

CITY OF OAKWOOD
COUNCIL AGENDA
MARCH 2, 2020

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF FEBRUARY 3 REGULAR SESSION AND WORK SESSION
- V. STATUS REPORTS
 - Proclamation recognizing March as “Red Cross Month”, Mayor Duncan
 - Citizen Committee Appointments, Mayor Duncan
 - Voting Precincts, Mayor Duncan
 - Public Safety Update, Mayor Duncan
- VI. VISITORS
 - Applied Suicide Intervention Skills Training Program, Dr. Sallie Wilson and Leigh Ann Fulford
- VII. LEGISLATION
 - A Resolution of Necessity for 2020 Sidewalk Repair Project, Mr. Stephens
 - An Ordinance to Proceed with the 2020 Sidewalk Repair Project, Mr. Stephens
 - A Resolution of Necessity for 2021 Street Lighting, Mr. Stephens
 - An Ordinance to Proceed with the 2021 Street Lighting Program, Mr. Stephens
 - An Ordinance to levy special assessments for the 2019 Sidewalk Repair Project, Mr. Stephens
 - An Ordinance to adopt a credit system from the Stormwater Utility for stormwater runoff reductions, Vice Mayor Byington
 - A Resolution of Necessity for energy improvement projects in Energy Special Improvement Districts, Vice Mayor Byington
 - An Ordinance to Proceed with special energy improvement projects in Energy Special Improvement Districts, Vice Mayor Byington
 - An Ordinance to amend rental inspection requirements, Vice Mayor Byington
- VIII. STAFF REPORT – DIRECTOR OF PERSONNEL & PROPERTIES JENNIFER WILDER
- IX. CITY MANAGER’S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT FORMAL MEETING SCHEDULED FOR APRIL 6, 2020

A RESOLUTION

BY _____

NO _____

DECLARING THE NECESSITY OF REPAIRING 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 RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I.

That it is necessary to repair sidewalks and appurtenances thereto on Rubicon Road, both sides, from Springhouse Road southerly to Far Hills Avenue; Caton Drive, both sides, from Volusia Avenue southerly to East Schantz Avenue; south side of Springhouse Road from Far Hills Avenue to Oakwood Avenue; Oakwood Avenue, both sides, from Irving Avenue southerly to Far Hills Avenue; Glendora Avenue, both sides, from Irving Avenue southerly to West Lookout Drive; Springgrove Avenue, both sides, from Irving Avenue southerly to Schenck Avenue; Sorrento Avenue, both sides, from Irving Avenue, southerly to East Schantz Avenue; Mahrt Avenue, both sides, from Irving Avenue southerly to East Schantz Avenue; Acacia Drive, both sides, southerly from Irving Avenue to East Schantz Avenue; Woods Road, both sides, from East Thruston Boulevard southerly to Patterson Road; Garden Road, both sides, from East Lookout Drive southerly to Patterson Road; Ivanhoe Avenue, both sides, from East Thruston Boulevard southerly to Collingwood Avenue; Shafor Boulevard, both sides, from Irving Avenue southerly to the Patterson Road; Hathaway Road, both sides, from its northern terminus southerly to Patterson Road; Woodview Drive, both sides, from East Thruston Boulevard southerly to Collingwood Avenue; Acorn Drive, both sides, from its northern terminus, southerly to Patterson Road; south side of Irving Avenue from Oakwood Avenue to the eastern corporation limit; Volusia Avenue, both sides, from Far Hills Avenue easterly to Mahrt Avenue; Orlando Terrace, both sides, from Mahrt Avenue easterly to Acacia Drive; Shafor Circle, both sides, from Shafor Boulevard west to the terminus of Shafor Circle; East Schantz Avenue, both sides, from Far Hills Avenue easterly and southerly to Patterson Road; Ridgewood Avenue, both sides, from Oakwood Avenue easterly to East Schantz Avenue; Schenck Avenue, both sides, from Oakwood Avenue easterly to East Schantz Avenue; East Thruston Boulevard, both sides, from Far Hills Avenue easterly to Acorn Drive; East and West Lookout Drive, both sides, from East Thruston Boulevard easterly to East Schantz Avenue; Woodburn Avenue, both sides, from East Schantz Avenue easterly to Shafor Boulevard; east side of Far Hills Avenue from the north corporation limits southerly to Patterson Road; Oak Forest Drive, both sides, from Hathaway Road easterly to Acorn Drive; north side of Patterson Road, easterly from Far Hills Avenue to the east corporation line; Collingwood Avenue, both sides, from East Schantz Avenue easterly to Acorn Drive.

SECTION II.

That the owners of the lots and lands bounding and abutting upon the sidewalks described in Section I of this Resolution shall repair sidewalks in front of their premises in accordance with the plans and specifications now on file, such sidewalks to be repaired within a period of forty five (45) days after the service of notice of adoption of this resolution; and, if such sidewalk repair shall not be completed within such period of forty five (45) days, then this Council shall have the same done and the entire cost thereof shall be assessed upon the property of each defaulting owner and made a lien thereon, to be collected in the manner provided by law, with penalty and interest as provided by law. The cost of said improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the cost incurred in connection with the preparation of the levy and collection of the special assessments, expenses of legal services, including obtaining an approving legal opinion, cost of labor and material, and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures.

SECTION III.

That the Clerk of this Council is directed to cause written notice of the adoption of this resolution to be served as required by law.

SECTION IV.

The plans, specifications and estimates of cost for said repair, as above mentioned and heretofore filed, are hereby approved.

SECTION V.

It is found and determined that all formal actions of this Council concerning and relating to the adoption 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.

SECTION VI.

This resolution shall take effect and be in full force immediately upon its passage.

PASSED BY COUNCIL this ____ day of _____, 2020.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

No publication required.

City Attorney Robert Jacques

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. _____ on the 2nd 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.

City Attorney Robert Jacques

LEGAL NOTICE

The Council of the City of Oakwood, Montgomery County, Ohio, adopted Ordinance No. _____ 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: _____

CLERK OF COUNCIL

A RESOLUTION

BY: _____

NO. _____

DECLARING THE NECESSITY OF IMPROVING CERTAIN STREETS
BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO,
BY LIGHTING THE SAME WITH ELECTRICITY.

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

SECTION I.

That it is necessary to improve the following streets in the city of Oakwood, Ohio as set forth in Exhibit A which is attached to and made a part of this Resolution by such physical attachment as well as by the doctrine of incorporation by reference.

SECTION II.

That said streets shall be improved as shown on the plans and specifications hereinafter referred to and now on file in the office of the Clerk of Council, which are made a part hereof, by lighting the same with electricity for a period from January 1, 2021 through December 31, 2021.

SECTION III.

It is hereby determined and declared that said improvement is conducive to the public health, convenience and welfare of said City and the inhabitants thereof. It is further determined that such streets are so situated in relation to each other that in order to complete the improvement thereof in the most practical and economical manner, they should be improved at the same time, with the same kind of materials, and in the same manner.

SECTION IV.

That the plans, specifications, estimate of cost and profiles of the proposed improvements, heretofore prepared and now on file in the office of the Clerk of Council, are hereby approved.

SECTION V.

That the whole cost of said improvement, less one-fiftieth thereof and the costs of street lighting in intersections, shall be assessed in proportion to the benefits which may result from the improvement upon the following described lots and lands, to wit: all lots and lands bounding and abutting upon the proposed improvement between the termini aforesaid, which said lots and lands are hereby determined to be specially benefited by said improvement. The cost of said improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions, and ordinances, the amount of damages resulting from the improvement assessed in favor of any owner of land affected by the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating and otherwise acquiring therefore any required real estate or interest therein, expenses of legal services including obtaining an approving legal opinion, cost of labor and material and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments together with all other necessary expenditures.

SECTION VI.

That the City Manager be and he is hereby authorized and directed to prepare and file or cause to be prepared and filed in the office of the Clerk of Council the estimated assessments of the cost of the improvement described in this Resolution. Such estimated assessments shall be based upon the estimate of cost of said improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this Resolution. When such estimated assessments have been so filed, said Clerk of Council shall cause notice of the adoption of this Resolution and filing of said estimated assessments to be given to owners of all lots and lands to be assessed as proved in Section 727.14 of the Revised Code.

SECTION VII.

That the assessments to be levied shall be paid in one annual installment; provided that the owner of any property assessed may, at his option, pay such assessment in cash within thirty days after passage of the assessing ordinance.

SECTION VIII.

That the bonds of the city shall not be issued in anticipation of the collection of assessments by installments.

SECTION IX.

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

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

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

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

City Attorney Robert F. Jacques

LEGAL NOTICE

Resolution No. _____ of the Council of the City of Oakwood, Ohio entitled "DECLARING THE NECESSITY OF IMPROVING CERTAIN STREETS BETWEEN CERTAIN TERMINI IN THE CITY OF OAKWOOD, OHIO, BY LIGHTING THE SAME WITH ELECTRICITY," was passed on _____, 2020.

Lori Stacel
Clerk of Council

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 Resolution was duly published in the Oakwood Register, a newspaper of general circulation in said City of Oakwood, and the said publication occurred on the following date:

Lori Stacel
Clerk of Council

EXHIBIT A

STREET	FROM	TO
ABERDEEN AVENUE	Far Hills Avenue	Shroyer Road
ACACIA DRIVE	Irving Avenue	Schantz Avenue
ACORN DRIVE	Part Lot 2697	Shroyer Road
ALPINE LANE (North Side)	Hillview Avenue	Fairmont Avenue
ASCENT CIRCLE	Pointe Oakwood Way	Old River Trail
ASHRIDGE ROAD	Far Hills Avenue	Devereux Avenue
BEVERLY PLACE	Far Hills Avenue	Acorn Drive
BRIAR HILL ROAD	Park Avenue	Part Lot 93
BROAD BOULEVARD	Shroyer Road	E. Corporation Line
CATON DRIVE	Volusia Avenue	Schantz Avenue
CLARANNA AVENUE	Far Hills Avenue	Shroyer Road
COLLINGWOOD AVENUE	Schantz Avenue	Acorn Drive
COOLIDGE DRIVE	Park Road	Peach Orchard Road
CORONA AVENUE	Far Hills Avenue	Shroyer Road
DEEP HOLLOW ROAD	Ridgeway Road	Oak Knoll Drive
DELAINE AVENUE	Acorn Drive	S. Corporation Line
DELL PARK AVENUE	Far Hills Avenue	Fairmont Avenue
DELLWOOD AVENUE	Far Hills Avenue	Acorn Drive
DEVEREUX DRIVE	Raleigh Road	Forrer Road
DIXON AVENUE (E. & W.)	Runnymede Road	Acorn Drive
EAST DRIVE	Far Hills Avenue	E. Corporation Line
FAIRMONT AVENUE	Alpine Lane	S. Corporation Line
FAIRFOREST CIRCLE	Ridgeway Road	Westerly Terminus
FAR HILLS AVENUE	N. Corporation Line	S. Corporation Line
FORRER BOULEVARD	Far Hills Avenue	E. Corporation Line
FORRER ROAD	Far Hills Avenue	Ridgeway Road
GARDEN AVENUE	Patterson Road	Lookout Drive
GLENDORA AVENUE	Lookout Drive	N. Corporation Line
GRANDON ROAD	Far Hills Avenue	Ridgeway Road
GREENMOUNT BOULEVARD	Far Hills Avenue	Shroyer Road
HADLEY AVENUE (E.)	Far Hills Avenue	Shroyer Road
HADLEY ROAD (W.)	Far Hills Avenue	Ridgeway Road
HARMAN AVENUE	Far Hills Avenue, N. Term.	Far Hills Ave., S. Term.
HARMAN BOULEVARD	Shafor Boulevard	Acorn Drive
HARMAN TERRACE	Harman Avenue	Alley North of Dixon
HATHAWAY ROAD	Part Lot 2697	S. Corporation Line
HAYER ROAD	Rubicon Road	Kramer Road
HILLTOP AVENUE	Far Hills Avenue	Fairmont Avenue
HILLVIEW AVENUE	Alpine Lane	S. Corporation Line
IRVING AVENUE	Oakwood Avenue	E. Corporation Line
IVANHOE AVENUE	E. Thruston Boulevard	Collingwood Avenue
KATHERINE STREET	Oakwood Avenue	Runnymede Road
KATHERINE TERRACE	Runnymede Road	Westerly Terminus
KRAMER ROAD	Schantz Avenue, W.	W. Corporation Line
LEDGES TRAIL	Pointe Oakwood Way	West Terminus
LITTLE WOODS ROAD	Runnymede Road	East Terminus
LONSDALE AVENUE	Far Hills Avenue	Shroyer Road
LOOKOUT DRIVE	E. Thruston Boulevard	Schantz Avenue
LOOKOUT RIDGE	Lookout Drive	Northeasterly Term.
MAHRT AVENUE	Irving Avenue	Schantz Avenue
MAYSFIELD ROAD	Schantz Avenue, W.	Southview Road
MONTERAY AVENUE (E.)	Far Hills Avenue	Shroyer Road
MONTERAY ROAD (W.)	Far Hills Avenue	Coolidge Drive
NORTHVIEW ROAD	Rubicon Road	Kramer Road
OAK FOREST DRIVE	Hathaway Road	Acorn Drive

STREET	FROM	TO
OAK KNOLL DRIVE	Far Hills Avenue	W. Corporation Line
OAKMEAD PLACE	Runnymede Road	Easterly Terminus
OAKWOOD AVENUE	Irving Avenue	Ridgeway Road
OLD RIVER TRAIL	Far Hills Avenue	Westerly Terminus
ORCHARD DRIVE	Far Hills Avenue	Shroyer Road
ORLANDO TERRACE	Mahrt Avenue	Acacia Drive
PARK AVENUE	Far Hills Avenue	Oakwood Avenue
PARK ROAD	Far Hills Avenue	W. Corporation Line
PATTERSON ROAD	Far Hills Avenue	E. Corporation Line
PEACH ORCHARD AVENUE (E.)	Far Hills Avenue	Shroyer Road
PEACH ORCHARD ROAD (W.)	Far Hills Avenue	Ridgeway Road
POINTE OAKWOOD WAY	Old River Trail	Southerly Terminus
RALEIGH ROAD	Harman Avenue	Ridgeway Road
RIDGEWAY ROAD	Harman Avenue	S. Corporation Line
RIDGEWOOD AVENUE	Oakwood Avenue	Schantz Avenue
ROANOKE AVENUE	Alpine Lane	S. Corporation Line
RUBICON ROAD	Springhouse Road	Thruston Boulevard
RUNNYMEDE LANE	Runnymede Road	Westerly Terminus
RUNNYMEDE ROAD	Thruston Boulevard	S. Corporation Line
SCHANTZ AVENUE (E.)	Far Hills Avenue	Forrer Boulevard
SCHANTZ AVENUE (W.)	Far Hills Avenue	W. Corporation Line
SCHENCK AVENUE	Oakwood Avenue	Schantz Avenue
SHAFOR BOULEVARD	Irving Avenue	S. Corporation Line
SHAFOR CIRCLE	Shafor Boulevard	Lots 3737 & 3738
SHROYER ROAD	N. Corporation Line	S. Corporation Line
SORRENTO AVENUE	E. Schantz Avenue	N. Corporation Line
SOUTHVIEW ROAD	Thruston Boulevard	Kramer Road
SOUTHWOOD LANE (E. & W.)	Grandon Road	Park Road
SPIREA DRIVE	Far Hills Avenue	Acorn Drive
SPRINGGROVE AVENUE	Schenck Avenue	N. Corporation Line
SPRINGHOUSE ROAD	Oakwood Avenue	Far Hills Avenue
SUGAR CAMP CIRCLE	Schantz Avenue, West	Schantz Avenue, West
SWEETWOOD LANE	Runnymede Road	W. Corporation Line
TALBOTT COURT	Runnymede Road	Southerly Terminus
TELFORD AVENUE	Far Hills Avenue	Shroyer Road
THORNHILL ROAD	Oakwood Avenue	Runnymede Road
THRUSTON BOULEVARD (E.)	Far Hills Avenue	Easterly Terminus
THRUSTON BOULEVARD (W.)	Far Hills Avenue	W. Corporation Line
TRIANGLE AVENUE	Far Hills Avenue	Shroyer Road
VOLUSIA AVENUE	Far Hills Avenue	Mahrt Avenue
WALNUT LANE	Oakwood Avenue	Lots 2723 & 2724
WALNUT SPRINGS DRIVE	Runnymede Road	W. Corporation Line
WILTSHIRE BOULEVARD	Far Hills Avenue	Shroyer Road
WISTERIA DRIVE	Far Hills Avenue	Acorn Drive
WONDERLY AVENUE	Far Hills Avenue	Shroyer Road
WOODBURN AVENUE	Schantz Avenue	Shafor Boulevard
WOODS ROAD	Patterson Road	Thruston Boulevard
WOODSTOCK DRIVE	Raleigh Road	Forrer Road
WOODVIEW DRIVE	Thruston Boulevard, E.	Collingwood Avenue

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. _____ adopted on the 2nd day of March, 2020.

SECTION II.

That said improvement shall be made in accordance with the provisions of Resolution No. _____ adopted on the 2nd 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:

Clerk of Council

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

City Attorney Robert F. Jacques

LEGAL NOTICE

On _____, Council of the City of Oakwood, passed Ordinance No. _____ 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:

Lori Stacel, Clerk of Council

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. _____

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

A RESOLUTION

BY: _____ NO. _____

A RESOLUTION TO APPROVE THE PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS UNDER OHIO REVISED CODE CHAPTER 1710 AND APPROVE THE NECESSITY 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 (305 SUGAR CAMP CIRCLE PROJECT).

WHEREAS, as set forth in Chapter 1710 of the Ohio Revised Code, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (each, an “ESID”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and

WHEREAS, Beth Abraham Synagogue (the “Owner”), as the owner of certain real property located within the city of Oakwood, Ohio (the “City”), has identified certain real property owned by the Owner and located at Montgomery County Auditor Parcel Number Q71 01613 0006 (the “Project Site,” as further described in Exhibit A to the Petition), as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and

WHEREAS, the Dayton Regional Energy Special Improvement District (the “District”) was created under Ohio Revised Code Chapters 1702 and 1710 as an energy special improvement district and established pursuant to Resolution No. 6117-15 of the Commission of the city of Dayton, Ohio approved on June 24, 2015 (the “Creation Resolution”); and

WHEREAS, pursuant to the Creation Resolution, the Dayton Regional Energy Special Improvement District Program Plan (as amended and supplemented from time to time, the “Program Plan”) was adopted as a plan for public improvements and public services under Ohio Revised Code Section 1710.02(F), which plan allows for additional properties within the city of Dayton, Ohio and within any municipal corporation or township which is adjacent to any other municipal corporation or township in which a portion of the District’s territory is located to be added to the territory of the District; and

WHEREAS, the Owner has determined to submit to the City Manager and the City Council of the City (the “Council”), a *Petition for Special Assessments for Special Energy Improvement Projects* (the “Petition”), together with a *Supplement to Plan for 305 Sugar Camp Circle, Oakwood, Ohio Project* (the “Supplemental Plan”), and the *Amended Articles of Incorporation of Dayton Regional Energy Special Improvement District, Inc.* (the “Amended Articles of Incorporation”), all in accordance with Ohio Revised Code Section 1710.02, each of which are now on file with the Clerk of this Council; and

WHEREAS, the Petition, which is on file with the Clerk of Council, has been signed by the Owner, as the owner of one hundred percent (100%) of the Project Site, and proposes the necessity of the Project and financing the Project through the cooperation of the District; and

WHEREAS, the Petition and Supplemental Plan request that the Project Site be added to the District and that the City levy special assessments on the Project Site to pay the costs of a special energy improvement project to be provided on the Project Site, all as described more particularly in the Petition and the Supplemental Plan (the “Project”); and

WHEREAS, the Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2o of Article VIII of the Ohio Constitution, including, without limitation, the Project, and further, the Petition identifies the amount and length of the special assessments to be imposed with respect to the Project; and

WHEREAS, by the Petition, the Owner requests that the Project be paid for by special assessments assessed upon the Project Site (the “Special Assessments”) in an amount sufficient to pay the costs of the Project, which is estimated to be \$1,355,000.00, including the costs identified in Section 5 of this Resolution, and requests that the Project be undertaken cooperatively by the City, the District, and such other parties as the City may deem necessary or appropriate; and

WHEREAS, Ohio Revised Code Section 1710.02(F) provides that a political subdivision which has approved a petition for special assessments for public improvements in an energy special improvement district and a plan pursuant to Ohio Revised Code Sections 1710.02(F) and 1710.06 shall levy the requested special assessments pursuant to Ohio Revised Code Chapter 727; and

WHEREAS, in furtherance of the future addition of any real property in any municipal corporation or township contiguous to the municipal corporations or townships in which a portion of the territory of the District is located, it is necessary, and this Council has determined, to approve the addition of such real property to the territory of the District, all in accordance with Ohio Revised Code Chapter 1710; and

WHEREAS, this Council, pursuant to Ohio Revised Code Section 1710.02(G)(4), has determined that the energy special improvement project to be constructed and implemented on the Project Site is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City as those that will promote the welfare of the people of the City; to improve the quality of life and the general and economic well-being of the people of City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources; and,

WHEREAS, this Council, as mandated by Ohio Revised Code Chapter 1710, must approve or disapprove the Petition within 60 days of the submission of the Petition; and

WHEREAS, this Council has determined to approve the Petition, the Program Plan, and the Supplemental Plan;

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

SECTION I.

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

SECTION II.

That this Council approves the Petition, the Program Plan, the Supplemental Plan, and the Amended Articles of Incorporation now on file with the Clerk of Council.

SECTION III.

That this Council hereby approves and consents to (i) any addition of real property to the territory of the District within the boundaries any municipal corporation or township in which a portion of the territory of the District is located or any municipal corporation or township which is contiguous to the municipal corporations or townships in which a portion of the territory of the District is located; (ii) the addition of the municipal corporation or township in which such real property is located as a “participating political subdivision,” as defined in Ohio Revised Code Section 1710.01(E), of the District; and (iii) any amendment to the Amended Articles of Incorporation necessary to recognize or effect such addition.

SECTION IV.

That pursuant to Ohio Revised Code Section 1710.02(G)(4), this Council determines that the Project is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City, as those that will promote the welfare of the people of such participating political subdivision; to improve the quality of life and the general and economic well-being of the people of the City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources. This Council accordingly authorizes the Board of Directors of the District (the “Board”) to act as its agent to sell, transfer, lease, or convey the Project. The consideration the Board must obtain from any sale, transfer, lease, or conveyance of the special energy improvement project on the Project Site is any consideration greater than or equal to One Dollar and Zero Cents (\$1.00).

SECTION V.

That this Council declares necessary, and a vital and essential public purpose of the City, to improve the Project Site, by providing for the acquisition, installation, equipment, and

improvement of the Project by the Owner, as set forth in the Petition and the Supplemental Plan, and providing for the payment of the costs of the Project, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued or incurred to provide a loan or to secure an advance of funds to the Owner or otherwise 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 or incurred, including any credit enhancement fees, trustee fees, program administration fees, financing servicing fees, and District administrative fees and expenses; an amount to reflect interest on unpaid Special Assessments which shall be treated as part of the cost of the Project for which the Special Assessments are made at an interest rate which shall be determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds if notes or bonds had been issued by the District or another issuer of notes or bonds to pay the costs of the Project; together with all other necessary expenditures, all as more fully described in the Petition, the Supplemental Plan, and profiles, specifications, and estimates of cost of the Project, all of which are on file with the Finance Director and open to the inspection of all persons interested.

SECTION VI.

That this Council determines that the Project's elements are so situated in relation to each other that in order to complete the Project's elements in the most practical and economical manner, they should be acquired, installed, equipped, and improved at the same time, with the same kind of materials, and in the same manner; and that the Project's elements shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09, and the Project's elements shall be treated as a joint improvement to be undertaken cooperatively by the City and the District pursuant to Ohio Revised Code Section 9.482 and Ohio Revised Code Chapter 1710.

SECTION VII.

That the plans and specifications and total cost of the Project now on file in the office of the Clerk of Council are approved, subject to changes as permitted by Ohio Revised Code Chapter 727. The Project shall be made in accordance with the plans, specifications, profiles, and estimate of costs for the Project.

SECTION VIII.

That this Council determines and declares that the Project is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project, as defined in Ohio Revised Code Section 1710.01(I); and that in order to fulfill that essential and vital public purpose of the City, it is necessary and proper to provide, in cooperation with the District, for the acquisition, installation, equipment, and improvement of the Project in the manner contemplated by the Petition and the Supplemental Plan. This Council determines and declares that the Project is conducive to the public peace, health, safety and welfare of the City and the inhabitants of the City.

SECTION IX.

That pursuant to and subject to the provisions of a valid Petition signed by the owners of one hundred percent (100%) of the Project Site, the entire cost of the Project shall be paid by the Special Assessments levied against the Project Site, which is the benefited property. The provisions of the Petition and the Supplemental Plan are ratified, adopted, approved and incorporated into this Resolution as if set forth in full in this Resolution. The portion of the costs of the Project allocable to the City will be zero percent (0%). The City does not intend to issue securities in anticipation of the levy or the collection of the Special Assessments.

SECTION X.

That the method of levying the Special Assessments shall be in proportion to the benefits received, allocated among the parcels constituting the Project Site as set forth in the Petition and the Supplemental Plan.

SECTION XI.

That the lots or parcels of land to be assessed for the Project shall be the Project Site, described in Exhibit A to the Petition, all of which lots and lands are determined to be specially benefited by the Project.

SECTION XII.

That the Special Assessments shall be levied and paid in 38 semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition and the Supplemental Plan (which list is incorporated herein by reference), and the Owner has waived its option to pay the Special Assessment in cash within 30 days after the first publication of the notice of the assessing resolution or ordinance.

That the aggregate amount of Special Assessments estimated to be necessary to pay the costs of the Project is \$1,355,000.00. Each semi-annual Special Assessment payment represents payment of a portion of the principal of and interest on obligations issued or incurred to pay the costs of the Project and of administrative expenses. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, shall be treated as part of the cost of the Project for which the Special Assessments are made at an interest rate which shall be determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds had notes or bonds been issued by the City or another issuer of notes or bonds to pay the costs of the Project. In addition to the Special Assessments, the County Auditor of Montgomery County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount will be added to the Special Assessments by the County Auditor of Montgomery County, Ohio.

SECTION XIII.

That the Director of Finance or the Director of Finance's designee is authorized and directed to prepare and file in the office of the Clerk of Council the estimated Special Assessments for the cost of the Project in accordance with the method of assessment set forth in the Petition, the Supplemental Plan, and this Resolution, showing the amount of the assessment against each lot or parcel of land to be assessed.

SECTION XIV.

That the Owner has, in the Petition, waived the requirement for the City to, upon the filing of the estimated Special Assessments with the City Clerk, serve notice of the adoption of this Resolution and the filing of the estimated Special Assessments upon the Owner, as the owners of the Project Site, as provided in Section 727.13 Ohio Revised Code. To the extent the Owner has not waived the applicable procedural requirements of Chapter 727 of the Ohio Revised Code, the appropriate officials of the City shall also comply with the applicable procedural requirements of Chapter 727 of the Ohio Revised Code.

SECTION XV.

That the Director of Finance or the Director of Finance's designee is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

SECTION XVI.

That the Special Assessments will be used by the City to pay the costs 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 XVII.

That this Council accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727, Ohio Revised Code Chapter 1710, and the Charter of the City of Oakwood, Ohio, and consents to the immediate imposition of the Special Assessments upon the Project Site. This waiver encompasses, but is not limited to, waivers by the Owner of the following rights:

- (i) The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- (ii) The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06;
- (iii) The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- (iv) The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- (v) The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- (vi) The right to notice that bids or quotations for the Project may exceed estimates by 15%;
- (vii) The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251;
- (viii) The right to notice of the passage of the assessing resolution or ordinance under Ohio Revised Code Section 727.26; and

- (ix) Any and all procedural defects, errors, or omissions in the Special Assessment process.

SECTION XVIII.

That the City is authorized to enter into agreements by and among the City, the District, and such other parties as the City may deem necessary or appropriate in order to carry out the Project, and that the City Manager is authorized to execute, on the City's behalf, such agreements.

SECTION XIX.

That this legislative authority 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 XX.

That 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

AN ORDINANCE

BY: _____

NO. _____

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, INSTALLATION, EQUIPMENT, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF OAKWOOD, OHIO IN COOPERATION WITH THE DAYTON REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT.

WHEREAS, the Council (“Council”) of the city of Oakwood, Ohio (the “City”) duly adopted Resolution No. _____ on _____, 2020 (the “Resolution of Necessity”), (i) declaring 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 more fully described in the Petition referenced in this Ordinance) located on real property owned by Beth Abraham Synagogue (the “Owner”) within the City (the “Property”, as more fully described in Exhibit A to the Petition); (ii) providing for the acquisition, installation, equipment, and improvement of the Project by the Owner, as set forth in the Owner’s *Petition for Special Assessments for Special Energy Improvement Projects* (the “Petition”), including by levying and collecting special assessments to be assessed upon the Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Project, which is estimated to be \$1,355,000.00 in the Petition, including other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Dayton Regional Energy Special Improvement District (“District”) administrative fees and expenses; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the District; and

WHEREAS, the claims for damages alleged to result from, and objections to, the Project have been waived by one hundred percent (100%) of the Owners; and no claims for damages alleged to result from, or objections to, the Project have been filed within the times prescribed by Ohio Revised Code Sections 727.15 and 727.18;

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 Petition and/or the Resolution of Necessity.

SECTION II.

That this Council declares that its intention is to proceed or to cooperate with the District to proceed with the acquisition, installation, equipment, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Director of Finance and the Clerk of Council.

SECTION III.

That this Council hereby appoints the Personnel and Properties Director to serve on the Board of Directors of the District as provided in Ohio Revised Code Section 1710.04(A).

SECTION IV.

That the Special Assessments to pay costs of the Project, which are estimated to be \$1,355,000.00 including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued or incurred to provide a loan or to secure an advance of funds to the Owner or otherwise 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 or incurred, including any credit enhancement fees, trustee fees, program administration fees, financing servicing fees, and District administrative fees and expenses; an amount to reflect interest on unpaid Special Assessments which shall be treated as part of the cost of the Project for which the Special Assessments are made at an interest rate which shall be determined by the District or the Dayton-Montgomery County Port Authority as its conduit financing entity to be substantially equivalent to the fair market rate that would have been borne by notes or bonds if notes or bonds had been issued by the District, the Dayton-Montgomery County Port Authority, or another issuer of notes or bonds to pay the costs of the Project; together with all other necessary expenditures, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of any principal repayment and interest and administrative fees payable with respect to the Project. The Special Assessments shall be 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. In addition to the Special Assessments, the County Auditor of Montgomery County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the County Auditor of Montgomery County, Ohio.

SECTION V.

That the estimated Special Assessments for costs of the Project prepared and filed in the office of the Clerk of Council and in the office of the Director of Finance, in accordance with the Resolution of Necessity, are adopted.

SECTION VI.

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 15 days after the date of its passage.

SECTION VII.

That all contracts for the construction of the Project will be let in accordance with the Petition, the Program Plan, and the Supplemental Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

SECTION VIII.

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 IX.

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.

SECTION X.

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:

City Attorney Robert F. Jacques

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION DETERMINING TO
PROCEED WITH ACQUISITION, INSTALLATION,
EQUIPMENT, AND IMPROVEMENT OF 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 passed by the Council of the City of Oakwood, Ohio on March __, 2020, determining to proceed with the acquisition, installation, equipment, and improvement of certain public improvements in the City of Oakwood, Ohio in cooperation with the Dayton Regional Energy Special Improvement District, 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. _____

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