

CITY OF OAKWOOD
COUNCIL AGENDA
NOVEMBER 1, 2021

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF OCTOBER 4 REGULAR SESSION, WORK SESSION AND EXECUTIVE SESSION, AND OCTOBER 25 EXECUTIVE SESSION
- V. STATUS REPORTS
 - Public Safety Officer Jesse Schaffer Funeral Procession
- VI. VISITORS
 - Scarecrow Row Contest Winners
- VII. LEGISLATION
 - An Ordinance to approve updates to the Traffic and General Offenses Codes, Mr. Stephens
 - An Ordinance to provide an appropriation for a public works storage building, Vice Mayor Byington
- VIII. STAFF REPORT – LEISURE SERVICES DEPARTMENT
- IX. AN OAKWOOD MOMENT
- X. CITY MANAGER’S REPORT
- XI. COUNCIL COMMENTS
- XII. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR DECEMBER 13, 2021

AN ORDINANCE

BY: _____

NO. _____

TO APPROVE CURRENT REPLACEMENT PAGES TO THE
OAKWOOD TRAFFIC AND GENERAL OFFENSES CODES.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; and

WHEREAS, such revision is presently before Council in the form of 2021 replacement pages to the Traffic and General Offenses Codes;

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

SECTION I.

The following sections of the Oakwood Traffic and General Offenses Codes are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

- 301.1801 Low-Speed Micromobility Device. (Added)
- 301.22 Pedestrian. (Amended)
- 301.51 Vehicle. (Amended)
- 331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amended)
- 331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
- 335.02 Permitting Operation Without Valid License; One License Permitted. (Amended)
- 335.021 Ohio Driver's License Required for In State Residents. (Amended)
- 335.04 Certain Acts Prohibited. (Amended)
- 335.09 Display of License Plates or Validation Stickers; Registration. (Amended)
- 371.14 Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)
- 371.15 Low-Speed Micromobility Devices. (Added)
- 373.11 Electric Bicycles. (Amended)
- 375.07 Motorized Bicycle Operation, Equipment and License. (Amended)

General Offenses Code

- 501.99 Penalties for Misdemeanors. (Amended)
- 505.071 Cruelty to Companion Animals. (Amended)
- 509.07 Making False Alarms. (Amended)
- 525.13 Interfering with Civil Rights. (Amended)
- 529.01 Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.08 Procuring. (Amended)
- 533.09 Soliciting. (Amended)
- 533.091 Loitering to Engage in Solicitation. (Amended)
- 533.10 Prostitution. (Amended)
- 533.15 Dissemination of Private Sexual Images. (Added)
- 537.02 Vehicular Homicide and Manslaughter. (Amended)
- 541.04 Criminal Mischief. (Amended)
- 541.05 Criminal Trespass. (Amended)
- 541.051 Aggravated Trespass. (Amended)
- 545.03 Property Exceptions as Felony Offense. (Amended)
- 545.09 Passing Bad Checks. (Amended)

SECTION II.

That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Oakwood, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances, to-wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
4928	1-4-21	311.05, 371.13

SECTION III.

The complete text of the Traffic and General Offenses Code sections listed above are set forth in full in the current replacement pages to the Traffic and General Offenses Code. The publication of the 2021 replacement pages within the Codified Ordinances shall be deemed sufficient publication of all material contained therein as provided by Section 3.05(1) of the Charter.

SECTION IV.

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

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD THIS _____ day of _____, 2021.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK: Please publish by including the 2021 Replacement Pages in the Codified Ordinances of this City.

City Attorney Robert F. Jacques

APPENDIX A

Traffic Code

- 301.1801 Low-Speed Micromobility Device. (Adds definition of “low-speed micromobility device.)
- 301.22 Pedestrian. (Adds “personal delivery device” to definitions.)
- 301.51 Vehicle. (Adds “low-speed micromobility device” to the exclusions.)
- 331.211 Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amends definition of “license plate” in subsection (d).)
- 331.37 Driving Upon Sidewalks, Street Lawns or Curbs. (Expands regulations for bicycles and electric bicycles or sidewalks.)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amends definition of “school” in subsection (b)(1)B.)
- 335.02 Permitting Operation Without Valid License; One License Permitted. (Amends regulations to include temporary instruction permit and identification card.)
- 335.021 Ohio Driver’s License Required for In State Residents. (Amends regulations to include temporary instruction permit and identification card.)
- 335.04 Certain Acts Prohibited. Expands prohibited acts in subsection (a)(5).)
- 335.09 Display of License Plates or Validation Stickers; Registration. (Amends requirements for display of license plates and temporary motor vehicle license registration.)
- 371.14 Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Adds new section regulating personal delivery devices.)
- 371.15 Low-Speed Micromobility Devices. (Adds new section regulating low-speed micromobility devices.)
- 373.11 Electric Bicycles. (Adds exception for law enforcement officer using an electric bicycle.)
- 375.07 Motorized Bicycle Operation, Equipment and License. (Deletes subsection (a)(5).)

General Offenses Code

- 501.99 Penalties for Misdemeanors. (Expands the regulations for court ordered restitution.)
- 505.071 Cruelty to Companion Animals. (Adds provision for distribution of fine moneys.)
- 509.07 Making False Alarms. (Adds regulations for critical infrastructure facility.)
- 525.13 Interfering with Civil Rights. (Revises regulations to comply with ORC 2921.45.)
- 529.01 Definitions. (Completely rewrites section to comply with ORC 4301.01 and 4301.244.)
- 529.07 Open Container Prohibited. (Adds a new subsection further defining alcoholic beverage and closed container.)

- 533.08 Procuring. (Adds regulation for sexual activity for hire.)
- 533.09 Soliciting. (Revises regulations to comply with ORC 2907.24)
- 533.091 Loitering to Engage in Solicitation. (Adds regulations for carriers of a virus.)
- 533.10 Prostitution. (Adds regulations for carriers of a virus.)
- 533.15 Dissemination of Private Sexual Images. (Adds new section on dissemination of private sexual images.)
- 537.02 Vehicular Homicide and Manslaughter. (Amends sentencing provisions.)
- 541.04 Criminal Mischief. (Adds regulations for critical infrastructure facility and penalties.)
- 541.05 Criminal Trespass. (Adds regulations for critical infrastructure facility.)
- 541.051 Aggravated Trespass. (Adds regulations for critical infrastructure facility.)
- 545.03 Property Exceptions as Felony Offense. (Amends section to include temporary motor vehicle license registration.)
- 545.09 Passing Bad Checks. (Eliminates subsection (d) and reletters the remaining subsections.)

AN ORDINANCE

BY: _____

NO. _____

TO AMEND SECTION I, 2021 ORIGINAL APPROPRIATION ORDINANCE NO. 4925, AND ANY EXISTING SUPPLEMENTS THERETO, TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$260,000 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND FOR CONSTRUCTION OF A STORAGE BUILDING AT THE FOELL PUBLIC WORKS CENTER; AND
2. AN AMOUNT OF \$260,000 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE CAPITAL IMPROVEMENT FUND;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021.

WHEREAS, the Department of Leisure Services currently utilizes a portion of the main garage at the Foell Public Works Center for the storage of its vehicles, mowers and other equipment, but its needs have outgrown the available space, which is needed for operations of the Public Works Department; and

WHEREAS, the 2021 capital budget originally included funding for construction of a new steel outbuilding to serve as storage space for this equipment, but the project was deferred to 2022 given anticipated delays in receiving the materials needed to complete the project, namely the metal outbuilding itself; and

WHEREAS, money originally appropriated for the outbuilding has been used to address cost escalations on other 2021 capital projects resulting from impacts of the COVID-19 pandemic; and

WHEREAS, it was recently determined that the materials could be ordered for delivery in early 2022; and

WHEREAS, due to the likelihood of price increases if the project is deferred to 2022, the City Manager has recommended that the project be pursued now, which has the added benefit of allowing time to begin site work before winter; and

WHEREAS, this supplemental appropriation will authorize an additional amount of \$260,000 to be expended from the Capital Improvement Fund for the construction of this project, as well as the transfer of \$260,000 from the General Fund to the Capital Improvement Fund in connection therewith;

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, 2021 and ending December 31, 2021, the following revised sums shall be and they are hereby set aside and appropriated as follows, with added material in **bold** type and deleted material in ~~strike-through~~ type:

Fund	Appropriation	
101 General Fund	\$11,966,544	\$12,226,544
309 Capital Improvement Fund	\$973,730	\$1,233,730

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 _____, 2021.

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please publish the foregoing Ordinance in the summary form set forth below.

City Attorney Robert F. Jacques

LEGAL NOTICE

Ordinance _____ of the Council of the city of Oakwood, Ohio was passed on the ___ day of _____, 2021. Said ordinance was enacted to make a supplemental appropriation for current expenses of the city of Oakwood, Ohio, for the period ending December 31, 2021.

LORI STACEL
CLERK OF COUNCIL

CERTIFICATION OF PUBLICATION

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

Lori Stacel, Clerk of Council