle Scout Project, William Boylin
 - Dog Park Eagle Scout Project, Charles Jacques
- VIII. LEGISLATION
 - An Ordinance to increase the stormwater fee, Mr. Epley
 - An Ordinance to amend Chapter 163 of the Administrative Code, Mr. Stephens
 - An Ordinance to amend Firearms Provisions of 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 FEBRUARY 3, 2020

After our council meeting, we will conduct our annual CIC meetings.

C.I.C. MEETING
ANNUAL TRUSTEE MEETING

- VI. CALL TO ORDER
- VII. ROLL CALL
- VIII. APPROVE MINUTES OF DECEMBER 10, 2018 MEETING
- IX. BUSINESS – NONE
- X. ADJOURN

C.I.C. MEETING
ANNUAL ORGANIZATION MEETING

- VI. CALL TO ORDER
- VII. ROLL CALL
- VIII. APPROVE MINUTES OF DECEMBER 10, 2018 MEETING
- IX. BUSINESS - NONE
- X. ADJOURN

AN ORDINANCE

BY: _____ NO. _____

AN ORDINANCE TO AMEND “APPENDIX A – PUBLIC SERVICES RATE SHEET” OF THE OAKWOOD STREETS AND PUBLIC SERVICES CODE TO INCREASE THE STORMWATER FEE.

WHEREAS, in order to meet operational and upcoming capital needs for the stormwater utility service, the City Manager has recommended a \$3.00 rate increase for the stormwater utility service, which would increase the per-ERU rate from \$7.00 to \$10.00; and

WHEREAS, the City Manager presented the recommended rate increase to the citizen Budget Review Committee (“BRC”) as part of the 2020 budget briefing on October 15, 2019; and

WHEREAS, Council, based on the positive response from the BRC and its own study of the matter, finds that the recommended change is justified and necessary, and will benefit the general health, safety and welfare of the citizens of Oakwood, and desires to implement the same;

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

SECTION I.

Appendix A to the Streets and Public Services Code, which is incorporated by reference in the ordinances governing the city’s water, sanitary sewer, stormwater, and refuse utility programs, is hereby amended as shown on the attached exhibit to reflect an increase of \$3.00 in the stormwater management rate, which will increase revenue within the city’s stormwater utility.

SECTION II.

The rate increase set forth herein shall be effective as of January 1, 2020.

SECTION III.

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 Council and any of its committees that resulted in that formal action were in meetings open to the public to the extent required by law.

SECTION IV.

This ordinance, as an ordinance to raise revenue, shall take effect upon passage as provided by Section 3.04 of the City Charter.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of January, 2020.

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

APPENDIX A -- PUBLIC SERVICES RATE SHEET

WATER UTILITY RATES

RATES FOR WATER INSIDE THE CITY

1. Minimum charge per month according to size of meter:			
5/8" or smaller . . .	10.00	2"	54.11
3/4"	12.43	3"	108.22
1"	19.53	4"	163.19
1 1/2"	32.48	6"	281.13
2. Consumption rate, per 100 cu.ft.			1.76

All bills due by last day of month. THEREAFTER a 10% charge on past due amount.
 1 1/2% per month interest begins 30 days after due date.

RATES FOR WATER OUTSIDE THE CITY

Including \$0.10 per hundred cu. ft. Well Field Protection Fee and \$1.321 fixed fee

1. Minimum charge per month according to size of meter:			
5/8" or smaller . . .	22.33	2"	95.13
3/4"	26.34	3"	184.39
1"	38.07	4"	275.06
1 1/2"	59.41	6"	469.70
2. Consumption rate, per 100 cu.ft.			3.00

HYDRANTS

1. Fire hydrants inside city per month, per hydrant	12.50
2. Fire hydrants outside city per month, per hydrant	25.00

FIRE LINES

For the furnishing of water service to fire lines within the boundaries of the City of Oakwood, the rates shall be \$21.00 per month, and for the furnishing of water service to fire lines beyond the boundaries of the City of Oakwood, the rate shall be \$31.50 per month.

SANITARY SEWAGE RATES

1. Minimum charge per month according to size of meter:		
<u>Meter Size</u>	<u>Inside City Rates</u>	<u>Outside City Rates (25% surcharge)</u>
5/8" or 3/4"	21.20	26.50
1"	21.77	27.21
1 1/2"	22.33	27.92
2"	22.79	28.49
3"	23.47	29.33
4"	24.03	30.04
6"	24.79	31.00
2. Consumption rate, per 100 cu.ft.		3.527
		4.409

MONTHLY REFUSE COLLECTION & DISPOSAL RATES

SINGLE FAMILY HOME	30.00
DUPLEX	60.00
TRIPLEX	90.00
FOUR-UNIT	120.00
MORE THAN FOUR UNITS	30.00 per unit

MONTHLY STORMWATER MANAGEMENT RATES

SINGLE FAMILY HOME	10.00
DUPLEX	10.00
TRIPLEX	10.00
EQUIVALENT RESIDENTIAL UNIT (ERU) 3,403 sq.ft.	
FOUR OR MORE UNITS, or COMMERCIAL	

Formula: (Impervious area in sq.ft. / ERU) rounded to nearest whole number x 10.00

AN ORDINANCE

BY: _____

NO. _____

AMENDING CHAPTER 163, *ENVIRONMENTAL COMMITTEE*, OF THE OAKWOOD ADMINISTRATIVE CODE TO REFLECT THAT THE NAME OF SAID COMMITTEE HAS BEEN CHANGED TO “BEAUTIFICATION COMMITTEE” AND TO UPDATE THE DESCRIPTION OF ITS ACTIVITIES.

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

SECTION I.

Chapter 163, *Environmental Committee*, of the Oakwood Administrative Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strikethrough~~ font.

CHAPTER 163 ~~ENVIRONMENTAL~~ **BEAUTIFICATION** COMMITTEE

* * *

163.01 ESTABLISHMENT AND PURPOSE

~~An Environmental~~ **A Beautification** Committee is hereby established to preserve the sylvan setting of the City, to encourage all Oakwood residents and property owners in the landscaping of their properties, to emphasize the desirability of maintaining and improving the planted and landscaped areas of the City, to promote and encourage the care and maintenance of the entire area of Oakwood so as to preserve and to continue this suburban community as a particularly desirable place to live, to emphasize the value to all Oakwood residents and property owners of a continuing campaign to maintain all property in this City in excellent condition and state of repair, and to promote the general beautification of this City.

163.02 MEMBERSHIP; POWERS; COMPENSATION.

The ~~Environmental~~ **Beautification** Committee shall consist of not less than five members who shall serve for a term of three years or until their successors are appointed, whichever first occurs. All members of the committee shall be appointed by Council through a motion passed by a majority of a quorum of Council. The committee shall have the power to appoint a technical advisory staff consisting of persons who, although not members of the committee, have special knowledge and information which may be of assistance to the committee in accomplishing its goals. All members of the committee and of such technical advisory staff shall serve without compensation and shall be selected on the basis of special skills, talents, energy and knowledge which they have to contribute toward the goals and purposes of the committee.

The committee shall study, investigate, counsel, develop and ~~annually~~ **periodically** update a written plan of recommendation for the planning, care, preservation, pruning, replanting, removal or disposition of trees and shrubs in the parks and along the street and other public areas of the City. ~~Such recommendations shall be made to the Council at least once each calendar year or more frequently as either the committee or the Council may deem advisable. Upon acceptance of such recommendations they shall be considered to be the operating rules for this community as to street and park trees. The committee may also engage in such other activities, as requested by and in collaboration with the Department of Leisure Services, as are reasonably related to the committee’s purpose as set forth in Section 163.01.~~

Council shall have the right to review the conduct, acts and decisions of the committee in relationship to those rules relating to trees.

SECTION II.

This ordinance shall be and remain in force from and after the earliest date permitted by law.

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

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. _____

AMENDING SECTIONS 505.10 AND 517.01, REPEALING EXISTING CHAPTER 549, AND ENACTING NEW CHAPTER 549, ALL OF THE GENERAL OFFENSES CODE, RELATING TO THE OWNERSHIP, POSSESSION, PURCHASE, OTHER ACQUISITION, TRANSPORT, STORAGE, CARRYING, SALE, OTHER TRANSFER, MANUFACTURE, TAXATION, KEEPING, AND REPORTING OF LOSS OR THEFT OF FIREARMS, THEIR COMPONENTS, AND THEIR AMMUNITION, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio General Assembly has enacted Section 9.68 of the Ohio Revised Code, which becomes effective on December 28, 2019, and which on its face removes from Ohio municipalities the right to enact and enforce laws relating to the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition; and

WHEREAS, if ordinances currently a part of the Codified Ordinances of the city of Oakwood relating to the above are not removed, a private cause of action is created through which the city may be liable for damages, attorney fees, and other costs; and

WHEREAS, Council recognizes that the city of Oakwood has home rule authority under the Ohio Constitution, but also that no court has yet ruled on the constitutionality of Ohio Revised Code Section 9.68, and the city needs to protect itself against liability; and

WHEREAS, as a result the city is in need of amending several sections of its General Offenses Code to place it in compliance with the above-referenced law;

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

SECTION I.

Section 505.10, *Hunting Prohibited*, of the Oakwood General Offenses Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~striketrough~~ font:

505.10 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by ~~the use of firearms or any other~~ **any means other than the use of a firearm as defined by Ohio Revised Code Section 2923.11.** ~~Hunting of animals or fowl within the City is prohibited.~~

(b) Whoever violates this section is guilty of a minor misdemeanor.

SECTION II.

Section 517.01, *Definitions*, of the Oakwood General Offenses Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~striketrough~~ font:

517.01 DEFINITIONS

* * *

(vv) “Merchandise prize” means any item of value, but shall not include any of the following:

- (1) Cash, gift cards, or any equivalent thereof;
- (2) Plays on games of chance, state lottery tickets, bingo, or instant bingo;
- (3) ~~Firearms,~~ Tobacco, or alcoholic beverages; or
- (4) A redeemable voucher that is redeemable for any of the items listed in subsection (vv)(1), (2) or (3) of this section.

* * *

SECTION III.

Existing Chapter 549, *Weapons and Explosives*, of the Oakwood General Offenses Code, is hereby repealed, and new Chapter 549, *Weapons and Explosives*, of the Oakwood General Offenses Code, is hereby enacted to read as follows:

549.01 SALE OR DISCHARGE OF FIREWORKS.

(a) No person shall possess fireworks for sale at retail, or sell fireworks at retail, within the City.

(b) Except for fireworks displays under Section 549.02 below, and except as provided in ORC 3743.80, no person shall discharge, ignite, or explode any fireworks in this City.

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.

549.02 FIREWORKS DISPLAY PERMITS.

(a) An exhibitor of fireworks licensed under ORC 3743.50 through 3743.55 who wishes to conduct a public fireworks exhibition shall apply for approval to conduct the exhibition to the Director of the Department of Public Safety.

(b) The approval required by paragraph (a) of this section shall be evidenced by that Director signing a permit for the exhibition. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the State Fire Marshal or, if it is available, from the Safety Director.

(c) Before signing a permit and issuing it to a licensed exhibitor of fireworks, the Safety Director shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show his license as an exhibit of fireworks to the Director.

(d) The Safety Director shall give his approval to conduct a public fireworks exhibition only if he is satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the State Fire marshal pursuant to ORC 3743.53(B) and the applicant is in fact, a licensed exhibitor of fireworks. The Safety Director may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke a permit for noncompliance with the rules.

(e) The Safety Director shall not issue a permit until the exhibitor pays any requisite fee set in the general fee schedule issued by the City Manager.

(f) Each exhibitor shall provide an indemnity bond in the amount of at least \$1,000,000 issued by a surety company authorized to do business in the State of Ohio and in a form satisfactory to the City Attorney, conditioned for the payment of all final judgments that may be rendered on account of injury, death, or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least \$1,000,000 for liability arising from injury, death, or loss to persons or property emanating from the fireworks exhibition. The City shall be an additional insured under that policy, and the deductible under the policy may not exceed \$1,000. The City Council by resolution may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this paragraph. The Safety Director shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this division or by the City Council.

(g) Each permit for a fireworks exhibition issued by the Safety Director shall contain a distinct number, together with the name of this City. A copy of each permit issued shall be forwarded by the Director issuing it to the State Fire Marshal. A permit is not transferable or assignable.

(h) The Director shall keep a record of issued permits and fireworks exhibitions. In this list, the Director shall list the name of the exhibitor, his license number, the premises on which the exhibition will be conducted, the date and time of the

exhibition, the name of this City, and the number of the permit issued to the exhibition. (ORC 3743.54)

549.03 BLASTING; PERMIT.

(a) No person shall cause a blast to occur within the City without making application in writing beforehand, setting forth the exact nature of the intended operation, and receiving a permit to blast from the City Manager. The City Manager before granting such permit may require the applicant to provide a bond to indemnify the City and all other persons against injury or damages which might result from the proposed blasting.

(b) No persons shall carry on blasting operations within the City unless such operations are so securely and appropriately covered as will completely protect the person and property of all others lawfully within the City from vibration and flying earth, stone or other materials and substances.

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.

549.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

SECTION IV.

It is hereby declared that this ordinance is an emergency measure to take effect immediately on the basis that the city must enact the same prior to the change in Ohio law referenced above in order to preserve the public peace, health, safety and welfare, and to avoid practical and legal entanglements.

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

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