

CITY OF OAKWOOD  
COUNCIL AGENDA  
APRIL 6, 2020

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MAYOR PROCLAMATION & RESOLUTION DECLARING STATE OF EMERGENCY
- V. MINUTES OF MARCH 2 REGULAR SESSION, WORK SESSION & EXECUTIVE SESSION
- VI. STATUS REPORTS
  - Proclamation recognizing April as “Fair Housing Month”.
  - Proclamation recognizing the week of April 20 as “Arbor Week”, Mayor Duncan
  - Proclamation recognizing May as “Motorcycle Awareness Month”.
- VII. LEGISLATION
  - An Ordinance to levy special assessments for the 2019 Sidewalk Repair Project, Mr. Stephens
  - An Ordinance to Proceed with the 2020 Sidewalk Repair Project, Mr. Stephens
  - An Ordinance to Proceed with the 2021 Street Lighting Program, Mr. Stephens
  - An Ordinance to levy special assessments for the 2021 Street Lighting, Mr. Stephens
  - An Ordinance to adopt a credit system from the Stormwater Utility for stormwater runoff reductions, Vice Mayor Byington
  - An Ordinance to amend rental inspection requirements, Vice Mayor Byington
  - An Ordinance adopting the 2021 tax budget, Vice Mayor Byington
  - An Ordinance to levy special assessments for Energy Special Improvement Districts, Vice Mayor Byington
  - An Ordinance to amend 2020 appropriations to provide \$400,000 to acquire and prepare real estate for a storm sewer capital project, Vice Mayor Byington
- VIII. STAFF REPORT – NONE
- IX. CITY MANAGER’S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT FORMAL MEETING SCHEDULED FOR MAY 4, 2020

A RESOLUTION

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

A RESOLUTION DECLARING A STATE OF EMERGENCY FOR THE CITY OF OAKWOOD AND PROVIDING FOR CERTAIN EMERGENCY PROCEDURES NECESSARY FOR THE CONTINUED GOVERNANCE OF THE CITY DURING THE CURRENT NATIONAL STATE OF EMERGENCY.

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) have reported over 240,000 cases of COVID-19 in the United States, and the number continues to grow; and

WHEREAS, on March 9, 2020, the Ohio Department of Health announced the first confirmed cases of COVID-19 in the State of Ohio, creating a dangerous condition that affects the health, safety and welfare of the citizens of Ohio; and

WHEREAS, COVID-19 endangers the lives of the citizens of Oakwood, creating an emergency to life and public safety and disrupting commerce; 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 of the State; 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, in Executive Order 2020-01D, Ohio Governor Mike DeWine declared a state of emergency for the entire State to protect the citizens of Ohio from the dangerous effects of COVID-19 and to assist in protecting the lives, safety, and health of the citizens of Ohio; and

WHEREAS, subsequent to Executive Order 2020-01D the Governor initiated other requirements greatly limiting in person social contact; and

WHEREAS, the President of the United States has declared a national state of emergency due to the COVID-19 pandemic; and

WHEREAS, Council of the city of Oakwood has substantial, legitimate interests in continuing governmental services to the fullest extent necessary throughout the current national and state emergency; and

WHEREAS, holding Council meetings and obtaining Council approvals are needed for the furtherance of governmental services and functions; and

WHEREAS, the Ohio Attorney General in Opinion No 2009-034 indicated that with respect to Ohio townships, the open meetings laws, including allowing public access and council members to be physically present in person at a meeting, apply even during a state of emergency; and

WHEREAS, as to the issue of the “in person” requirement, in a letter dated March 13, 2020, a copy of which is appended to this resolution, the Ohio Attorney General informally indicated the following:

“The Ohio Attorney General’s Office has received numerous questions regarding the applicability of Ohio’s Open Meetings Act (OMA) during this time of a COVID-19 declared emergency. Under this very limited fact pattern, there may be a basis for local public bodies to use electronic means to meet and comply with the law. You should discuss this matter with your legal counsel before making any decisions;” and

WHEREAS, the Ohio Attorney General further asserted in the March 13 letter the following:

“In this limited circumstance, where the Governor has declared a state of emergency and the Director of the Ohio Department of Health is limiting gatherings so as to prevent the spread of COVID-19, but the business of government must continue, it is reasonable to read the OMA’s “in person” requirement as permitting a member of a public body to appear at a public meeting via teleconference. This interpretation gives effect to both R.C. 121.22 and R.C. 3701.13. It is also consistent with the United States Centers for Disease Control’s recent guidance, issued in response to the national COVID-19 epidemic, to use videoconferencing for meetings when possible;” and

WHEREAS, as an exercise of local home rule authority, Council has previously adopted legislation consistent with this guidance as to the OMA’s “in person” requirement, and codified the same at Section 111.06 of the Oakwood Administrative Code; and

WHEREAS, as to the issue of public access, the March 13, 2020 letter from the Ohio Attorney General also indicated the following:

“Further, even in this time of a public health crisis, public access to the business of Ohio’s public bodies is still vital. It is also still required by the OMA. Although the OMA does not specifically dictate how a meeting is made ‘open’ to the public, in the interest of complying with both Dr. Acton’s Order and the OMA a meeting could be made ‘open’ to the public by live-streaming it through the internet or television;” and

WHEREAS, the city of Oakwood has the technology whereby any and/or all Council members can take part in a meeting electronically, with all members of Council and others that are signed into the meeting able to be heard, and also has the capability of broadcasting the same live to the public over television and the internet (a “Remote Meeting”); and

WHEREAS, Council of the city of Oakwood believes that it is in the best interest of the citizens of Oakwood, to make available and utilize Remote Meetings to transact necessary business of the city during the course of the state of emergency, and to make available and utilize other emergency procedures to transact necessary business of the city during the course of the state of emergency;

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

SECTION I.

Council of the city of Oakwood hereby declares that a state of emergency exists in the city and hereby invokes and declares those portions of the Ohio Revised Code which are applicable to the emergency and have caused the issuance of this declaration to be in full force and effect in the city for the exercise of all necessary emergency authority for protection of the lives and property of the people of Oakwood and the continuation of local government with a minimum of interruption.

SECTION II.

Reference is hereby made to all appropriate laws, charter provisions, statutes, ordinances and resolutions, and particularly to the Emergency Management provisions contained in Section 5502 of the Ohio Revised Code and to the Codified Ordinances of the city of Oakwood, Ohio.

SECTION III.

All public offices and employees of the city of Oakwood are hereby directed to exercise the utmost diligence in the discharge of duties required of them for the duration of the emergency and in execution of emergency laws, regulations, and directives – federal, state and local.

SECTION IV.

All citizens are called upon and directed to comply with necessary emergency measures, to cooperate with public officials and in executing emergency operational plans, and to obey and comply with the lawful direction of properly identified officers.

SECTION V.

All operating forces within the city government should direct their communications, requests and new operations through Department Heads directly to the City Manager.

SECTION VI.

Pursuant to Section 145.04(E)(1) of the Oakwood Administrative Code, purchases and contracts for services may be made without competitive bidding as may be authorized by the City Manager.

SECTION VII.

The City Manager is hereby authorized and directed to implement Emergency Paid Sick Leave and modified Family and Medical Leave (including any exemptions thereto that he may deem necessary or appropriate), and such other forms of leave as may be hereafter mandated by the federal or state governments in response to the state of emergency, including without limitation the federal Family First Coronavirus Response Act (FFCRA).

SECTION VIII.

Until such time as the state of emergency within the State of Ohio no longer exists under Executive Order 2020-01D, Council of the city of Oakwood may conduct its public meetings without the physical presence of all Council members through the Remote Meeting process provided that the requirements of Section 111.06, which are consistent with guidance from the Ohio Attorney General, are met.

SECTION IX.

At the first meeting thereafter in which a quorum of Council may be physically present, Council shall ratify past action taken during any Remote Meeting that did not have a quorum of Council members physically present.

SECTION X.

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 XI.

This resolution shall become effective immediately upon passage.

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:

No publication is required.

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City Attorney Robert F. Jacques

AN ORDINANCE

BY \_\_\_\_\_

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

TO 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 the cost and expense of constructing or reconstructing sidewalks and appurtenances thereto, in the following locations: Forrer Boulevard from Far Hills Avenue to the east corporation limit, both sides of the street; Lonsdale Avenue from Far Hills Avenue to the east corporation limit, both sides of the street; Greenmount Boulevard from Far Hills Avenue to the east corporation limit, both sides of the street; Dellwood Avenue from Far Hills Avenue to Acorn Drive, both sides of the street; Harman Boulevard from Shafor Boulevard to Acorn Drive, both sides of the street; Spirea Drive from Far Hills Avenue to Acorn Drive, both sides of the street; Beverly Place from Far Hills Avenue to Acorn Drive, both sides of the street; Wisteria Drive from Far Hills Avenue to Acorn Drive, both sides of the street; Dixon Avenue from Far Hills Avenue to Acorn Drive, both sides of the street; Patterson Road from Far Hills Avenue to Acorn Drive, south side of the street only; Shroyer Road from the north corporation limit to Aberdeen Avenue, both sides of the street; Delaine Avenue from Beverly Place to Aberdeen Avenue, both sides of the street; Hathaway Road from Patterson Road to Aberdeen Avenue, both sides of the street; Shafor Boulevard from Patterson Road to Aberdeen Avenue, both sides of the street; Schantz Avenue from Patterson Road to Forrer Boulevard, both sides of the street; and Far Hills Avenue from Patterson Road to Aberdeen Avenue, east side of the street only, in the City of Oakwood, Ohio, amounting in the aggregate of \$16,375.48 as reported to this Council, notice of the filing of which assessments has been given as required by law, and to which no objections have been filed, be and the same is hereby adopted and confirmed, and the same shall be and is hereby levied and assessed upon the lots and land provided for in Resolution No. 1854 adopted March 4, 2019. The several amounts comprising the aggregate reported aforesaid, which assessments and the description of said lots and lands are now on file in the office of the Clerk of this Council are not in excess of any statutory limitation.

SECTION II.

That the total assessment against each lot or parcel of land shall be payable on or before June 12, 2020. All payments shall be made to the Director of Finance of said City. All assessments and installments thereof remaining unpaid after June 12, 2020 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 III.

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 IV.

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 V.

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

PASSED BY COUNCIL, this \_\_\_\_\_ 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 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 Avenue; 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; that the assessment against each lot or parcel of land may be paid on or before June 12, 2020, as above mentioned, or if not paid 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

AN ORDINANCE

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

DETERMINING TO PROCEED WITH THE REPAIRING OF SIDEWALKS AND APPURTENANCES THERETO ON PATTERSON ROAD AND CERTAIN OTHER STREETS BETWEEN CERTAIN TERMINI, IN THE CITY OF OAKWOOD, OHIO, PROVIDING THAT ABUTTING PROPERTY OWNERS REPAIR THE SAME.

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

SECTION I.

It is hereby determined to proceed with the improvement referred to in the title of this ordinance in accordance with the Resolution of Necessity adopted as No. 1868 on the 2<sup>nd</sup> day of March, 2020.

SECTION II.

That improvement shall be made in accordance with the provisions of said Resolution of Necessity and the plans, specifications, estimates of cost and profiles previously approved and now on file in the office of the Clerk of Council.

SECTION III.

Council finds and determines that no claims for damages resulting from the proposed improvement have been filed.

SECTION IV.

The portion of the cost provided in said Resolution of Necessity to be assessed shall be assessed in the manner and the number of installments provided in that resolution against the lots and lands described or referred to in that resolution.

SECTION V.

The estimated assessments previously prepared and filed in the office of the Clerk of Council are hereby approved.

SECTION VI.

The Clerk of Council is directed to deliver a certified copy of this ordinance to the Montgomery County Auditor within twenty days after its passage.

SECTION VII.

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 that formal action were in meetings open to the public, to the extent required by the city charter, by the ordinances of this city, and by any applicable state law.

SECTION VIII.

This ordinance shall become effective as of the earliest date permitted by law.

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

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

ATTEST:

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

TO THE CLERK:

Please publish in summary form as set forth below.

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City Attorney Robert Jacques

LEGAL NOTICE

The Council of the City of Oakwood, Montgomery County, Ohio, adopted Ordinance No. 4903 entitled "AN ORDINANCE DETERMINING TO PROCEED WITH THE REPAIRING OF SIDEWALKS AND APPURTENANCES THERETO ON PATTERSON ROAD AND CERTAIN OTHER STREETS BETWEEN CERTAIN TERMINI, IN THE CITY OF OAKWOOD, OHIO, PROVIDING THAT ABUTTING PROPERTY OWNERS REPAIR THE SAME."

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: \_\_\_\_\_

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CLERK OF COUNCIL



AN ORDINANCE

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

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

DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY.

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

SECTION I.

That it is hereby determined to proceed with the improvement in the city of Oakwood of the streets designated, between certain termini set forth, in Resolution No. 1868 adopted on the 2<sup>nd</sup> day of March, 2020.

SECTION II.

That said improvement shall be made in accordance with the provisions of Resolution No. 1869 adopted on the 2<sup>nd</sup> day of March, 2020, and with the plans, specifications, estimate of cost and profiles heretofore approved and now on file in the office of the Clerk of Council by lighting said streets with electricity for a period from January 1, 2021 through December 31, 2021.

SECTION III.

That Council hereby finds and determines that no claims for damages resulting from said improvement have been filed.

SECTION IV.

That portion of the cost provided in that above-mentioned Resolution of Necessity to be assessed shall be assessed in the manner and the number of installments provided in said Resolution and on the lots and lands described therein.

SECTION V.

That the estimated assessments heretofore prepared and filed in the office of the Clerk of Council be and the same are hereby adopted.

SECTION VI.

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

SECTION VII.

That 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 meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VIII.

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

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

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

ATTEST:

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Clerk of Council

To the Clerk:

Please publish in summary form set forth below.

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City Attorney Robert F. Jacques

LEGAL NOTICE

On April 6, 2020, Council of the City of Oakwood, passed Ordinance No. 4904 entitled "DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY."

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 of Oakwood, that said publication occurred on the following date:

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Lori Stacel, Clerk of Council

AN ORDINANCE

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

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

LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY.

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

SECTION 1.

That the revised assessments for the cost and expense of improving in the City of Oakwood, Ohio, the streets designated and between the termini set forth in Resolution No. 1869, adopted March, 2, 2020, by lighting the same with electricity from the 1<sup>st</sup> day of January, 2021 through the 31<sup>st</sup> day of December, 2021, amounting in the aggregate estimated to be \$115,159.53 which were filed with the Clerk of Council the 18<sup>th</sup> day of March, 2020 and are now on file in the office of the Clerk of Council, be and the same are hereby adopted and confirmed and such revised assessments are hereby levied and assessed upon the lots and lands bounding and abutting upon said improvement in the respective amounts reported as aforesaid, which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

SECTION II.

That this Council hereby finds and determines that the revised assessments as now on file in the office of said Clerk of Council are in the same proportion to the estimated assessments as originally filed as the actual costs of the above described improvement is to the estimated cost of the improvement as originally filed.

SECTION III.

That the assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after passage of this Ordinance. All cash payments shall be made to the Director of Finance of this City. All assessments and installments thereof remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

SECTION IV.

That the Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and to continue on file in her office said revised assessments.

SECTION V.

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

SECTION VI.

That 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 meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VII.

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

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

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

ATTEST:

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Clerk of Council

To the Clerk:  
Please publish in summary form below.

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City Attorney Robert F. Jacques

LEGAL NOTICE

The Council of the City of Oakwood, Montgomery County, Ohio adopted Ordinance No. \_\_\_\_\_ entitled "LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY."

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 the said City of Oakwood, that said publication occurred on the following date:

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Lori Stacel, Clerk of Council

AN ORDINANCE

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

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

AMENDING SECTION 913.06, *SCHEDULE OF RATES*, OF THE OAKWOOD STREETS AND PUBLIC SERVICES CODE, TO ENABLE THE CITY'S STORMWATER UTILITY TO OFFER BILLING CREDITS TO USERS WHO MITIGATE STORMWATER RUNOFF VIA ON-SITE RETENTION AND/OR DETENTION SYSTEMS.

WHEREAS, the city operates a stormwater management utility to protect public surface and groundwaters from degradation by accelerated soil erosion and pollutants, and to maintain compliance with federal and state environmental regulations; and

WHEREAS, on-site stormwater retention and/or detention facilities are desirable, particularly in connection with larger commercial and institutional properties because they can reduce the amount of runoff directed to the city's stormwater management system, thereby reducing wear and tear and extending the useful life of the city's stormwater management infrastructure; and

WHEREAS, the City Manager has recommended the adoption of a credit system whereby owners of commercial or institutional properties can earn billing credits by taking steps to materially reduce stormwater runoff from their properties; and

WHEREAS, Council finds that a credit system will encourage the construction of on-site retention and/or detention facilities, and will benefit the public health, safety and welfare of the city of Oakwood, and therefore desires to implement the City Manager's recommendation;

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

SECTION I.

Section 913.06, *Schedule of Rates*, of the Oakwood Streets and Public Services Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strikethrough~~ font:

913.06 SCHEDULE OF RATES; **ADJUSTMENTS.**

There is hereby established the following uniform schedule of rates for the services and use of facilities of the stormwater management system by the owner, tenant or occupant of the premises using the services and facilities of the system.

(a) The City Council, upon recommendation of the City Manager, shall, by resolution, establish reasonable rates for stormwater management systems for each one-family, two-family, and three-family residential property; each such property shall be billed a flat fee established by the City Council.

(b) For all residential properties containing four (4) or more dwelling units, and all nonresidential properties, the rate shall be computed based on the total impervious area of the property divided by the average impervious area of an equivalent residential unit, times the rate established under section (a), above, for an equivalent residential unit (ERU). The billing amount shall be updated by the Engineering Department based on any additions to or deletions from the impervious areas as approved through the building permit process. **Similarly, the billing amount shall be adjusted by the Engineering Department to account for the addition or deletion of any on-site facilities for the detention, retention, or other management of stormwater runoff, as follows:**

(1) **In order to qualify for a credit or billing reduction for on-site facilities, such facilities must materially reduce stormwater runoff that would otherwise be attributable to the impervious area of the subject property, and must be maintained in a manner that ensures that the on-site facilities continuously function as originally designed. Such reduction must be demonstrable and quantifiable, to the satisfaction of the City Engineer, in a manner that allows for the calculation of the subject property's effective, rather than actual, impervious area.**

(2) **To the extent that a property receives a credit or billing reduction for on-site facilities, the deletion, removal, or abandonment/disuse of such facilities shall result in a proportional decrease in the amount of the credit or billing reduction applicable to the subject property. The net effect shall be an increase in the billing amount for the subject property, which shall not exceed the amount determined on the basis of the subject property's actual impervious area.**

**(3) The City Engineer may require the applicant for any credit or reduction under this section to substantiate the request for credit or reduction with such reports, studies, product literature, and/or documentation, with the certification of an Ohio-licensed engineer, as he or she deems necessary to make any determination under this section.**

**(4) This section shall not be construed to authorize credits or refunds that are retroactive in nature, nor shall it be construed to authorize credits or refunds relating to facilities installed prior to the effective date of this ordinance. Any credit or adjustment made under this section shall be made on a prospective basis only.**

**SECTION II.**

That 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 meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION III.**

This ordinance shall take effect as of 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 the foregoing by incorporating the same into the Codified Ordinances of the city.

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

AN ORDINANCE

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

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

AMENDING SECTION 17-107.5, *PRE-SALE INSPECTION AND CERTIFICATE OF OCCUPANCY REQUIRED FOR NEW OWNERS AND TENANTS*, OF THE OAKWOOD PROPERTY MAINTENANCE CODE, TO PROVIDE FOR THE WAIVER OF RENTAL INSPECTIONS WHEN A RENTAL UNIT HAS ALREADY BEEN INSPECTED IN THE PREVIOUS 12 MONTHS.

WHEREAS, the city operates a program for the inspection of residential rental properties; and

WHEREAS, pursuant to the program, a rental unit inspection is required every time there is a change of tenant for a particular rental unit, with no cap on the number of potential inspections that could be required; and

WHEREAS, to ensure that inspections are reasonably related to legitimate governmental interests, and are not undertaken any more frequently than necessary, staff has recommended that in the absence of any complaint or other objective basis to inspect, rental inspections should be capped at not more than one (1) per rental unit per year; and

WHEREAS, Council finds that imposing a reasonable limit on the number of rental inspections that may occur within a year balances legitimate governmental interests with private property rights, and benefits the public health, safety and welfare of the city of Oakwood;

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

SECTION I.

Section 17-107.5, *Pre-Sale Inspection and Certificate of Occupancy Required for New Owners and Tenants*, of the Oakwood Property Maintenance Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strikethrough~~ font:

17-107.5            PRE-SALE INSPECTION AND CERTIFICATE OF  
                                 OCCUPANCY REQUIRED FOR NEW OWNERS AND TENANTS.

The title of this section is amended to read as set forth above. The content of this section is revised to read as follows:

- A. It shall be unlawful for the owner of any real estate premises to transfer legal or equitable ownership of that premises ("title"), or change of tenant, without having obtained a pre-sale inspection of it under this code. This inspection will enable the code official to work toward accomplishing the purposes of this code by listing any repairs or other work necessary to eliminate any unsafe or hazardous conditions, to comply with applicable requirements of the Fire Code, Zoning Code and other ordinances, and also to correct any unlawful nuisance conditions in the form of violations of this Property Maintenance Code. Such an inspection and list shall be part of the process of issuing the required certificate of occupancy.
- B. Application for a pre-sale inspection shall be made on such form and in such manner as may be prescribed from time to time by the code official. The city may charge a fee for this service as provided for under Chapter 153.
- C. Within 21 days after application was made for a pre-sale inspection, the code official shall have completed the inspection, compiled a list of any items to be brought into compliance with this code and applicable provisions of the Fire Code, Zoning Code and other ordinances, and shall have issued a violation letter to the owner or lienholder of a premises. This period of time may be extended by the code official if a delay is caused by any matter beyond the reasonable control of that official.
- D. A certificate of occupancy shall be valid for one year after the violations have been corrected to the satisfaction of the code official or until 60 days after the premises may be transferred to a new owner or tenant, whichever occurs sooner.
- E. **Any rental unit inspection required under this chapter may be waived by the code official, and an occupancy certificate may be granted without such inspection, so long as all of the following conditions are met:**
  - 1. **The subject property has already undergone a pre-sale or rental unit inspection during the twelve (12) months immediately prior to the most recent change of tenant;**

2. **The city has not received any zoning or property maintenance complaints about the subject property during the twelve (12) months immediately prior to the most recent change of tenant; and**
3. **The property owner is otherwise in compliance with all requirements of this Property Maintenance Code, including but not limited to the timely provision of Tenant Information forms with each change of tenant at the property.**

**E.F.** If the owner, occupant, or agent thereof does not consent to the proposed inspection, the code official may appear before any judge in a court of competent jurisdiction and seek an administrative search warrant to allow an inspection. Any such application shall be made within ten (10) calendar days after the nonconsent. The application for the warrant shall specify the basis upon which the warrant is being sought and shall include a statement that the inspection will be limited to a determination whether there are violations of the code provisions identified in this section. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

1. Eyewitness account of violation;
2. Citizen complaints;
3. Tenant complaints;
4. Plain view violations;
5. Violations apparent from city records;
6. Property deterioration;
7. Age of property;
8. Nature of alleged violation;
9. Condition of similar properties in the area;
10. Documented violations on similar properties in the area;
11. Passage of time since last inspection;
12. Previous violations on the property.

If a warrant is issued, no owner, occupant, or agent thereof shall fail or neglect, upon presentation of a warrant, to properly permit entry therein by the code official or his/her duly authorized designee for the purpose of inspection and examination pursuant to this section and consistent with the terms of the warrant. If the court declines to issue a warrant, or if no warrant is sought, the inspection shall still take place but the scope thereof shall be limited to such areas as are in plain view. A limited-scope inspection conducted pursuant to this paragraph shall be considered an “inspection” for purposes of Section 17-106 and all other provisions of Title 17 pertaining to the pre-sale inspection program set forth in this section. No criminal penalty shall attach, nor shall any certificate of occupancy be denied, solely by reason of the owner’s, occupant’s, or agent’s refusal to consent to a full inspection.

A certificate of occupancy signed by the code official shall be evidence that the premises complies with the requirements of this code and all other applicable ordinances, provided however, that if a limited-scope inspection is conducted pursuant to subsection E above, the certificate of occupancy shall note that fact and shall not constitute evidence of code compliance as to any uninspected portions of the premises. If the inspection disclosed aspects of the property not in compliance, the certificate shall be merely a conditional certificate of occupancy. The condition shall be that the defective aspects of the premises must be brought into compliance with this code within such reasonable length of time as may be set forth in the certificate.

Such a conditional certificate shall be deemed to be a notice under 17-110.1 and/or 17-110.2 that the premises and its owners are in violation of this code or other applicable ordinances and that the unsafe, hazardous, or unlawful conditions must be corrected. The certificate shall constitute a notice, as referred to in 17-106.1 and its subparts, and shall include all matters required by that section.

## SECTION II.

That 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 meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

## SECTION III.

This ordinance shall take effect as of 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 the foregoing by incorporating the same into the Codified Ordinances of the city.

---

City Attorney Robert F. Jacques

AN ORDINANCE

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

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

ADOPTING THE 2021 TAX BUDGET FOR THE CITY OF OAKWOOD, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 2021.

WHEREAS, the City Manager has prepared the attached tax budget for the city of Oakwood, Ohio, for fiscal year beginning January 1, 2021, in conformance with the requirements of law and in accordance with Section 6.01 of Article VI of the Charter of the city of Oakwood, which tax budget sets forth all revenues expected to be received for such fiscal year; including but not limited to all general and special taxes, fees, costs, percentages, penalties, allowances and prerequisites; and

WHEREAS, 2021 operating expenditures are estimated not to exceed the 2020 operating expenditure appropriations by more than 3%; and

WHEREAS, the 2021 capital expenditures are estimated not to exceed \$2,500,000;

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

SECTION I.

The budget described in the above recital paragraphs, shall be and is hereby adopted as the official tax budget of the city of Oakwood, Ohio, for the fiscal year beginning January 1, 2021.

SECTION II.

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

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

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

ATTEST:

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

To the Clerk:  
Please publish in summary form set forth below.

LEGAL NOTICE

Ordinance \_\_\_\_\_ of the City of Oakwood was passed on \_\_\_\_\_, to adopt the 2021 Tax Budget.

\_\_\_\_\_  
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 of Oakwood, that said publication occurred on the following date:

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

# Cities/Villages Tax Budget

Council of the City of Oakwood,

May 4, 2020

To Karl L. Keith, Montgomery County Auditor:

The Council of the City of Oakwood hereby submits its annual Budget for the year commencing January 1st, 2021 for consideration of the Montgomery County Budget Commission pursuant to Section 6.01 of the Oakwood City Charter.

Director of Finance

Fund	Estimated Unencumbered Balance January 1st, 2020	Other Sources	Estimated Unencumbered Balance January 1st, 2021
<b>GENERAL FUND</b>	6,373,669	8,851,596	15,225,265
<b>MAJOR OPERATING FUNDS</b>			
Street Maintenance and Repair	500,000	1,237,914	1,737,914
Leisure Activity	500,000	1,197,007	1,697,007
Health	101,594	158,944	260,538
Sidewalk, Curb & Apron	223,005	199,705	422,710
Equipment Replacement	1,019,959	500,000	1,519,959
Capital Improvement	1,151,770	850,000	2,001,770
Service Center	100,000	726,760	826,760
<b>OTHER FUNDS</b>			
Bullock Endowment Trust	51,381	610	51,991
MLK Community Recognition	6,506	0	6,506
Special Improvement District Assessment	0	90,000	90,000
Smith Memorial Gardens	400,000	114,940	514,940
Indigent Drivers Alcohol Treatment	33,971	2,100	36,071
Enforcement and Education	8,407	200	8,607
Law Enforcement	8,922	0	8,922
Drug Law Enforcement	0	0	0
Police Pension	0	0	0
Court Clerk Computerization	29,727	7,000	36,727
Court Computerization	33,214	4,000	37,214
Court Special Projects	22,904	6,000	28,904
<b>Sub-Total, Page 1</b>	<b>10,565,029</b>	<b>13,946,776</b>	<b>24,511,805</b>

## Cities/Villages Tax Budget

Fund	Estimated Unencumbered Balance January 1st, 2020	Other Sources	Total
<b>OTHER FUNDS (continued)</b>			
State Highway Improvement	172,538	102,366	274,904
Public Safety Endowment	203,269	2,800	206,069
Special Projects	1,025,700	0	1,025,700
Issue 2 Projects	0	0	0
Public Facilities	0	0	0
Bond Retirement	0	0	0
Electric Street Lighting	104,295	131,804	236,099
Self-Funded Insurance Trust	25,000	17,500	42,500
Fire Insurance Trust	0	0	0
Contractor's Permit Fee	0	2,000	2,000
<b>REFUSE</b>			
Refuse	355,187	1,350,600	1,705,787
Refuse Improve/Equip Replacement	0	170,000	170,000
<b>ENTERPRISE FUNDS</b>			
Water Operating	965,517	1,173,500	2,139,017
Water Improve/Equip Replacement	256,256	270,000	526,256
Sanitary Sewer Operating	1,133,924	1,799,700	2,933,624
Sanitary Sewer Improve/Equip Replace	349,067	50,000	399,067
Stormwater Operating	245,596	467,335	712,931
Stormwater Improve/Equip Replacement	9,996	75,000	84,996
Sub-Total, Page 2	4,846,345	5,612,605	10,458,950
<b>Grand Total</b>	<b>15,411,374</b>	<b>19,559,381</b>	<b>34,970,755</b>

**Exhibit of Bonds, Notes, and Certificates of Indebtedness Outstanding January 1st of the Coming Year,  
and Bond Retirement Fund Requirements, for the coming year.**

<b>Purpose of Bonds and Notes</b>	<b>Authority for Levy Outside 10 mill Limit</b>	<b>Date of Issue</b>	<b>Date Due</b>	<b>Rate of Interest</b>	<b>Amount Outstanding</b>	<b>Amount Required for Principal &amp; Interest</b>	<b>Amount Required from Sources other than Property Tax</b>	<b>Total Required from General Property Taxes</b>
<b>INSIDE 10 MILL LIMIT:</b>	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
	XXXXX							
<b>TOTAL</b>	<b>XXXXX</b>	<b>XXXXX</b>	<b>XXXXX</b>	<b>XXXXX</b>				
<b>OUTSIDE 10 MILL LIMIT:</b>	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
<b>TOTAL</b>	<b>XXXXX</b>	<b>XXXXX</b>	<b>XXXXX</b>	<b>XXXXX</b>				

**SCHEDULE A**

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

Fund (Include only those funds which are requesting general property tax revenue)	Amount Approved By Budget Commission Inside 10M. Limitation  Column I	Amount To Be Derived From Levies Outside 10 M. Limitation  Column II	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit Column III	Outside 10 M. Limit Column IV
<b>GOVERNMENTAL FUNDS</b>				
GENERAL FUND	1,132,012	1,521,646		
<b>PROPRIETARY FUNDS</b>				
<b>FIDUCIARY FUNDS</b>				
<b>TOTAL ALL FUNDS</b>	<b>1,132,012</b>	<b>1,521,646</b>		



AN ORDINANCE

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

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

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, INSTALLING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF OAKWOOD, OHIO IN COOPERATION WITH THE DAYTON REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT

WHEREAS, Beth Abraham Synagogue (the “Owner”) has submitted its *Petition for Special Assessments for Special Energy Improvement Projects* (the “Petition”) in order to provide for the completion of a special energy improvement project on real property owned by the Owner in the City of Oakwood, Ohio (the “City”); and

WHEREAS, the Council of the City of Oakwood, Ohio (the “Council”) duly passed Resolution No. 1870 on March 2, 2020 (the “Resolution of Necessity”), which approved the Petition and added the Owner’s property, subject to the Petition, to the Dayton Regional Energy Special Improvement District (the “District”) and declared the necessity of acquiring, installing, equipping, and improving energy efficiency improvements, including, without limitation, LED lighting, high efficiency boilers, high efficiency chillers, building controls, electrical equipment, a building transformer, and related improvements (the “Project”), as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements; and

WHEREAS, Council duly adopted Ordinance No. 4907 on March 2, 2020 and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Clerk of Council and the Director of Finance pursuant to the Resolution of Necessity; and

WHEREAS, the City intends to enter into a Cooperative Agreement (the “Cooperative Agreement”) with the District, the Owner, the Dayton-Montgomery County Port Authority (the “Investor”) and The Bank of New York Mellon Trust Company, N.A., as trustee, to provide for, among other things, (i) the making of the Project Advance (as defined in the Cooperative Agreement) to pay costs of the Project, (ii) the disbursement of the Project Advance for the acquisition, installation, equipment, and improvement of the Project and the transfer of the Special Assessments by the City to the Investor to pay principal and interest and other costs relating to the Project Advance; and

WHEREAS, to provide for the security for the Project Advance and for the administration of payments on the Project Advance and related matters, the City intends to enter into the Special Assessment Agreement with the County Treasurer of Montgomery County, Ohio, the District, the Owner, and the Investor; and



WHEREAS, the actual costs of the Project have been ascertained and have been certified to the City in the Petition and the Supplemental Plan for the Project.

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

SECTION I.

That each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

SECTION II.

That the list of Special Assessments to be levied and assessed on the Property (as further described on Exhibit A) in an amount sufficient to pay the costs of the Project, which is \$2,122,680.00, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in the Petition and previously reported to Council and are now on file in the offices of the Clerk of Council and the Director of Finance, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, which shall accrue at the annual rate of 4.40%, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The Special Assessments are assessed against the Property commencing in tax year 2020 for collection in 2021 and shall continue through tax year 2038 for collection in 2039; provided, however, if the proceedings relating to the Special Assessments are completed at such time that the County Auditor of Montgomery County, Ohio determines that collections shall not commence in 2021, then the collection schedule may be deferred by one year. The semi-annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum semi-annual amount of Special Assessments as shown in Exhibit A, attached hereto and incorporated into this Ordinance.

All Special Assessments shall be certified by the Director of Finance to the County Auditor pursuant to the Petition and Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Petition and the List of Special Assessments attached hereto as Exhibit A and incorporated herein.

### SECTION III.

That Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Petition and are not in excess of any applicable statutory limitation.

### SECTION IV.

That the Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Director of Finance to the County Auditor of Montgomery County, Ohio as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

### SECTION V.

That the Special Assessments will be used by the City to pay the cost of the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes.

### SECTION VI.

That the Director of Finance shall keep the Special Assessments on file in the Office of the Director of Finance.

### SECTION VII.

That Council hereby approves the Cooperative Agreement, a copy of which is on file in the office of the Clerk of Council. The City Manager is hereby authorized to sign and deliver, in the name and on behalf of the City, the Cooperative Agreement, in substantially the form as is now on file with the Clerk of Council. The Cooperative Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved the City Manager on behalf of the City, all of which shall be conclusively evidenced by the signing of the Cooperative Agreement or amendments to the Cooperative Agreement.

### SECTION VIII.

That Council hereby approves the Special Assessment Agreement a copy of which is on file in the office of the Clerk of Council. The City Manager is hereby authorized to sign and deliver, in the name and on behalf of the City, the Special Assessment Agreement, in substantially the form as is now on file with the Clerk of Council. The Special Assessment Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager on behalf of the City, all of which shall be conclusively evidenced by the signing of the Special Assessment Agreement or amendments to the Special Assessment Agreement.

SECTION IX.

That the City is hereby authorized to enter into such other agreements that are not inconsistent with the Resolution of Necessity and this Ordinance and that are approved by the City Manager on behalf of the City, all of which shall be conclusively evidenced by the signing of such agreements or any amendments to such agreements.

SECTION X.

That in compliance with Ohio Revised Code Section 319.61, the Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor of Montgomery County, Ohio within 20 days after its passage.

SECTION XI.

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

SECTION XII.

That this Ordinance is an Ordinance for public improvements petitioned for by the owners of a majority (100%) of the foot frontage of property benefitted and to be specially assessed for the cost thereof, and, pursuant to Section 3.04 of the Charter of the City, that this Ordinance shall be effective immediately upon its passage. Pursuant to Section 3.03 of the Charter of the City, as the result of an affirmative vote of at least three-fourths of the members of this Council, it is determined that this Ordinance shall be read by title only once.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 6<sup>th</sup> day of April, 2020.

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Mayor William D. Duncan

ATTEST:

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Clerk of Council

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City Attorney Robert F. Jacques

TO THE CLERK:

Please publish the following in summary form.

---

City Attorney Robert Jacques

CERTIFICATE

The undersigned, Clerk of Council of the City of Oakwood, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. \_\_\_\_\_, passed by the Council of the City of Oakwood, Ohio on the \_\_\_th day of April, 2020.

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Clerk of Council  
City of Oakwood, Ohio

**EXHIBIT A**

**LIST OF SPECIAL ASSESSMENTS AND  
SCHEDULE OF SPECIAL ASSESSMENTS**

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Property Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessments</u>
Beth Abraham Synagogue	Q71 01613 0006	100%	\$2,122,680.00

**SCHEDULE OF SPECIAL ASSESSMENTS  
FOR MONTGOMERY COUNTY PARCEL NOS.:**

Q71 01613 0006<sup>1</sup>

The following schedule of Special Assessment charges shall be certified for collection in 38 semi-annual installments to be collected with first-half and second-half real property taxes in calendar years 2021 through 2039:

Special Assessment Payment Date <sup>2</sup>	Special Assessment Installment Amount <sup>3</sup>
1/30/2021	\$55,860.00
7/30/2021	55,860.00
1/30/2022	55,860.00
7/30/2022	55,860.00
1/30/2023	55,860.00
7/30/2023	55,860.00
1/30/2024	55,860.00
7/30/2024	55,860.00
1/30/2025	55,860.00
7/30/2025	55,860.00
1/30/2026	55,860.00
7/30/2026	55,860.00
1/30/2027	55,860.00
7/30/2027	55,860.00
1/30/2028	55,860.00
7/30/2028	55,860.00
1/30/2029	55,860.00
7/30/2029	55,860.00
1/30/2030	55,860.00
7/30/2030	55,860.00
1/30/2031	55,860.00
7/30/2031	55,860.00
1/30/2032	55,860.00
7/30/2032	55,860.00
1/30/2033	55,860.00
7/30/2033	55,860.00
1/30/2034	55,860.00
7/30/2034	55,860.00
1/30/2035	55,860.00

<sup>1</sup> As identified in the records of the County Auditor of Montgomery County, Ohio as of January 20, 2020.

<sup>2</sup> Pursuant to Ohio Revised Code Chapter 323, the Special Assessment Payment Dates identified above are subject to adjustment by the Montgomery County Auditor under certain conditions.

<sup>3</sup> Pursuant to Ohio Revised Code Section 727.36, the Montgomery County Auditor may charge and collect a fee in addition to the amounts listed in the above schedule.

7/30/2035	55,860.00
1/30/2036	55,860.00
7/30/2036	55,860.00
1/30/2037	55,860.00
7/30/2037	55,860.00
1/30/2038	55,860.00
7/30/2038	55,860.00
1/30/2039	55,860.00
7/30/2039	55,860.00

RECEIPT OF COUNTY AUDITOR FOR  
LEGISLATION LEVYING SPECIAL ASSESSMENTS  
FOR THE PURPOSE OF ACQUIRING, INSTALLING, EQUIPPING,  
AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS  
IN THE CITY OF OAKWOOD, OHIO IN COOPERATION WITH  
THE DAYTON REGIONAL ENERGY  
SPECIAL IMPROVEMENT DISTRICT

I, Karl Keith, the duly elected, qualified, and acting Auditor in and for Montgomery County, Ohio hereby certify that a certified copy of Ordinance No. \_\_\_\_\_, duly adopted by the Council of the City of Oakwood, Ohio on April \_\_, 2020 levying special assessments for the purpose of acquiring, installing, equipping, and improving certain public improvements in the City of Oakwood, Ohio in cooperation with the Dayton Regional Energy Special Improvement District, including the List of Special Assessments and Schedule of Special Assessments, which Special Assessment charges shall be certified for collection in 38 semi-annual installments to be collected with first-half and second-half real property taxes in calendar years 2021 through 2039, was filed in this office on \_\_\_\_\_, 2020.

WITNESS my hand and official seal at Dayton, Ohio on \_\_\_\_\_, 2020.

[SEAL]

\_\_\_\_\_  
Auditor  
Montgomery County, Ohio



AN ORDINANCE

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

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

1. AN ADDITIONAL AMOUNT OF \$400,000.00 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND TO ACQUIRE AND PREPARE REAL ESTATE FOR A STORM SEWER CAPITAL PROJECT; AND
2. AN AMOUNT OF \$400,000.00 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, 2020.

WHEREAS, this is a supplemental appropriation ordinance to make available the necessary funds for an expenditure not already included in the 2020 budget, to wit: the purchase and preparation of certain real estate for a future capital project relating to the city’s stormwater utility; and

WHEREAS, in July 2019, the city’s engineering consultant completed a study to examine stormwater drainage issues in the vicinity of Far Hills and Dellwood Avenues; and

WHEREAS, as a result of that study, it was determined that a large reinforced concrete box culvert is in need of replacement and enlargement, but is located directly beneath a private residential home such that access is impossible without compromising the structural integrity of the home; and

WHEREAS, given the proximity of homes in the area and the size of the trench that would be required for installation of the new culvert, it is necessary to acquire the property and raze the home; and

WHEREAS, through work session discussions, Council determined that it would be in the city’s best interests to acquire the property at some point in the next 1-2 years in order to facilitate the storm sewer project; and

WHEREAS, the property in question was recently listed for sale, and Council has determined that it is preferable to acquire the same now rather than waiting another 1-2 years and potentially having to acquire it via eminent domain; and

WHEREAS, this supplemental appropriation will authorize the transfer of \$400,000.00 from the city’s General Fund to the Capital Improvement Fund, in the amounts set forth in the title hereof, in order to acquire this property, with the excess, if any, to be applied towards the cost of demolition or otherwise preparing the property for the storm sewer capital project referenced above;

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:

<u>Fund</u>	<u>Appropriation</u>
101 General Fund	\$11,941,778 <b>\$12,341,778</b>
309 Capital Improvement Fund	\$758,600 <b>\$1,158,600</b>

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 6<sup>th</sup> day of April, 2020.

---

Mayor William D. Duncan

ATTEST:

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CLERK OF COUNCIL

TO THE CLERK:

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

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City Attorney Robert F. Jacques

LEGAL NOTICE

Ordinance \_\_\_\_\_ of the Council of the city of Oakwood, Ohio was passed on the 6<sup>th</sup> day of April, 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:

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Lori Stacel, Clerk of Council