

CITY OF OAKWOOD  
COUNCIL AGENDA  
JULY 20, 2020

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF JUNE 1 REGULAR SESSION AND WORK SESSION AND JULY 6 WORK SESSION
- V. STATUS REPORTS
- VI. VISITORS
- VII. LEGISLATION
  - An Ordinance to prohibit the use of shared mobility devices, Mr. Stephens
  - An Ordinance to levy special assessments for the 2019 Sidewalk Repair Project, Mr. Stephens
  - A Resolution to authorize the Building Commissioner to grant zoning permit extensions, Vice Mayor Byington
  - A Resolution to authorize acceptance of CARES Act money, Vice Mayor Byington
  - An Ordinance to create a new fund for CARES Act money, Vice Mayor Byington
  - An Ordinance to amend 2020 appropriations to cover CARES Act costs, Vice Mayor Byington
  - A Resolution to authorize and direct the Director of Finance to certify certain delinquent charges for cutting noxious weeds to the County Auditor for collection, Mr. Stephens
- VIII. STAFF REPORT – PUBLIC SAFETY DEPARTMENT
- IX. CITY MANAGER’S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR SEPTEMBER 21, 2020

AN ORDINANCE

BY: \_\_\_\_\_

NO. \_\_\_\_\_

AMENDING SECTION 375.10, *SHARED MOBILITY DEVICES*, OF THE OAKWOOD TRAFFIC CODE TO MAKE PERMANENT A BAN 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 previously enacted a moratorium 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. However, no state regulation has been forthcoming, and Council now seeks to make its previous one-year moratorium permanent.

Section II.

Section 375.10, *Shared Mobility Devices*, of the Oakwood Traffic Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~striketrough~~ font.:

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.

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

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Mayor William D. Duncan

ATTEST:

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Clerk of Council

TO THE CLERK:

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

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City Attorney Robert F. Jacques

AN ORDINANCE

BY \_\_\_\_\_

NO. \_\_\_\_\_

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

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

SECTION I.

That the assessment of costs and expenses of constructing or reconstructing sidewalks, as set forth in Ordinance No. 4905 adopted April 6, 2020, 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. 4905, an unpaid balance of \$10,373.24 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. 1854 adopted March 4, 2019. The individual amounts comprising said unpaid balance, which amounts and the description of said lots and lands are set forth on the attached Exhibit A, are not in excess of any statutory limitation.

SECTION IV.

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

SECTION V.

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

SECTION VI.

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

SECTION VII.

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

PASSED BY COUNCIL, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
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 \_\_\_\_\_, 2020 the Council of the City of Oakwood, Ohio, passed Ordinance No. \_\_\_\_\_ entitled, "TO ITEMIZE AND LEVY SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS AND APPURTENANCES THERETO IN THE CITY OF OAKWOOD, OHIO." Said Ordinance provides for the assessment 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: Beverly Place; Delaine Avenue; Dellwood Drive; Dixon Avenue; Far Hills Avenue; Forrer Boulevard; Greenmount Boulevard; Harman Boulevard; Hathaway Road; Lonsdale Avenue; Patterson Road, Schantz Avenue; Shafor Boulevard; Shroyer Road; Spirea Drive and Wisteria Drive, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Lori Stacel, Clerk of Council

EXHIBIT A  
CITY OF OAKWOOD  
2019 SIDEWALK PROGRAM CERTIFICATIONS FOR 2020

Parcel ID	Property Location	Charge	5% County Fee	Total Certified
Q71 00304 0005	327 PATTERSON	\$ 261.11	\$ 13.06	\$ 274.17
Q71 01404 0028	220 FORRER BLVD	\$ 265.46	\$ 13.27	\$ 278.73
Q71 01402 0057	440 LONSDALE AVE	\$ 538.64	\$ 26.93	\$ 565.57
Q71 01403 0016	339 FORRER BLVD	\$ 244.22	\$ 12.21	\$ 256.43
Q71 01405 0013	139 FORRER BLVD	\$ 232.63	\$ 11.63	\$ 244.26
Q71 01405 0021	101 FORRER BLVD	\$ 241.33	\$ 12.07	\$ 253.40
Q71 01406 0012	11 FORRER BLVD	\$ 126.84	\$ 6.34	\$ 133.18
Q71 01405 0010	150 LONSDALE AVE	\$ 245.19	\$ 12.26	\$ 257.45
Q71 01403 0012	358 LONSDALE AVE	\$ 236.49	\$ 11.82	\$ 248.31
Q71 01401 0027	413 LONSDALE AVE	\$ 498.25	\$ 24.91	\$ 523.16
Q71 01510 0018	343 LONSDALE AVE	\$ 805.65	\$ 40.28	\$ 845.93
Q71 01509 0020	215 LONSDALE AVE	\$ 221.24	\$ 11.06	\$ 232.30
Q71 01509 0008	238 GREENMOUNT BLVD	\$ 245.19	\$ 12.26	\$ 257.45
Q71 01504 0037	317 GREENMOUNT BLVD	\$ 249.05	\$ 12.45	\$ 261.50
Q71 01506 0010	150 DELLWOOD AVE	\$ 241.33	\$ 12.07	\$ 253.40
Q71 01505 0013	244 DELLWOOD AVE	\$ 478.41	\$ 23.92	\$ 502.33
Q71 01503 0008	407 DELLWOOD AVE	\$ 478.31	\$ 23.92	\$ 502.23
Q71 01507 0007	27 DELLWOOD AVE	\$ 245.19	\$ 12.26	\$ 257.45
Q71 01610 0034	216 HARMAN BLVD	\$ 277.53	\$ 13.88	\$ 291.41
Q71 01608 0011	8 SPIREA DR	\$ 267.59	\$ 13.38	\$ 280.97
Q71 01607 0043	4 BEVERLY PL	\$ 256.77	\$ 12.84	\$ 269.61
Q71 00211 0035	77 DIXON AVE E	\$ 208.99	\$ 10.45	\$ 219.44
Q71 00211 0015	26 PATTERSON RD	\$ 964.92	\$ 48.25	\$ 1,013.17
Q71 01601 0014	152 PATTERSON RD	\$ 494.23	\$ 24.71	\$ 518.94
Q71 01607 0012	26 WISTERIA DR	\$ 482.65	\$ 24.13	\$ 506.78
Q71 01603 0043	722 ACORN DR	\$ 377.05	\$ 18.85	\$ 395.90
Q71 01402 0040	426 FORRER BLVD	\$ 221.05	\$ 11.05	\$ 232.10
Q71 01510 0009	GREENMOUNT BLVD	\$ 473.97	\$ 23.70	\$ 497.67
		\$9,879.28	\$ 493.96	\$ 10,373.24

A RESOLUTION

BY: \_\_\_\_\_ NO. \_\_\_\_\_

AUTHORIZING THE BUILDING COMMISSIONER TO GRANT REASONABLE EXTENSIONS OF ZONING CERTIFICATES DURING THE COVID-19 PANDEMIC.

WHEREAS, on March 9, 2020, the Governor declared a State of Emergency in Executive Order 2020-01D relating to a global pandemic involving Covid-19, a novel coronavirus; and

WHEREAS, the Ohio Department of Health subsequently issued a number of orders drastically limiting commercial and non-commercial activity in the state of Ohio; and

WHEREAS, on April 30, 2020, the Ohio Department of Health issued a Director's Order that began reopening businesses, with exceptions, through a process known as "Responsible RestartOhio;" and

WHEREAS, the Responsible RestartOhio process remains underway, but due to disruptions in supply chains within Ohio, nationally, and globally, there are material shortages affecting the building and construction industries in Ohio; and

WHEREAS, social distancing requirements and other issues relating to public health have impacted the labor force and the ability for contractors to perform work in an efficient and effective manner; and

WHEREAS, Section 1009 of the Oakwood Zoning Code provides for the issuance of zoning certificates to authorize certain building or remodeling projects in Oakwood, and specifies that the certificate will lapse and become null and void six (6) months after issuance if construction has not commenced; and

WHEREAS, Council is concerned that delays due to material shortages and labor issues may cause zoning certificates to lapse and become null and void, despite a property owner's diligence in pursuing an approved project, and wishes to authorize the Building Commissioner to grant reasonable extensions thereof to avoid unnecessary hardship for Oakwood property owners; and

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self-government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the city of Oakwood, Ohio, have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, consistent with its home rule authority, and in order for the city of Oakwood to directly assist property owners in this uncertain time, Council finds it appropriate to temporarily authorize the Building Commissioner to issue extensions of zoning certificates;

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

SECTION I.

The Building Commissioner is hereby authorized to issue extensions of zoning certificates issued pursuant to Section 1009 of the Oakwood Zoning Code. An extension issued hereunder shall not extend more than six (6) months beyond the original expiration of a zoning certificate.

SECTION II.

In exercising the authority granted by Section I, the Building Commissioner may develop application forms, extension letters, and other documents as needed, and shall develop criteria for evaluating extension requests in an objective, uniform manner that recognizes the realities of

the current state of emergency and its impact on the construction and building industries, while minimizing disruption and protecting Oakwood's neighborhoods from unreasonable delay.

SECTION III.

Recognizing that material shortages and labor issues may continue beyond the period of declared emergency, this resolution and the authority granted herein shall be in effect for a period of twelve (12) months from the date of its approval, unless terminated earlier or extended by action of Council.

SECTION IV.

Any provision within this resolution which conflicts with any State or Federal law or constitutional provision or conflicts with or is superseded by any Executive Order of the Governor of the State of Ohio or President of the United States shall be deemed inapplicable and deemed severed from this Resolution with the remainder of the Resolution remaining in full force and effect.

SECTION V.

Council hereby finds and determines that all formal actions taken relative to the passage of this resolution were taken in an open meeting of this legislative authority, and that all deliberations of this legislative authority and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, included Section 121.22 of the Ohio Revised Code.

SECTION VII.

This resolution shall become effective immediately upon passage.

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

ATTEST:

\_\_\_\_\_  
Clerk of Council

TO THE CLERK:

No publication is required.

\_\_\_\_\_  
Mayor William D. Duncan

\_\_\_\_\_  
City Attorney Robert F. Jacques



A RESOLUTION

BY: \_\_\_\_\_

NO. \_\_\_\_\_

A RESOLUTION PURSUANT TO OHIO S.B. 310, AFFIRMING THAT CORONAVIRUS AID MONEY RECEIVED UNDER THE FEDERAL “CARES ACT” WILL BE USED FOR AUTHORIZED EXPENDITURES ONLY.

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, the Ohio General Assembly established a process for distributing funds provided by the CARES Act in S.B. 310 of the 133<sup>rd</sup> General Assembly; and

WHEREAS, S.B. 310 requires subdivisions receiving funds under Section 1 of the act, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801(d), and any applicable regulations before receiving said funds; and

WHEREAS, the city of Oakwood is requesting its share of funds from the County Coronavirus Relief Distribution Fund;

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

SECTION I.

Council hereby affirms that all funds received from the County Coronavirus Relief Distribution Fund pursuant to S.B. 310 may only be expended, consistent with the requirements of section 5001 of the CARES Act, as described in 42 U.S.C. 801(d) and any applicable regulations and guidance, to cover expenses that:

- (1) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) Were not accounted for in the City’s most recently approved budget as of March 27, 2020; and
- (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020;

And, Council further authorizes the Director of Finance to take all necessary action to:

- (1) On or before October 15, 2020, pay any unencumbered balance of money in the City’s local coronavirus relief fund to the County Treasurer;
- (2) On or before December 28, 2020, pay the balance of any money in the City’s local coronavirus relief fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management; and
- (3) Provide any information related to any payments received under S.B. 310 to the Director of the Ohio Office of Budget and Management as requested.

SECTION II.

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

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

\_\_\_\_\_  
Mayor William D. Duncan

ATTEST:

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Clerk of Council

TO THE CLERK:

No publication is required.

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City Attorney Robert F. Jacques

AN ORDINANCE

BY: \_\_\_\_\_

NO. \_\_\_\_\_

TO CREATE A FUND WITHIN THE FISCAL RECORDS OF THIS CITY TO BE KNOWN AS THE LOCAL CORONAVIRUS RELIEF FUND; AND TO DECLARE AN EMERGENCY.

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, the Ohio General Assembly established a process for distributing funds provided by the CARES Act in S.B. 310 of the 133<sup>rd</sup> General Assembly; and

WHEREAS, Section 6 of S.B. 310 requires subdivisions receiving monies under Section 1 of the act to establish a fund within the fiscal records of the City to receive such monies, to be known as the "Local Coronavirus Relief Fund," which will allow such funds to be separately accounted and reported; and

WHEREAS, Council finds it necessary and desirable to establish such a fund;

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 Local Coronavirus Relief Fund is created.

SECTION II.

The Director of Finance is hereby authorized and directed to take such actions as may be necessary to enter the same upon the fiscal records of this city, and to utilize the same immediately for the purposes provided by law.

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 fund promptly so that it is in place to receive coronavirus relief funds as soon as the same may become available, and on the further basis of protection of the public peace, health, safety and 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 in the following summary form:

LEGAL NOTICE

On \_\_\_\_\_, the Council of the City of Oakwood, Montgomery County, Ohio, adopted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE TO CREATE A FUND WITHIN THE FISCAL RECORDS OF THIS CITY TO BE KNOWN AS THE LOCAL CORONAVIRUS RELIEF FUND; AND TO DECLARE AN EMERGENCY."

Lori Stacel, Clerk of Council, City of Oakwood

\_\_\_\_\_  
City Attorney Robert 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 \_\_\_\_\_, a newspaper of general circulation in said city and that the publication occurred on the following date: \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

AN ORDINANCE

BY: \_\_\_\_\_ NO. \_\_\_\_\_

TO AMEND SECTION I, 2020 ORIGINAL APPROPRIATION ORDINANCE NO. 4897 AND SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 4912 TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$128,661.73 TO BE EXPENDED FROM THE LOCAL CORONAVIRUS RELIEF FUND 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.

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, the Ohio General Assembly established a process for distributing funds provided by the CARES Act in S.B. 310 of the 133<sup>rd</sup> General Assembly, 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 is \$128,661.73, and in order to make those funds available for use upon receipt, it is necessary for Council to authorize the same via this supplemental appropriation ordinance;

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	<del>\$-0</del> * <b>\$128,661.73</b>

*(\*Note: Fund No. 312 did not exist when Ordinance Nos. 4897 and 4912 were adopted, so no original balance is shown for said fund in those ordinances. The original balance is shown here as \$-0- as a convenience, in order to show the increase appropriation.)*

SECTION II.

The Director of Finance is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by this ordinance of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION III.

This ordinance, as an appropriation to meet current expenses of the City, takes effect immediately upon its passage as provided by Section 3.04 of the City Charter.

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

\_\_\_\_\_  
Mayor William D. Duncan

ATTEST:

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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

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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:

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Lori Stacel, Clerk of Council

A RESOLUTION

BY: \_\_\_\_\_

NO. \_\_\_\_\_

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

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

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

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

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

SECTION I:

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

SECTION II:

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

SECTION III:

That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

\_\_\_\_\_  
Mayor William D. Duncan

ATTEST:

\_\_\_\_\_  
Clerk of Council

TO THE CLERK:  
Publication is not required.

\_\_\_\_\_  
City Attorney Robert F. Jacques

EXHIBIT A  
CITY OF OAKWOOD  
2019 NOXIOUS WEEDS CERTIFICATION

Parcel ID	Invoice #	Service Address	Outstanding Balance	COUNTY FEE 5%	TOTAL DUE
Q71 00403 0010	202005-00034A	1 MAHRT AVE	\$ 184.05	\$ 9.20	\$ 193.25
Q71 00403 0010	202002-00002A	1 MAHRT AVE	\$ 196.36	\$ 9.82	\$ 206.18
Q71 00403 0010	201909-00010A	1 MAHRT AVE	\$ 225.46	\$ 11.27	\$ 236.73
Q71 00403 0010	201909-00010A	1 MAHRT AVE	\$ 211.08	\$ 10.55	\$ 221.63
Q71 00213 0004	202005-00020A	175 LOOKOUT DR	\$ 313.88	\$ 15.69	\$ 329.57
Q71 00213 0004	202005-00020A	175 LOOKOUT DR	\$ 179.73	\$ 8.99	\$ 188.72
Q71 01010 0015	201908-00006A	2505 DEEP HOLLOW RD.	\$ 222.20	\$ 11.11	\$ 233.31
Q71 01308 0045	201908-00005A	256 MONTERAY AVE	\$ 209.64	\$ 10.48	\$ 220.12
Q71 01206 0030	202006-00001A	303 WONDERLY AVE	\$ 188.37	\$ 9.42	\$ 197.79
Q71 01206 0030	202005-00033A	303 WONDERLY AVE	\$ 211.08	\$ 10.55	\$ 221.63
Q71 01206 0030	202005-00033A	303 WONDERLY AVE	\$ 188.37	\$ 9.42	\$ 197.79
Q71 01503 0009	201909-00009A	413 DELLWOOD AVE	\$ 225.46	\$ 11.27	\$ 236.73
Q71 01201 0007	202006-00015A	426 PEACH ORCHARD AVE	\$ 238.10	\$ 11.91	\$ 250.01
Q71 01201 0007	202005-00035A	426 PEACH ORCHARD AVE	\$ 184.05	\$ 9.20	\$ 193.25
			<b>\$ 2,977.83</b>	<b>\$ 148.89</b>	<b>\$ 3,126.72</b>