

CITY OF OAKWOOD
COUNCIL AGENDA
DECEMBER 14, 2020

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF NOVEMBER 2 REGULAR SESSION AND NOVEMBER 16 WORK SESSION & EXECUTIVE SESSION
- V. STATUS REPORTS
- VI. VISITORS
- VII. LEGISLATION
 - An Ordinance to approve updates to the Traffic and General Offenses Codes, Mr. Stephens
 - An Ordinance to approve the 2021 Budget, Vice Mayor Byington
 - An Ordinance to amend 2020 appropriations to address additional Coronavirus funds, Vice Mayor Byington
 - An Ordinance to amend 2020 appropriations for an Ohio Bureau of Workers Compensation dividend, Vice Mayor Byington
 - An Ordinance to regulate the usage of toy vehicles on public streets, alleys and sidewalks, Mr. Stephens
 - An Ordinance to amend the lease agreement with the Wright Library Board of Trustees, Vice Mayor Byington
 - An Ordinance to amend the organization and staffing schedule, Vice Mayor Byington
- VIII. STAFF REPORT – NONE
- IX. CITY MANAGER’S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR JANUARY 4, 2021

C.I.C. MEETING
ANNUAL TRUSTEE MEETING

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVE MINUTES OF JANUARY 3, 2020 MEETING
- IV. BUSINESS – NONE
- V. ADJOURN

C.I.C. MEETING
ANNUAL ORGANIZATION MEETING

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVE MINUTES OF JANUARY 3, 2020 MEETING
- IV. BUSINESS - NONE
- V. ADJOURN

AN ORDINANCE

BY: _____

NO. _____

TO APPROVE CURRENT REPLACEMENT PAGES TO THE OAKWOOD TRAFFIC AND GENERAL OFFENSES CODES, AND DECLARING AN EMERGENCY.

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 2020 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The following sections of the Oakwood Traffic and General Offenses Codes are hereby added, amended or repealed as respectively indicated in order to comply with current State law.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

- 331.41 Wearing Earplugs or Earphones Prohibited. (Amended)
- 335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
- 335.091 Operating Without Dealer or Manufacturer License Plates. (Added)
- 373.02 Riding Upon Seats; Handlebars: Helmets and Glasses. (Amended)

General Offenses Code

- 505.04 Abandoning Animals. (Amended)
- 537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternate Nicotine Products. (Amended)
- 537.17 Reserved. (Previously "Criminal Child Enticement")

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>
4919	7-20-20	375.10
4918	10-5-20	521.12
4902	1-6-20	505.10, 549.01 to 549.03, 549.99

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 2020 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 has been given two readings, but is adopted on an emergency basis in order to take effect immediately, thereby avoiding practical and legal entanglements and promoting the public health, safety, and welfare.

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 2020 Replacement Pages in the Codified Ordinances of this City.

City Attorney Robert F. Jacques

APPENDIX A

Traffic Code

- 331.41 Wearing Earplugs or Earphones Prohibited. (Expands definitions for earphones and earplugs. Adds exception for hearing protection while operating a motorcycle.)
- 335.09 Display of License Plates or Validation Stickers; Temporary License Placard. (License plate, temporary license placard, and validation stickers to be displayed on the rear of vehicle.)
- 335.091 Operating Without Dealer or Manufacturer License Plates. (Adds new section regulating operating a manufacturer or dealer vehicle without license plates or placards.)
- 373.02 Riding Upon Seats; Handlebars; Helmets and Glasses. (Adds exceptions for autocycles and cab-enclosed motorcycles; adds standard for protective helmets.)

General Offenses Code

- 505.04 Abandoning Animals. (Amended to update penalty wording to match ORC and ORC reference.)
- 537.16 Illegal Distribution of Cigarettes, Other Tobacco Products, or Alternate Nicotine Products. (Completely rewrites section to comply with current State law; raises legal age to purchase tobacco; includes regulations for “transaction scans”.)
- 537.17 Criminal Child Enticement. (Deleted. This section was based on ORC 2905.05. The Ohio Supreme Court held that ORC 2909.05(A) was unconstitutionally overbroad in violation of the First Amendment.)

AN ORDINANCE

BY _____

NO. _____

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021.

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

SECTION I.

Council hereby accepting the submitted budget for fiscal year 2021, and desiring to provide for expenses and other expenditures of the city of Oakwood during the period commencing January 1, 2021 and ending December 31, 2021, the following sums shall be and they are hereby set aside and appropriated as follows:

Fund	Appropriation			
	Personnel	Operating	Total	
MAJOR OPERATING FUNDS				
101	General Fund:			
	Total Expenditures	\$ 7,383,260	\$ 1,341,112	\$ 8,724,372
	Total Transfers			\$ 2,704,442
	Total General Fund			<u>\$ 11,428,814</u>
220	Street Maintenance and Repair Fund			
	Total Expenditures	\$ 962,480	\$ 202,800	\$ 1,165,280
	Total Transfers			\$ 173,777
	Total Street Maintenance and Repair Fund			<u>\$ 1,339,057</u>
228	Leisure Activity Fund			
	Total Expenditures	\$ 774,995	\$ 407,180	\$ 1,182,175
	Total Transfers			\$ 3,360
	Total Leisure Activity Fund			<u>\$ 1,185,535</u>
230	Health Fund			
	Total Expenditures	\$ 124,845	\$ 33,295	\$ 158,140
	Total Transfers			\$ 3,360
	Total Health Fund			<u>\$ 161,500</u>
308	General Equipment Replacement Fund			
			\$ 366,000	\$ 366,000
309	Capital Improvement Fund			
			\$ 491,000	\$ 491,000
510	Sidewalk, Curb & Apron Fund			
			\$ 1,700	\$ 1,700
707	Service Center Fund			
	\$ 243,325	\$ 450,835		\$ 694,160
TOTAL MAJOR OPERATING FUNDS				<u><u>\$ 15,667,766</u></u>
OTHER FUNDS				
208	Bullock Endowment Trust Fund			
		\$ 500		\$ 500
209	MLK Community Recognition Fund			
		\$ 7,507		\$ 7,507
210	Special Improvement District Assessment Fund			
		\$ 90,000		\$ 90,000
211	Smith Memorial Gardens Fund			
	Total Expenditures	\$ 69,515	\$ 47,044	\$ 116,559
	Total Transfers			\$ -
				<u>\$ 116,559</u>

Fund	Appropriation		
	Personnel	Operating	Total
212	Indigent Drivers Alcohol Treatment Fund	\$ 1,500	\$ 1,500
213	Enforcement and Education Fund	\$ 1,500	\$ 1,500
214	Law Enforcement Fund	\$ 8,000	\$ 8,000
215	Drug Law Enforcement Fund	\$ -	\$ -
216	Police Pension Fund	\$ -	\$ -
217	Court Clerk Computerization Fund	\$ 11,500	\$ 11,500
218	Court Computerization Fund	\$ 9,000	\$ 9,000
219	Court Special Projects Fund	\$ 5,500	\$ 5,500
224	State Highway Improvement Fund	\$ 31,100	\$ 31,100
240	Public Safety Endowment Fund	\$ 15,000	\$ 15,000
250	Special Projects Fund	\$ -	\$ -
310	Issue 2 Capital Projects Fund	\$ -	\$ -
311	Public Facilities Fund	\$ -	\$ -
312	Local Coronavirus Relief Fund	\$ -	\$ -
414	Bond Retirement Fund	\$ -	\$ -
508	Electric Street Lighting Fund	\$ 155,900	\$ 155,900
706	Self-Funded Insurance Trust Fund	\$ 17,500	\$ 17,500
810	Fire Insurance Trust Fund	\$ -	\$ -
811	Contractor's Permit Fee Fund	\$ 2,000	\$ 2,000
TOTAL OTHER FUNDS			<u>\$ 473,066</u>
REFUSE FUND			
205	Refuse Fund		
	Total Expenditures	\$ 1,018,555	\$ 1,264,905
	Total Transfers		\$ 217,679
	Total Refuse Operating Fund		<u>\$ 1,482,584</u>
206	Refuse Improvement / Equipment Replacement Fund	\$ 35,000	\$ 35,000
TOTAL REFUSE FUNDS			<u>\$ 1,517,584</u>
ENTERPRISE FUNDS			
602	Water Operating Fund		
	Total Expenditures	\$ 531,060	\$ 1,062,604
	Total Transfers		\$ 178,216
	Total Water Operating Fund		<u>\$ 1,240,820</u>
603	Water Improvement / Equipment Replacement Fund	\$ 35,000	\$ 35,000
			<u>\$ 1,275,820</u>

Fund	Appropriation		
	Personnel	Operating	Total
607 Sanitary Sewer Operating Fund			
Total Expenditures	\$ 355,000	\$ 1,166,600	\$ 1,521,600
Total Transfers			\$ 137,104
Total Sanitary Sewer Operating Fund			<u>\$ 1,658,704</u>
608 Sanitary Sewer Improvement / Equipment Replacement Fund			
Total Expenditures		\$ 235,000	\$ 235,000
			<u>\$ 1,893,704</u>
615 Stormwater Operating Fund			
Total Expenditures	\$ 255,655	\$ 103,975	\$ 359,630
Total Transfers			\$ 123,378
Total Stormwater Operating Fund			<u>\$ 483,008</u>
616 Stormwater Improvement / Equipment Replacement Fund			
Total Expenditures		\$ 70,000	\$ 70,000
			<u>\$ 553,008</u>
TOTAL ENTERPRISE FUNDS			<u>\$ 3,722,532</u>
TOTAL EXPENDITURES ALL FUNDS			<u>\$ 21,380,948</u>
TRANSFER ADJUSTMENT			<u>\$ (3,541,316)</u>
NET TOTAL EXPENDITURES			<u>\$ 17,839,632</u>

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 therefor, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution 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. The appropriation for contingencies can only be expended upon approval of three-fourths (3/4ths) vote of Council for items of expense constituting a legal obligation against the City, and for purposes other than those covered by the other specific appropriations herein made.

SECTION III.

This annual appropriation ordinance shall become effective as of the first day of January, 2021, as provided by Section 6.05 of the City Charter.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD THIS 14th day of December, 2020.

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please publish the foregoing Ordinance in the following summary form:

LEGAL NOTICE

Ordinance _____ of the Council of the City of Oakwood, Ohio was passed on the 14th day of December, 2020. Said ordinance was enacted to make appropriations for current expenses and other expenditures of the City of Oakwood, Ohio, for the period ending December 31, 2021.

LORI STACEL,
CLERK OF COUNCIL

City Attorney Robert F. Jacques

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 AMEND SECTION I, 2020 ORIGINAL APPROPRIATION ORDINANCE NO. 4897 AND ALL SUPPLEMENTS ENACTED THERETO, TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$2,821.30 TO BE EXPENDED FROM THE LOCAL CORONAVIRUS RELIEF FUND TO COVER COSTS CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT; AND
2. ANY ADDITIONAL FUNDING THAT MAY BECOME AVAILABLE TO THE CITY OF OAKWOOD TO COVER COSTS CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020, OR, FOR FUNDING THAT BECOMES AVAILABLE AFTER THAT DATE, DURING THE FISCAL YEAR IN WHICH SUCH FUNDING BECOMES AVAILABLE.

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, through several sequential pieces of legislation, including House Bill 481, Senate Bill 310, and House Bill 614 of the 133rd General Assembly, the Ohio General Assembly has established a process for distributing funds provided by the CARES Act, including funds that will be distributed to local municipalities to reimburse certain unbudgeted expenditures associated with the city’s COVID-19 mitigation and response; and

WHEREAS, Oakwood’s maximum eligibility for reimbursement was \$192,992.60, which was the subject of supplemental appropriation ordinance No. 4917 and 4920; and was subsequently increased by \$322,015.41, which was the subject of supplemental appropriation ordinance No. 4923; and has now been increased by a redistribution of funds unused by other Ohio communities in the amount of \$2,821.30; for a total reimbursement eligibility to date of \$517,829.31 plus up to \$500.00 in interest accruing thereon; and

WHEREAS, in order to make the additional funds available for use, it is necessary for Council to authorize the same via this additional supplemental appropriation ordinance; and

WHEREAS, Council recognizes that state distribution of CARES Act reimbursement funding has been a fluid and evolving process, and wishes to provide for the automatic appropriation of additional funding that may become available in the future, if any;

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, 2020 and ending December 31, 2020, the following revised sums shall be and they are hereby set aside and appropriated as follows, with added material in **bold** type, deleted material in ~~strike-through~~ type, and dicta/commentary in *italic* type:

<u>Fund</u>	<u>Appropriation</u>
312 Local Coronavirus Relief Fund	\$515,508.04 \$518,329.31

SECTION II.

In the event that any further CARES Act reimbursement funding is made available and/or distributed to the city of Oakwood, such funding is and shall be hereby appropriated automatically to Fund 312 (Local Coronavirus Relief Fund), where it shall be available to be encumbered in and for the year in which it is received, without the need for further legislative action by this Council.

SECTION III.

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 IV.

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 _____ 2020.

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please publish the foregoing Ordinance in the following summary form:

LEGAL NOTICE

Ordinance _____ of the Council of the city of Oakwood, Ohio was passed on the ____day of _____, 2020. Said ordinance was enacted to make a supplemental appropriation for current expenses of the city of Oakwood, Ohio, for the period ending December 31, 2020.

LORI STACEL
CLERK OF COUNCIL

City Attorney Robert F. Jacques

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 AMEND SECTION I, 2020 ORIGINAL APPROPRIATION ORDINANCE NO. 4897 AND ALL SUPPLEMENTS ENACTED THERETO, TO PROVIDE FOR THE APPROPRIATION OF:

- 1. AN AMOUNT OF \$500,000.00 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE SPECIAL PROJECTS FUND;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020.

WHEREAS, in order to “ease COVID-19’s continued impact on the state’s business community and workforce,” the Board of Trustees of the Ohio Bureau of Workers Compensation (“BWC”) held a special meeting on November 2, 2020, and voted to authorize the payment of substantial dividends to eligible Ohio employers, including certain public employers; and

WHEREAS, prior to the November 2, 2020, action, the BWC had already distributed two dividends in 2020 totaling \$318,641.64 for the city of Oakwood; and

WHEREAS, pursuant to the November 2, 2020, decision, approximately five billion dollars (\$5B) of additional BWC premiums will be refunded to Ohio employers as a dividend, including an additional \$566,175.00 for the city of Oakwood; and

WHEREAS, as a result of these dividend payments, the city of Oakwood will receive a total of \$884,816.64 of unexpected income in 2020; and

WHEREAS, this supplemental appropriation authorizes the transfer of \$500,000.00 of this money from the General Fund to the Special Projects Fund, to be held and used for future financial needs of the city, which Council believes is appropriate and prudent;

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, 2020 and ending December 31, 2020, 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	<u>Appropriation</u>	
101 General Fund	\$12,341,778.00	\$12,841,778.00

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 14th day of December, 2020.

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 14th day of December, 2020. Said ordinance was enacted to make a supplemental appropriation for current expenses of the city of Oakwood, Ohio, for the period ending December 31, 2020.

LORI STACEL
CLERK OF COUNCIL

CERTIFICATION OF PUBLICATION

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

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

AMENDING SECTION 311.05, *TOY VEHICLES UPON ROADWAY*, OF THE OAKWOOD TRAFFIC CODE TO CLARIFY THAT THE SAME DOES NOT APPLY TO THE USE OF CERTAIN SCOOTERS, SKATEBOARDS, AND ROLLER SKATES, AND ENACTING NEW SECTION 371.13, *NON-COMMERCIAL SCOOTERS, SKATEBOARDS, AND INLINE ROLLER SKATES*, OF THE OAKWOOD TRAFFIC CODE TO REGULATE THE USE OF SUCH VEHICLES UPON PUBLIC STREETS, ALLEYS, AND SIDEWALKS.

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

Section I.

Section 311.05, *Toy Vehicles Upon Roadway*, of the Oakwood Traffic Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strickthrough~~ font:

311.05 TOY VEHICLES UPON ROADWAY.

- (a) No person riding upon any coaster, roller skates, skate board, sled, toy vehicle, wagon or other similar device shall go upon any roadway except while crossing a street on a crosswalk; and when so crossing that person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply to:

(1) ~~Any street while it is set aside as a play street under Section 311.04;~~

(2) **The use of a scooter, skateboard, or pair of inline roller skates, provided the same is used or operated in accordance with Section 371.13. For purposes of this provision, the following definitions shall apply:**

(a) **“Scooter” shall mean a vehicle that is not a “Shared Mobility Device” as defined in Section 375.10, and which consists of a deck or platform with one or more wheels attached, typically operated or ridden in a standing or crouching position, with a hand-operated steering bar or wheel, and propelled by gravity, human foot power, or an electric motor that is capable of propelling the vehicle not more than twenty miles per hour.**

(b) **“Skateboard” shall mean a vehicle that consists of a deck or platform with one or more wheels attached, typically operated or ridden in a standing or crouching position, without hand-operated steering controls, and propelled solely by gravity or human foot power.**

(c) **“Inline roller skates” shall mean a type of wearable skates consisting of a pair of boots or over-shoes, each having two to five hard rubber or urethane wheels attached in a single-file configuration.**

- (b) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

Section II.

Section 371.13, *Non-Commercial Scooters, Skateboards, and Inline Roller Skates*, of the Oakwood Traffic Code, is hereby enacted to read as follows:

Sec. 371.13 NON-COMMERCIAL SCOOTERS, SKATEBOARDS, AND INLINE ROLLER SKATES

Scooters, skateboards, and inline roller skates, as defined in Section 311.05(a)(2), may be operated on public rights-of-way within the city of Oakwood, subject to the following requirements:

- (a) Pedestrian status when operated on public streets or alleys. The operation of a scooter, skateboard, or pair of inline roller skates on public streets or alleys shall be deemed to be pedestrian in nature. All requirements and prohibitions set forth in Section 371.04 and 371.05 for persons walking, jogging, or running on public streets and alleys shall apply to such operation.
- (b) Traffic control devices. Notwithstanding the pedestrian status described in subsection (a) above, the operator of any scooter, skateboard, or pair of inline roller skates on public streets or alleys shall obey all traffic control devices applicable to motor vehicles.
- (c) Sidewalk use. When on a public sidewalk, no person operating a scooter, skateboard, or pair of inline roller skates shall operate the same recklessly, nor fail to yield the right of way to pedestrians on foot.

Section III.

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. _____

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AND RESTATED LEASE AGREEMENT WITH THE WRIGHT LIBRARY BOARD OF TRUSTEES, AND DECLARING AN EMERGENCY.

WHEREAS, the City owns approximately 2.91 acres of real property located at 1776 Far Hills Avenue, Oakwood OH 45419, identified by Permanent Parcel ID number Q71014080033 as assigned by the Auditor of Montgomery County, Ohio (the "City Property"); and

WHEREAS, by Ordinances No. 1261 and 1270, passed on March 7, 1938 and May 16, 1938, respectively, Council authorized the leasing of the City Property to the Library Board for use for public library purposes, for a term of 99 years and a consideration of \$1.00 per year; and

WHEREAS, pursuant to and consistent with that authorization, the Library Board constructed a library building on the City Property and began using the same for public library, but no formal written lease was prepared and entered between the parties until June 27, 1955 (the "1955 Lease"), committing the intent of Ordinances No. 1261 and 1270 to writing for a 99 year term beginning on March 7, 1938 and ending on March 7, 2037; and

WHEREAS, on September 24, 1971, the parties entered into an Amendment of Lease agreement, whereby the Library Board subleased a portion of the City Property back to the City, for a term beginning on September 24, 1971 and ending on March 7, 2037 and a consideration of \$1.00 per year (the "1971 Sublease"); and

WHEREAS, as a result of the 1971 Sublease, the 2.91 acre City Property was not re-platted but was effectively divided into a western portion of approximately 1.368 acres of improved land utilized by and under the control of the Library Board for public library purposes (the "Library Portion"), and an eastern portion of approximately 1.542 acres of unimproved land utilized by and under the control of the City (the "City Portion"); and

WHEREAS, the Library Board presently desires to make additional improvements to its library building, including a small expansion on the east side of the building that would encroach upon the City Portion; and

WHEREAS, the City believes the Library Board's expansion proposal is in the public interest and wishes to accommodate the same, making it necessary to amend the parties' agreement to adjust the boundary between the Library Portion and City Portion of the City Property; and

WHEREAS, for economy of administration, both Council and the Library Board desire to make the necessary amendment and restate the entirety of their agreement in a single document, which is intended to replace the prior agreements referenced herein; and

WHEREAS, consistent with the foregoing, the City Attorney has prepared the Amended and Restated Lease Agreement attached hereto as Exhibit A, which is incorporated by this reference;

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

SECTION I.

Based on the foregoing recitals, City Council hereby determines that the best interests of the City and its residents will be served by entering into the Amended and Restated Lease Agreement attached hereto as Exhibit A.

SECTION II.

Consistent with Section 3.01 of the Charter, the adoption of this ordinance shall, and hereby does, authorize and direct the City Manager to execute the Amended and Restated Lease Agreement attached hereto as Exhibit A.

SECTION III.

This ordinance is adopted as an emergency measure to take immediate effect, on the basis that it is necessary to promptly enter into the new lease agreement so as not to unduly impede the Library Board's expansion project, thereby protecting and promoting the public welfare.

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 one (1) time in the following summary form:

LEGAL NOTICE

Ordinance No. _____ of the Council of the City of Oakwood, Ohio, was passed on the 14th day of December, 2020. Said Ordinance was adopted to authorize the City Manager to enter into an Amended and Restated Lease Agreement with the Wright Library Board of Trustees.

LORI STACEL, CLERK OF COUNCIL

City Attorney Robert F. Jacques

CERTIFICATE OF PUBLICATION

I, Lori Stacel, Clerk of the Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of Ordinance No. _____ was duly published in the Oakwood Register, a newspaper of general circulation in the City of Oakwood, and that said publication occurred on the following date:

(Date)

Lori Stacel, Clerk of Council

ORDINANCE

BY: _____

NO. _____

TO ESTABLISH AN AMENDMENT TO THE ORGANIZATION AND STAFFING SCHEDULE FOR THE PURPOSE OF COMBINING AND RENAMING THE CLASSIFICATIONS OF WATER PLANT SUPERINTENDENT AND WATER AND SEWER LINE MAINTENANCE FOREMAN; ELIMINATING THE MOTOR EQUIPMENT OPERATOR CLASSIFICATION; AMENDING THE NUMBER OF AUTHORIZED POSITIONS FOR THE TRUCK DRIVER I, MAINTENANCE WORKER, AND GENERAL SERVICE WORKER CLASSIFICATIONS; CLARIFYING TITLES FOR OTHER CLASSIFICATIONS; AND DECLARING AN EMERGENCY.

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

SECTION I.

This Council hereby ratifies, confirms and establishes an amendment dated the 14th day of December, 2020 to the Organization & Staffing Schedule, copies of which are being made a part of this ordinance as Exhibit A through the doctrine of incorporation by reference. This amendment shall supersede and replace any prior Organization & Staffing Schedule adopted by this Council. The purpose of this amendment is to combine the classifications of Water Plant Superintendent and Water and Sewer Line Maintenance Foreman into a single classification to be known as the Water Plant Superintendent/Water and Sewer Foreman; to eliminate the Motor Equipment Operator classification; to amend the number of authorized positions for the Truck Driver I, Maintenance Worker, and General Service Worker classifications; and to make miscellaneous clarifications to titles for other classifications.

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 maintain morale and to promote efficiency, and on the basis of preservation of the public peace, health, safety and welfare.

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

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish the foregoing Ordinance in the summary form set forth below under the heading Legal Notice.

City Attorney Robert F. Jacques

LEGAL NOTICE

On December 14, 2020, the Council of the City of Oakwood, Montgomery County, Ohio adopted Ordinance No. _____ entitled, "AN ORDINANCE TO ESTABLISH AN AMENDMENT TO THE ORGANIZATION AND STAFFING SCHEDULE."

By order of the Council of the City of Oakwood, Ohio.

Lori Stacel, Clerk of Council

CERTIFICATION OF PUBLICATION

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

Lori Stacel, Clerk of Council

**EXHIBIT A
AMENDED ORGANIZATION AND STAFFING SCHEDULE**

December 14, 2020

<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	Records/Administrative Clerk
	<u>Engineering & Public Works</u>
1	Director of Engineering and Public Works
1	Water Plant Superintendent/Water and Sewer Foreman
1	Refuse Foreman
1	Streets Foreman
1	Foreman/Inspector/Engineering Technician
5	Maintenance Worker
13	General Service Worker
1	Water Plant Technician
2	Truck Driver I
2	Refuse Collection Driver III
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**

	<u>Law Department</u>
1	Law Director
	<u>Leisure Services</u>
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

** May also serve as Probation Officer, as directed by Judge

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