

CITY OF OAKWOOD
COUNCIL AGENDA
SEPTEMBER 21, 2020

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF JULY 20 REGULAR SESSION AND AUGUST 24 WORK SESSION
- V. STATUS REPORTS
 - Auditor of State Award
 - Recognition of Oakwood Public Safety Officer Claude McCormick
 - Recognition of Oakwood Public Safety Officer Overcoming COVID-19
 - Honoring the Life and Contributions of Dr. S. Darrell Apt, II, DVM
- VI. VISITORS
- VII. LEGISLATION
 - A Resolution to approve existing Property Tax Amounts and Rates, Vice Mayor Byington
 - An Ordinance to address the placement of debris on public rights-of-way, Mr. Stephens
 - An Ordinance to address tree and bush trimming on private property, Mr. Stephens
 - An Ordinance to amend 2020 appropriations to cover additional Coronavirus funds, Vice Mayor Byington
 - An Ordinance to authorize existing fund transfers to the Local Coronavirus Relief Fund, Vice Mayor Byington
- VIII. CITY MANAGER'S REPORT
- IX. COUNCIL COMMENTS
- X. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR OCTOBER 5, 2020

Tax Year 2020/2021

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED
BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(City Council)

Revised Code, Secs, 5705.34 - 5705.35

The Council of the City of _____, Montgomery County,
Ohio met in _____ session on the _____ day of _____ 2020, at the
office of _____ with the following members present:

_____ moved the adoption of the following Resolution:

WHEREAS, The Budget Commission of Montgomery County, Ohio, has certified
its action thereon to this Board, together with an estimate by the County Auditor of the
rate of each tax necessary to be levied by this Council, and what part thereof is without,
and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of _____
Montgomery County, Ohio, that the amounts and rates, as determined by the Budget
Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City
the rate of each tax necessary to be levied within and without the ten mill limitation as
follows:

City of Oakwood - Tax Year 2020/2021

SCHEDULE A

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

FUND	Amount Approved By Budget Commission Inside 10 M. Limitation	Amount To Be Derived From Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate To Be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
City of Oakwood - Tax Year 2020/2021	Column I	Column II	III	IV
General Fund.....	1,131,795		3.58	
General Fund.....		1,523,751		6.47
TOTAL	1,131,795	1,523,751	3.58	6.47

City of Oakwood - Tax Year 2020/2021

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION

Carry to Sch A

FUND	Maximum Rate Authorized To Be Levied	County Auditor's Estimate Of Yield Of Levy (Carry To Sch A Column II)	
GENERAL FUND:			
Current Expense Levy authorized by voters 11/08/16 not to exceed FIVE years	2.72	463,204	TY20 EXPIRES 12/31/2021
Current Expense Levy authorized by voters 11/06/18 not to exceed FIVE years	3.75	1,060,547	

Tax Year 2020/2021

and be it further

RESOLVED, That the Clerk of the Council be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

_____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

_____,
_____,
_____,
_____,
_____,

Adopted the _____ day of _____, 2020.

Clerk of Council

_____ City

Montgomery County, Ohio

CERTIFICATE OF COPY

Original On File

The State of Ohio, Montgomery County,

I, _____, Clerk of this Council of _____
City, in said County, and in whose custody the Files and Records of said Board
required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing
is taken and copied from the original minutes _____ now on file with
said Council, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 2020.

Clerk of Council

City
Montgomery County, Ohio

Tax Year 2020/2021

No:

**COUNCIL OF THE CITY OF
MONTGOMERY COUNTY, OHIO**

RESOLUTION

ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY
AUDITOR.

(City Council)

Adopted _____, 2020

Clerk of Council

Filed _____, 2020

County Auditor

By _____
Deputy

AN ORDINANCE

BY: _____

NO. _____

AMENDING SECTION 521.12, *PLACING SNOW ON PUBLIC STREETS OR DEBRIS ON PAVED STREETS*, OF THE OAKWOOD GENERAL OFFENSES CODE, TO EXPAND THE PROHIBITION THEREOF TO APPLY TO SIDEWALKS AND OTHER PUBLIC RIGHTS-OF-WAY.

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

SECTION I.

Section 521.12, *Placing Snow on Public Streets or Debris on Paved Streets*, of the Oakwood General Offenses Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~striketthrough~~ font:

521.12 **PLACING SNOW OR DEBRIS ON PUBLIC STREETS OR DEBRIS ON PAVED STREETS AND PUBLIC RIGHTS-OF-WAY.**

- A. No person shall transfer snow from private property to any public street or **right-of-way**.
- B. No person shall place grass clippings, **limbs, tree trimmings**, or any other form of debris on ~~the paved portion of a street or alley~~ **any public street or right-of-way**, except as may be allowed by City regulations or directive as to pick up of such materials by the City.
- C. Whoever violates this section is guilty of a minor misdemeanor.

SECTION II.

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. _____

TO ENACT NEW CHAPTER 907, *VISIBILITY HAZARDS*, OF THE OAKWOOD STREETS AND PUBLIC SERVICES CODE.

WHEREAS, the city of Oakwood is vitally concerned with the health, safety, and welfare of its residents and of all who use public rights-of-way in the City, whether by motor vehicle, other mode of vehicular transit, or as a pedestrian; and

WHEREAS, the City is likewise concerned with the protection of private property rights for its residents, while acknowledging that such rights do not permit private property owners to create or maintain a nuisance condition that poses a safety hazard along or adjacent to a public right-of-way; and

WHEREAS, the City has a compelling governmental interest in ensuring that sightlines along public rights-of-way are preserved and maintained free from obstruction, so as to promote the safe and orderly flow of vehicular and pedestrian traffic; to reduce the likelihood of accidents and injuries; and to otherwise promote the public health, safety, and welfare; and

WHEREAS, Council has authority under the Laws and Constitution of the State of Ohio, including but not limited to Article 18, Sections 3, 4, and 7, to regulate public and private entities which use or impact the use of public rights-of-way within the City; and

WHEREAS, Council finds that it will benefit the public health, safety and welfare of the citizens of Oakwood to establish a clear procedure to preserve and maintain critical sightlines along public rights-of-way, with reference to appropriate traffic engineering standards, while affording due process to property owners when sightlines are impeded by vegetation growing on their private property;

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

SECTION I.

New Chapter 907, *Visibility Hazards*, of the Oakwood Streets and Public Services Code, which is set forth on the attached Exhibit A and incorporated herein by reference, is hereby adopted and made a part of the Codified Ordinances of the city of Oakwood, Ohio.

SECTION II.

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

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

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

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

City Attorney Robert F. Jacques

CHAPTER 907

Visibility Hazards

907.01 Declarations of findings and purpose

907.02 Definitions

907.03 Sight Triangle to be Maintained Clear of Obstructions

907.01 FINDINGS AND PURPOSE.

- A. The City of Oakwood, Ohio (the "City") is vitally concerned with the health, safety, and welfare of its residents and of all who use public rights-of-way in the City, whether by motor vehicle, other mode of vehicular transit, or as a pedestrian.
- B. The City is likewise concerned with the protection of private property rights for its residents, while acknowledging that such rights do not permit private property owners to create or maintain a nuisance condition that poses a safety hazard along or adjacent to a public right-of-way.
- C. The City has a compelling governmental interest in ensuring that sightlines along public rights-of-way are maintained free from obstruction, so as to promote the safe and orderly flow of vehicular and pedestrian traffic; to reduce the likelihood of accidents and injuries; and to otherwise promote the public health, safety, and welfare.
- D. The City has authority under the Laws and Constitution of the State of Ohio, including but not limited to Article 18, Sections 3, 4, and 7, to regulate public and private entities which use or impact the use of public rights-of-way within the City.

907.02 DEFINITIONS.

For the purposes of Chapter 907, the terms "*Decision Point*," "*Intersection Sight Distance*," and "*Sight Triangle*" shall have the same meanings as are set forth in the Ohio Department of Transportation (ODOT) Location & Design Manual, Volume 1, Section 201.3.1 "Sight Triangles," Reference Section 201-4, July 2020 edition, as the same may be amended or updated from time to time.

When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning. References hereafter to "Sections" are, unless otherwise specified, references to Sections in this Chapter. Defined terms remain defined terms whether or not capitalized.

907.03 SIGHT TRIANGLE TO BE MAINTAINED CLEAR OF OBSTRUCTIONS.

- A. To ensure that the driver or operator of a vehicle approaching an intersection will have an unobstructed view of the entire intersection and sufficient lengths along the intersecting street to permit the driver to anticipate and avoid potential collisions, appropriate Intersection Sight Distance shall be provided at all intersections within the city of Oakwood. This shall be provided in the form of unobstructed areas along all intersection approach legs and across their included corners, which shall be clear of obstructions that might block a driver's or operator's view of potentially conflicting vehicles or pedestrians. Obstructions within the defined Sight Triangle area that do not allow for appropriate Intersection Sight Distance are hereby determined and declared to constitute a public nuisance, unless such Intersection Sight Distance cannot be attained in a particular location as provided in subsection C below.
- B. This requirement shall apply regardless of whether the intersection involves public streets, public alleys, private streets, or any combination thereof, except that it shall not apply to any intersection consisting solely of private streets.
- C. If appropriate Intersection Sight Distance cannot be attained in a particular location due to topography or other conditions that cannot be feasibly altered via pruning, trimming, removal of landscaping, trees, or plant material, or similar actions, the City Engineer may authorize instead the use of other safety measures, as appropriate and warranted by the exercise of sound engineering judgment, including but not limited to advance warning signs or flashers.

907.04 PROCEDURES WHEN SIGHT TRIANGLE IS ON PRIVATE PROPERTY.

To the extent that maintenance of appropriate Intersection Sight Distance requires the trimming or removal of landscaping, trees, or plant material located outside the public right-of-way, upon private property, the following protocol shall be followed:

- A. The Director of Public Works or his/her designee shall provide written notice to the property owner of the need for Sight Triangle clearance. The notice shall inform the property owner of the following:
 - 1. The dimensions and location of the Sight Triangle at issue, and the extent of Sight Triangle clearance needed;
 - 2. That the property owner shall have at least ten (10) calendar days to:
 - a. Perform the clearance;
 - b. Make alternative arrangements with the Department of Public Works satisfactory to the Director; or
 - c. Appeal the Director's notice to the General Appeals Board established under Chapter 169 of the ordinances of this City.

3. That if the clearance is not performed, or alternative arrangements are not made, or no appeal is filed within that timeframe, the City intends to enter the premises and perform the clearance; and
 4. That if the City performs the clearance, the costs thereof may be billed to the property owner and, if unpaid, collected by civil action.
- B. Notice may be provided via mail, posting at the property, hand-delivery, or other method reasonably calculated to reach the property owner.
- C. In the event of a dispute as to the need for, or scope of, Sight Triangle clearance, or as to the calculation of the Sight Triangle area or appropriate Intersection Sight Distance, a party may appeal the Director's notice to the General Appeals Board established under Chapter 169 of the ordinances of this City. Standing to file such an appeal shall be limited to the owners and/or occupants of the subject property.
1. Any appeal shall be made by delivering written notice of the appeal to the office of the City Manager within 10 days after issuance of the Director's notice. The notice of appeal shall satisfy the following requirements:
 - a. It must specify the name and address of the appellant, the notice from which an appeal is taken, and the location of the subject property; and
 - b. It must cite specific error by the Director and any other grounds relied upon in support of the appeal.
 2. Any such appeal shall be made and processed in accordance with appeal procedures set forth in Section 1007 of the ordinances of this City with regard to appeals to the Board of Zoning Appeals. The Director's notice may be overturned, in whole or in part, only upon a showing of error by a preponderance of the evidence.
 3. Upon receipt of a timely notice of appeal, the City Manager or his/her designee shall promptly schedule a date for a public hearing thereon before the General Appeals Board. The City Manager or designee shall give written notice of the appeal and of public hearing on that appeal to the applicant. Notice of the public hearing shall be sent by ordinary US mail to the appellant's address set forth on the notice of appeal, and shall be set forth in the public meeting listing maintained by the Clerk of Council pursuant to Section 111.13 of the ordinances of this City.

AN ORDINANCE

BY: _____ NO. _____

TO AMEND SECTION I, 2020 ORIGINAL APPROPRIATION ORDINANCE NO. 4897 AND SUPPLEMENTAL APPROPRIATION ORDINANCES NO. 4912 AND 4917 TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$64,330.87 TO BE EXPENDED FROM THE LOCAL CORONAVIRUS RELIEF FUND TO COVER COSTS CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT;

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

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

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the CARES Act in S.B. 310 of the 133rd General Assembly, including funds that will be distributed to local municipalities to reimburse certain unbudgeted expenditures associated with the city's COVID-19 mitigation and response; and

WHEREAS, Oakwood's maximum eligibility for reimbursement was \$128,661.73, which was the subject of supplemental appropriation ordinance No. 4917, but has now been increased by \$64,330.87, for a total reimbursement eligibility of \$192,992.60, and in order to make the additional funds available for use upon receipt, it is necessary for Council to authorize the same via this additional supplemental appropriation ordinance;

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

SECTION I.

To provide for the current expenses and other expenditures of the said city of Oakwood during the period commencing January 1, 2020 and ending December 31, 2020, the following revised sums shall be and they are hereby set aside and appropriated as follows, with added material in **bold** type, deleted material in ~~strike-through~~ type, and dicta/commentary in *italic* type:

<u>Fund</u>		<u>Appropriation</u>
312	Local Coronavirus Relief Fund	\$128,661.73 \$192,992.60

SECTION II.

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

SECTION III.

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

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

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please publish the foregoing Ordinance in the following summary form:

LEGAL NOTICE

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

LORI STACEL
CLERK OF COUNCIL

City Attorney Robert F. Jacques

CERTIFICATION OF PUBLICATION

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

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: _____ NO. _____

AUTHORIZING THE FINANCE DIRECTOR TO MAKE AMENDED ENTRIES WITHIN THE FINANCIAL RECORDS OF THE CITY TO REFLECT THE RECENT ESTABLISHMENT OF THE LOCAL CORONAVIRUS RELIEF FUND; AND TO DECLARE AN EMERGENCY.

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

WHEREAS, in June 2020, the Ohio General Assembly established a process for distributing funds provided by the CARES Act in S.B. 310 of the 133rd General Assembly, including funds that will be distributed to local municipalities to reimburse certain unbudgeted expenditures associated with the city's COVID-19 mitigation and response; and

WHEREAS, part of the process established by S.B. 310 was the requirement that each municipality must create a fund within its financial records to be known as the "Local Coronavirus Relief Fund," which was accomplished in Oakwood by Ordinance No. 4916, adopted as an emergency measure on July 20, 2020; and

WHEREAS, although the Oakwood's Local Coronavirus Relief Fund did not exist until its legislative authorization on July 20, 2020, CARES Act reimbursement monies are available for qualified city expenditures made between March 1, 2020, and December 30, 2020, meaning that qualified expenditures have been made during the relevant time period from various city accounting funds, and must now be consolidated into the Local Coronavirus Relief Fund;

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

SECTION I.

The Director of Finance is hereby authorized and directed to make such amended accounting entries within the financial records of the city as are necessary to consolidate all expenditures that qualify for CARES Act reimbursement within the Local Coronavirus Relief Fund established by Ordinance No. 4916, regardless of which funds were originally used as a placeholder to account for such expenditures.

SECTION II.

This ordinance is hereby declared to be an emergency measure and as such shall take effect immediately, on the basis that corrective accounting entries must be made promptly in order to satisfy the requirements of S.B. 310 within applicable timelines, and on the further basis of protection of the public peace, health, safety and welfare by avoiding economic hardship that could result from failure to make such amended entries.

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

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please publish the foregoing Ordinance in the following summary form:

LEGAL NOTICE

Ordinance _____ of the Council of the city of Oakwood, Ohio was passed on the ____day of _____, 2020. Said ordinance was enacted to authorize the Finance Director to consolidate all expenses that qualify for CARES Act reimbursement within the Local Coronavirus Relief Fund.

LORI STACEL
CLERK OF COUNCIL

City Attorney Robert F. Jacques

CERTIFICATION OF PUBLICATION

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

Lori Stacel, Clerk of Council