

CITY OF OAKWOOD
COUNCIL AGENDA
NOVEMBER 7, 2022

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF OCTOBER 3, 2022 REGULAR SESSION, WORK SESSION & EXECUTIVE SESSION AND OCTOBER 24, 2022 EXECUTIVE SESSION
- V. STATUS REPORTS
- VI. VISITORS
 - Scarecrow Row Contest Winners
- VII. LEGISLATION
 - An Ordinance to amend the zoning map to consolidate two (2) residentially-zoned lots at 409 Rubicon Road into the same residential zoning district, Vice Mayor Byington
 - An Ordinance to amend Section 151.03, *Disposal of Lost, Abandoned, Stolen, Seized or Forfeited Property*, of the Oakwood Administrative Code, Mrs. Turben
 - An Ordinance to approve updates to the Traffic and General Offenses Codes, Mr. Stephens
 - A Resolution to approve the continued use of the 2004 Comprehensive Plan, Vice Mayor Byington
- VIII. STAFF REPORT – DIRECTOR OF LEISURE SERVICES
- IX. AN OAKWOOD MOMENT
- X. CITY MANAGER’S REPORT
- XI. COUNCIL COMMENTS
- XII. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR DECEMBER 5, 2022

AN ORDINANCE

BY: _____ NO. _____

AMENDING THE ZONING MAP OF THE CITY OF OAKWOOD SO AS TO REZONE LOT 1870 PT FROM THE R-1 RESIDENTIAL ZONING DISTRICT TO THE R-3 RESIDENTIAL ZONING DISTRICT.

WHEREAS, it has been proposed to the city of Oakwood that the zoning map of said city be amended so as to change the zoning of parcel Q71 00508 0023, also known as Lot 1870 PT, from the R-1 residential zoning district to the R-3 residential zoning district, and said proposal has been presented to the Planning Commission of this city on September 7, 2022, in accordance with the requirements of Section 1003 of the Oakwood Zoning Ordinance; and

WHEREAS, said rezoning has been requested by the property owner in conjunction with a consolidation of the above-referenced Lot 1870 PT with adjacent Lot 1869, which is already classified in the R-3 residential zoning district, so as to join the two lots under a single zoning classification; and

WHEREAS, the Planning Commission, by a vote of 4-0 with one member absent, recommends the proposed zoning amendment, consistent with Findings of Fact that have been referred to and received by this Council; and

WHEREAS, Council has held a public hearing upon the proposal for said rezoning and has given due notice of said hearing as required by law;

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

SECTION I.

The following described real estate shall be rezoned from the R-1 residential zoning district to the R-3 residential zoning district:

(See legal description attached hereto as Exhibit A, which is incorporated by this reference;)

Montgomery County Auditor’s Permanent Parcel ID No.: Q71 00508 0023.

SECTION II.

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

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2022.

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 No. ____ of the Council of the city of Oakwood, Ohio, was passed on the ____ day of _____, 2022. That ordinance provides for the rezoning of Lot 1870PT from the R-1 zoning district to the R-3 zoning district and shall take effect as of the earliest date permitted by law. The rezoned land is further identified by Montgomery County Auditor's Permanent Parcel ID No. Q71 00508 0023.

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

Lori Stacel, Clerk of Council

EXHIBIT A

Auditor's Parcel No: Q71 00508 0023

Located in the City of Oakwood, County of Montgomery, State of Ohio, and being part of Lot 1870 of the revised and consecutive numbers of lots on the plat of said City of Oakwood, Ohio, said part of Lot 1870 being more particularly described as follows:

Beginning at a point in the west line of Rubicon Road, said point of beginning being the northeast corner of said Lot 1870, said point of beginning being also the southeast corner of Lot 1869 of the revised and consecutive numbers of lots on the plat of said City of Oakwood, Ohio; thence with the west line of said Rubicon Road in a southerly direction on a chord making an interior angle of eighty-seven degrees fifty-eight minutes ($87^{\circ} 58'$) with the north line of said Lot 1870 for sixty-two and 00/100 (62.00) feet; thence leaving the west line of said Rubicon Road making an interior angle with the last-mentioned course of ninety-seven degrees nineteen minutes fifty seconds ($97^{\circ} 19' 50''$) for one hundred thirty-eight and 28/100 (138.28) feet to the grantors present west line; thence with said line in a northerly direction making an interior angle of eighty-eight degrees twenty-four minutes fifty seconds ($88^{\circ} 24' 50''$) with the last mentioned course for seventy-five and 00/100 (75.00) feet to a point in the south line of Lot 1868 of the revised and consecutive numbers of lots on the plat of said City of Oakwood, Ohio, said point being ten and 00/100 (10.00) feet eastwardly from the northwest corner of said Lot 1870 measured along the north line of said Lot 1870; thence with the north line of said Lot 1870 and the south line of said Lots 1868 and 1869 making an interior angle of eighty-six degrees seventeen minutes twenty seconds ($86^{\circ} 17' 20''$) with the last mentioned course for one hundred forty-four and 70/100 (144.70) feet to the point of beginning containing nine thousand six hundred sixty (9,660) square feet more or less.

AN ORDINANCE

BY: _____

NO. _____

AMENDING SECTION 151.03, *DISPOSAL OF LOST, ABANDONED, STOLEN, SEIZED OR FORFEITED PROPERTY*, OF THE OAKWOOD ADMINISTRATIVE CODE TO ELIMINATE THE 60-DAY HOLDING PERIOD FOR CERTAIN TYPES OF PROPERTY AND TO PROVIDE FOR ONLINE NOTIFICATION.

WHEREAS, from time to time the Department of Public Safety takes possession of lost, abandoned, stolen, seized or forfeited property, which is then held for a period of at least 60 days prior to disposition pursuant to Section 151.03 of the Administrative Code; and

WHEREAS, the City Attorney has opined that live animals (*e.g.*, stray dogs) and perishable items recovered by the Department may fall within the application of Section 151.03, which would subject them to the 60 day holding period prior to disposition; and

WHEREAS, in order to allow for quicker disposition, Council wishes to amend Section 151.03 so as to eliminate the 60 day holding period for live animals, perishable items, and similar types of property; and

WHEREAS, Council also wishes to update the notification procedures used to inform potential owners of property in the city's custody, allowing for the use of online publication where appropriate;

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

SECTION I.

Existing Section 151.03, *Disposal of Lost, Abandoned, Stolen, Seized or Forfeited Property*, of the Oakwood Administrative Code, is hereby amended as follows, with new text shown in **bold font** and deleted material shown in strike-through font:

151.03 DISPOSAL OF LOST, ABANDONED, STOLEN, SEIZED OR FORFEITED PROPERTY.

- A. Any property that has been lost, abandoned, stolen, or lawfully seized or forfeited, and that is in the custody of the Department of Public Safety, shall be kept safely until such time as it is no longer needed as evidence or for another lawful purpose, and shall be disposed of pursuant to this section.
- B. The Department of Public Safety shall make a reasonable effort to locate the owner of property in its custody and to notify them when and where it may be claimed. If, after a period of 60 days, the department is unable to identify or locate the owner of property, or, once notified, the owner fails to claim such property **pursuant to the terms of the notice**, that property shall be considered "unclaimed property" and disposed of pursuant to this section. **The 60 day holding period shall not apply in the case of animals, perishable items, or other property similarly requiring prompt disposition.** For purposes of this section, the department will be deemed to have made a reasonable effort to locate and notify a person entitled to possession of property if one or more of the following steps are taken:
 - 1. A phone call is made to the last known phone number of the known or suspected owner of the property;
 - 2. A letter is mailed to the last known address of the known or suspected owner of the property;
 - 3. A brief investigation or inquiry is made by department employees for the purpose of locating or identifying the owner of the property;
 - 4. A notice is posted in a conspicuous **physical** location at City Hall (30 Park Avenue) and at the Oakwood Community Center (105 Patterson Road), **or online via the city's website and/or social media account(s)**, briefly describing the nature of the property in custody and inviting persons to establish their right to it.

- C. Unclaimed property in the custody of the Department of Public Safety that was found and placed into the department's custody by a person not employed by the City may be returned to the finder, provided that all of the following conditions are met:
1. The property is not a weapon, firearm or dangerous ordnance;
 2. The property is not drugs, drug paraphernalia, beer, intoxicating liquor or alcohol, obscene material, or any other dangerous or illegal material;
 3. The owner of the found property is unknown, or cannot be located, or fails to claim the property within ~~60 days~~ **the applicable holding period** after a reasonable effort to locate and notify the owner as described in section 151.03(B); and
 4. At the time the property was placed into the department's custody, the person who found the property signed an affidavit that they are the finder of the property in question, that they did not obtain the property illegally, that they have fully and truthfully informed the department of all circumstances surrounding the finding of the property, and that they desire to receive the property if it goes unclaimed by its rightful owner.
- D. A person loses any right he may have to possession of property in either of the following circumstances:
1. The property was the subject of, or was used in a conspiracy or attempt to commit or in the commission of, a criminal offense other than a traffic offense, and such person is a conspirator, accomplice, or offender with respect to the offense;
 2. Upon determination by a court of competent jurisdiction that the property should be forfeited.
- E. Unclaimed and forfeited property in the custody of the Department of Public Safety shall be sold or disposed of in the manner deemed by the City Manager to be the most practical and beneficial to the city, as described in Section 151.02(C), subject to the following exceptions:
1. Drugs shall be destroyed, or shall be placed in the custody of the Secretary of the Treasury of the United States for disposal or use for medical or scientific purposes under applicable federal law.
 2. Weapons, firearms, and dangerous ordnance suitable for police work, or which may be traded in to offset the purchase of items suitable for police work, may be retained by the department for that purpose. Weapons or firearms suitable for sporting use, or as museum pieces or collector's items, may be sold or disposed of in the manner deemed by the City Manager to be the most practical and beneficial to the city, as described in Section 151.02(C). All other weapons, firearms, and dangerous ordnance shall be destroyed.
 3. Obscene materials shall be destroyed.
 4. Beer, intoxicating liquor or alcohol seized from a person who is not the holder of a permit issued under Chapters 4301 and 4303 of the Ohio Revised Code, or from a person who is an offender and the same has been forfeited to the state under Section 4301.45 or 4501.53 of the Ohio Revised Code, shall be destroyed or turned over to the Department of Liquor Control to be sold pursuant to Section 2933.41(D)(4) of the Ohio Revised Code.
 5. Any other item of personal or real property forfeited under any law of the United States or the State of Ohio or ordinance of this city may be retained by the city for its own use.

SECTION II.

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 any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio R.C. 121.22.

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 _____, 2022.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

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

City Attorney Robert F. Jacques

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 2022 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

- 303.082 Private Tow-Away Zones. (Amended)
- 303.083 Impounding Vehicles on Public Property. (Added)

General Offenses Code

- 517.01 Gambling Definitions. (Amended)
- 517.02 Gambling. (Amended)
- 517.06 Methods of Conducting a Bingo Game; Prohibitions. (Amended)
- 517.08 Raffles. (Amended)
- 517.09 Charitable Instant Bingo Organizations. (Amended)
- 517.11 Bingo or Game of Chance Records. (Amended)
- 517.13 Bingo Exceptions. (Amended)
- 517.14 Instant Bingo Conduct by a Veteran’s or Fraternal Organization. (Amended)
- 517.16 Skill-Based Amusement Machines. (Amended)
- 517.17 Electronic Instant Bingo; Prohibited Conduct. (Added)
- 529.01 Liquor Control Definitions. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 537.19 Hazing. (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>
4959	6-6-22	549.01
4960	7-18-22	551.01 to 551.07, 551.99

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 2022 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 _____, 2022.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK: Please publish by including the 2022 Replacement Pages in the Codified Ordinances of this City.

City Attorney Robert F. Jacques

APPENDIX A

Traffic Code

- 303.082 Private Tow-Away Zones. (Amends regulations in subsection (f) for identifying the owner of a towed vehicle.)
- 303.083 Impounding Vehicles on Public Property. (Adds new section regulating vehicles left on public property.)

General Offenses Code

- 517.01 Gambling Definitions. (Expands gambling definitions.)
- 517.02 Gambling. (Corrects definition reference in subsection (a)(5)A.)
- 517.06 Methods of Conducting a Bingo Game; Prohibitions. (Adding new subsection (a)(2); renumbering old (a)(2) as (a)(3) and adding “electronic instant bingo” to that provision; amending ORC reference in subsection (c)(6); and adding “electronic instant bingo” to subsection (d)(2).)
- 517.08 Raffles. (In subsections (a)(1) and (2) changes “charitable organization” to “person or entity”.)
- 517.09 Charitable Instant Bingo Organizations. (In subsections (b)(1) and (2) adds reference to “type III license issued under Ohio R.C. 2915.08”.)
- 517.11 Bingo or Game of Chance Records. (Adds references to “electronic instant bingo” to several places in subsection (a); expands the enforcement provisions of subsections (h) and (i).)
- 517.13 Bingo Exceptions. (Amends ORC reference in subsection (a) and (a)(2)F.1.)
- 517.14 Instant Bingo Conducted by a Veteran’s or Fraternal Organization. (Adds “electronic instant bingo” to the regulations.)
- 517.16 Skill-Based Amusement Machines. (Corrects definition reference in subsection (a)(1).)
- 517.17 Electronic Instant Bingo; Prohibited Conduct. (Adds regulations for electronic instant bingo.)
- 529.01 Liquor Control Definitions. (Amends definition of “wine” to include cider, with exceptions.)
- 529.07 Open Container Prohibited. (Amends subsection (b)(2) to include reference to subsection (j). Adds new subsection (i) to exclude homemade beer or wine. Re-letters previous subsection (i) as (j).)
- 537.19 Hazing Prohibited. (Adds regulations defining and prohibiting hazing.)

A RESOLUTION

BY _____ NO _____

TO APPROVE THE CONTINUED USE OF THE 2004 COMPREHENSIVE PLAN TO GUIDE CITY POLICY AS TO LAND USE AND DEVELOPMENT.

WHEREAS, Section 713.06 of the Ohio Revised Code provides that Ohio municipalities “may frame and adopt a plan for zoning and land use;” and

WHEREAS, the city of Oakwood has adopted such a plan at several times throughout its history, initially through the city’s first comprehensive zoning ordinance adopted in 1952 (Ord. No. 1724), and subsequently through the 1989 comprehensive planning effort, the 2000 zoning ordinance rewrite (Ord. No. 4471), and the 2004 comprehensive planning effort; and

WHEREAS, both comprehensive planning efforts were accomplished via extensive study and collaboration among Comprehensive Planning Committees that included outside expert consultants as well as members of Oakwood City Council, city officials, and numerous Oakwood residents and business representatives; and

WHEREAS, those comprehensive planning efforts culminated in the publication of two documents, the 1989 Comprehensive Plan and its subsequent update known as the 2004 Comprehensive Plan, which were intended to serve as the city’s official policy guide for physical development addressing the use of land, the movement of vehicles and pedestrians, the protection of community character, and the provision of parks, schools, and other public facilities; and

WHEREAS, city staff recently reviewed the 2004 Comprehensive Plan, and progress towards the Goals and Objectives set forth therein, and presented the same in detail to the Oakwood Planning Commission at its meeting of October 5, 2022; and

WHEREAS, in reviewing the 2004 Comprehensive Plan, city staff noted that Oakwood remains landlocked and is essentially fully developed; and

WHEREAS, following the presentation, the Planning Commission adopted a motion to acknowledge and accept the report and accomplishments towards the Comprehensive Plan goals and objectives; and

WHEREAS, the Planning Commission also noted that Oakwood is a mature, established community that values its history and preservation of its stability and ambience over systematic, and/or rapid, dynamic change, and on that basis adopted a motion to recognize the 2004 Comprehensive Plan of the city of Oakwood as a document of continuing validity as the city’s official policy guide for physical development addressing the use of land, the movement of vehicles and pedestrians, the protection of community character, and the provision of parks, schools, and other public facilities; and further, to recommend that Council ratify the same prospectively, consistent with that determination; and

WHEREAS, the City Manager has reviewed the 2004 Comprehensive Plan in a presentation before Council, and having considered the same, Council wishes to accept the recommendation of the Planning Commission;

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

SECTION I.

Council hereby accepts the reported accomplishments towards the Comprehensive Plan Goals and Objectives.

SECTION II.

Council hereby concurs with the Planning Commission’s characterization of Oakwood as a mature, established community that values its history and preservation of its stability and ambience over systematic, and/or rapid, dynamic change.

SECTION III.

Council hereby ratifies and recognizes the 2004 Comprehensive Plan of the city of Oakwood, including the Vision Statement and all component parts thereof, as a document of continuing validity as the city’s official policy guide for physical development addressing the use of land, the movement of vehicles and pedestrians, the protection of community character, and the provision of parks, schools, and other public facilities.

SECTION IV.

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

ADOPTED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2022.

Mayor

ATTEST:

Clerk of Council

TO THE CLERK:

Publication of this resolution is not required.

City Attorney