

CITY OF OAKWOOD
COUNCIL AGENDA
DECEMBER 5, 2022

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF NOVEMBER 7, 2022 REGULAR SESSION, WORK SESSION & EXECUTIVE SESSION
- V. STATUS REPORTS
- VI. VISITORS
- VII. LEGISLATION
 - 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
 - An Ordinance to approve the 2023 Budget, Vice Mayor Byington
 - An Ordinance to amend the personnel schedule, Vice Mayor Byington
 - An Ordinance to amend compensation rates for Oakwood Court, Vice Mayor Byington
 - An Ordinance to amend the organization and staffing schedule, Vice Mayor Byington
 - An Ordinance to renew a Land Use Agreement, Mrs. Turben
- VIII. AN OAKWOOD MOMENT
- IX. CITY MANAGER'S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR JANUARY 9, 2023

**COMMUNITY IMPROVEMENT CORPORATION
ANNUAL TRUSTEE & ORGANIZATION MEETING**

- I. CALL TO ORDER
- II. ROLL CALL
- III. ORGANIZATION MEETING
- IV. APPROVE MINUTES OF DECEMBER 13, 2021 MEETING
- V. BUSINESS
- VI. ADJOURN

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.)

AN ORDINANCE

BY _____

NO. _____

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023.

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

SECTION I.

Council hereby accepting the submitted budget for fiscal year 2023, and desiring to provide for expenses and other expenditures of the city of Oakwood during the period commencing January 1, 2023 and ending December 31, 2023, the following sums shall be and they are hereby set aside and appropriated as follows:

Fund	Appropriation			
	Personnel	Operating	Total	
MAJOR OPERATING FUNDS				
101	General Fund:			
	Total Expenditures	\$ 8,270,137	\$ 1,504,906	\$ 9,775,043
	Total Transfers			\$ 5,041,990
	Total General Fund			<u>\$ 14,817,033</u>
220	Street Maintenance and Repair Fund			
	Total Expenditures	\$ 1,050,300	\$ 256,100	\$ 1,306,400
	Total Transfers			\$ 193,588
	Total Street Maintenance and Repair Fund			<u>\$ 1,499,988</u>
228	Leisure Activity Fund			
	Total Expenditures	\$ 833,420	\$ 485,485	\$ 1,318,905
	Total Transfers			\$ 3,800
	Total Leisure Activity Fund			<u>\$ 1,322,705</u>
230	Health Fund			
	Total Expenditures	\$ 131,590	\$ 40,775	\$ 172,365
	Total Transfers			\$ 3,800
	Total Health Fund			<u>\$ 176,165</u>
308	General Equipment Replacement Fund			
			\$ 673,500	\$ 673,500
309	Capital Improvement Fund			
			\$ 1,436,600	\$ 1,436,600
510	Sidewalk, Curb & Apron Fund			
			\$ 226,700	\$ 226,700
707	Service Center Fund			
	\$ 261,620	\$ 508,355		\$ 769,975
TOTAL MAJOR OPERATING FUNDS				<u>\$ 20,922,666</u>
OTHER FUNDS				
208	Bullock Endowment Trust Fund			
		\$ 500		\$ 500
209	MLK Community Recognition Fund			
		\$ -		\$ -
210	Special Improvement District Assessment Fund			
		\$ 122,892		\$ 122,892
211	Smith Memorial Gardens Fund			
	\$ 86,270	\$ 55,845		\$ 142,115

Fund	Appropriation		
	Personnel	Operating	Total
212	Indigent Drivers Alcohol Treatment Fund	\$ 1,500	\$ 1,500
213	Enforcement and Education Fund	\$ 1,500	\$ 1,500
214	Law Enforcement Fund	\$ 3,000	\$ 3,000
215	Drug Law Enforcement Fund	\$ -	\$ -
216	Police Pension Fund	\$ -	\$ -
217	Court Clerk Computerization Fund	\$ 8,500	\$ 8,500
218	Court Computerization Fund	\$ 9,000	\$ 9,000
219	Court Special Projects Fund	\$ 5,500	\$ 5,500
224	State Highway Improvement Fund	\$ 40,600	\$ 40,600
240	Public Safety Endowment Fund	\$ 33,000	\$ 33,000
250	Special Projects Fund	\$ -	\$ -
310	Issue 2 Capital Projects Fund	\$ -	\$ -
311	Public Facilities Fund	\$ -	\$ -
312	Local Coronavirus Relief Fund	\$ -	\$ -
313	Local Fiscal Recovery Fund	\$ 939,793	\$ 939,793
414	Bond Retirement Fund	\$ -	\$ -
508	Electric Street Lighting Fund	\$ 172,400	\$ 172,400
706	Self-Funded Insurance Trust Fund	\$ 17,500	\$ 17,500
810	Fire Insurance Trust Fund	\$ -	\$ -
811	Contractor's Permit Fee Fund	\$ 2,000	\$ 2,000
TOTAL OTHER FUNDS			<u>\$ 1,499,800</u>
REFUSE FUND			
205	Refuse Fund		
	Total Expenditures	\$ 1,055,955	\$ 1,321,355
	Total Transfers		\$ 181,180
	Total Refuse Operating Fund		<u>\$ 1,502,535</u>
206	Refuse Improvement / Equipment Replacement Fund	\$ 55,000	\$ 55,000
TOTAL REFUSE FUNDS			<u>\$ 1,557,535</u>
ENTERPRISE FUNDS			
602	Water Operating Fund		
	Total Expenditures	\$ 592,785	\$ 1,230,494
	Total Transfers		\$ 286,756
	Total Water Operating Fund		<u>\$ 1,517,250</u>
603	Water Improvement / Equipment Replacement Fund	\$ 479,500	\$ 479,500
TOTAL WATER FUNDS			<u>\$ 1,996,750</u>

Fund	Appropriation		
	Personnel	Operating	Total
607 Sanitary Sewer Operating Fund			
Total Expenditures	\$ 595,755	\$ 1,576,100	\$ 2,171,855
Total Transfers			\$ 240,886
Total Sanitary Sewer Operating Fund			<u>\$ 2,412,741</u>
608 Sanitary Sewer Improvement / Equipment Replacement Fund			
Total Expenditures		\$ 195,000	\$ 195,000
TOTAL SANITARY SEWER FUNDS			<u>\$ 2,607,741</u>
615 Stormwater Operating Fund			
Total Expenditures	\$ 202,600	\$ 120,475	\$ 323,075
Total Transfers			\$ 225,849
Total Stormwater Operating Fund			<u>\$ 548,924</u>
616 Stormwater Improvement / Equipment Replacement Fund			
Total Expenditures		\$ 1,258,601	\$ 1,258,601
TOTAL STORMWATER FUNDS			<u>\$ 1,807,525</u>
TOTAL ENTERPRISE FUNDS			<u>\$ 6,412,016</u>
TOTAL EXPENDITURES ALL FUNDS			\$ 30,392,017
TRANSFER ADJUSTMENT			<u>\$ (6,177,849)</u>
NET TOTAL EXPENDITURES			<u>\$ 24,214,168</u>

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 therefor, approved by the board or officers authorized by law to approve the same, or an ordinance or resolution 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. The appropriation for contingencies can only be expended upon approval of three-fourths (3/4ths) vote of Council for items of expense constituting a legal obligation against the City, and for purposes other than those covered by the other specific appropriations herein made.

SECTION III.

This annual appropriation ordinance shall become effective as of the first day of January, 2023, as provided by Section 6.05 of the City Charter.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD THIS 5th day of December, 2022.

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 5th day of December, 2022. Said ordinance was enacted to make appropriations for current expenses and other expenditures of the City of Oakwood, Ohio, for the period ending December 31, 2023.

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

ORDINANCE

BY: _____

NO. _____

TO REPEAL ORDINANCE NUMBER 4948 AND ESTABLISH AN AMENDED PERSONNEL SCHEDULE DATED DECEMBER 5, 2022 AND TO DECLARE AN EMERGENCY.

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

SECTION I.

Ordinance No. 4948 adopted December 13, 2021, is hereby repealed.

SECTION II.

An amended Personnel Schedule attached hereto and dated December 5, 2022, is hereby ratified, confirmed and approved. This schedule authorizes the City Manager to increase the top rates of compensation for office, management, part-time, seasonal and support employees in the amount shown on the schedule. A copy of this Personnel Schedule has been filed with the Finance Director of the city of Oakwood and is made a part of this ordinance through the doctrine of incorporation by reference.

SECTION III.

It is hereby declared that this ordinance is an emergency measure to take effect immediately on the basis that it is necessary to implement these Personnel Schedule changes and adjustments in maximum compensation as quickly as possible in order to maintain morale and promote efficiency and on the basis of the public peace, health, safety and welfare. The compensation increases for the classifications covered by the Personnel Schedule shall be effective commencing with the pay period beginning December 19, 2022 and shall remain in effect until otherwise amended.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this 5th day of December, 2022.

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

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 5th day of December, 2022. Said ordinance was enacted to ratify, confirm, and establish an amended Personnel Schedule to change certain provisions relating to maximum compensation rates and job classifications.

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

AMENDED
PERSONNEL SCHEDULE

TO: CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: COMPENSATION AND FRINGE BENEFITS FOR MANAGEMENT,
OFFICE, CLERICAL, PART-TIME, SEASONAL AND SUPPORT
PERSONNEL

DATE: December 5, 2022

This Schedule is prepared to set forth total compensation (salaries and fringe benefits) for various management, office and clerical personnel positions established within the city of Oakwood.

SALARY - TOP RATES. The figures set forth below represent top rates of annual salary and/or wage compensation. The City Manager shall have authority to create and apply, with regard to any such personnel position, various lower compensation rates and schedule of time and satisfactory performance through which an employee may progress to the top rate of annual compensation. The top rates of compensation provided for in this Personnel Schedule shall be effective commencing with the pay period beginning December 19, 2022.

MANAGEMENT PERSONNEL

City Manager	\$167,375.08
Director of Personnel and Properties.....	\$131,020.19
Public Safety Director	\$133,176.88
Director of Engineering and Public Works.....	\$131,020.19
Finance Director	\$131,020.19
Leisure Services Director	\$131,020.19
Law Director.....	\$131,020.19
Assistant Finance Director	\$89,536.10
Horticulturist.....	\$88,000.00
Leisure Services Program Supervisor	\$75,600.45
Public Safety Captain	\$123,707.36
Staff Engineer	\$105,427.43
Refuse Foreman.....	\$105,427.43
Streets Foreman	\$105,427.43
Water and Sewer Foreman	\$105,427.43
Water Plant Superintendent.....	\$105,427.43
Assistant Water Plant Superintendent	\$88,000.00
Income Tax Administrator	\$96,478.85
Code Enforcement Officer	\$81,996.06
Health Commissioner	\$5,000.00
Assistant Health Commissioner	\$1.00

OFFICE PERSONNEL

City Manager's Administrative Assistant II	\$38.62/hour
City Manager's Administrative Assistant I	\$34.32/hour
Account Clerk II	\$32.18/hour
Account Clerk I	\$26.78/hour
Department Head Administrative Assistant/Records/Administrative Clerk	\$31.89/hour
Receptionist/Clerk	\$25.74/hour

SUPPORT PERSONNEL

Custodian	\$23.49/hour
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PART-TIME CLERICAL AND SUPPORT PERSONNEL

Part-Time Income Tax Clerk.....	\$19.03/hour
Part-Time Office Assistant/Desk Monitor/Receptionist.....	\$17.84/hour
Part-Time Athletic Field Maintenance/Groundskeeper	\$16.47/hour
Part-Time City Grounds Maintenance	\$16.47/hour

TEMPORARY SEASONAL PERSONNEL

Pool Manager.....	\$16.48/hour
Intern	\$18.00/hour
Head Lifeguard	\$14.50/hour
General Maintenance including Smith Gardens	\$15.00/hour
Teen Monitor	\$11.41/hour
Facility Supervisor.....	\$11.41/hour
Lifeguard.....	\$12.50/hour
Day Camp/Recreation Leader	\$14.00/hour
Concession Worker	\$10.85/hour
Pool Desk Attendant.....	\$10.85/hour
Crossing Guard	\$60.14/day

PAY PERIODS. The City Manager shall have authority to determine the length of pay periods. All employees are currently paid on a bi-weekly basis resulting in 26 pays per calendar year. However, there is an anomaly which occurs approximately every 11 years resulting in a calendar year with 27 bi-weekly pays. During these years with 27 pays, the annual salary, vacation and sick leave accrual rates set forth herein, as well as the rates set forth in applicable labor contracts, shall be exceeded so as to accommodate the additional pay.

COMBINATION OF POSITIONS. The City Manager shall have authority to combine any of the positions referred to in this Personnel Schedule so as to reduce the work force by decreasing the number of persons employed by the City. In the event the City Manager elects to combine positions as provided herein, he or she may, if he or she so chooses, make such adjustments to the compensation to be paid in connection with the combined positions as he or she, at his or her sole discretion, deems fair and equitable.

COMPENSATION ADJUSTMENTS FOR DEPARTMENT HEADS. The City Manager, at any time and from time to time, may grant to department heads, increases in compensation in excess of the rates established herein, when he or she, at his or her sole discretion, determines that adjustments are dictated by equity. Any such adjustment shall result in increased compensation to the subject department head and shall be paid as hereafter provided. In contemplating such adjustment, the City Manager may consider the expectations and performance of the subject department head; the department head's level of compensation as it relates to compensation levels of subordinate personnel in the same department; and other factors deemed relevant by the City Manager. Any supplement to a department head's annual compensation, as provided herein, shall be by way of additional city paid compensation to designated deferred compensation plans made available by the city.

COMPENSATION ADJUSTMENTS FOR CITY MANAGER. City Council, at any time, may grant to the City Manager increases in compensation in excess of the rates established herein, when they determine that such adjustments are warranted. Any such adjustment shall result in increased compensation to the City Manager and shall be paid as hereafter provided.

TEMPORARY INCREASES IN SALARY. The City Manager is authorized to make a temporary increase in salary paid to any employee who is required to assume the duties of a higher position for an extended, but temporary, period of time (as opposed to being promoted to a higher position). This temporary addition to salary may not be greater than twenty percent (20%) of the rate of compensation paid for the lower position.

PARAMEDIC CERTIFICATION PAYMENT. In addition to annual salary compensation, an employee in the Public Safety Captain classification who holds and maintains a paramedic certification shall receive a lump sum payment of \$1,631.76. An employee who receives his/her paramedic certification during the course of a calendar year shall receive a pro-rated amount.

CLOTHING ALLOWANCE. In addition to annual salary compensation, an employee in the Public Safety Captain classification shall receive an annual lump sum clothing allowance payment of \$500 to be paid at the end of each calendar year.

FULL-TIME EMPLOYEES. These are employees scheduled to work at least 30 hours per week throughout the year. Said employees shall have all rights, benefits and obligations as determined by the Personnel Schedule and Personnel Regulations.

REGULAR PART-TIME EMPLOYEES. These are employees who normally work less than 30 hours per week and whose work is typically not seasonal in nature. Eligibility for regular part-time employees to be entitled to benefits as outlined in the Personnel Schedule or the Personnel Regulations shall be determined by the City Manager.

TEMPORARY EMPLOYEES. These are employees who work less than 1,250 hours per year. Said employees shall not be entitled to any benefits outlined in the Personnel Schedule or the Personnel Regulations, except for holidays which may occur during their employment.

SPECIAL EMPLOYEES. The City Manager is authorized to enter into agreements to hire individuals as employees so as to obtain their personal services which the City Manager determines are in the best interests of this city. Such employees shall be known as "Special Employees," whose status shall be temporary and whose term of employment shall be set by individual agreement. The compensation and benefits for such Special Employees shall be set and controlled by contractual agreements which shall be limited by budgetary authorization intended for such purposes. The city

shall make deductions from the Special Employee's pay as required by law, such as federal, state and local tax withholdings and any contributions to FICA/Medicare or the applicable State of Ohio Retirement System, that may apply.

HOLIDAYS. The City Manager may substitute holidays listed under this section, however, no additional holidays shall be granted to the personnel positions listed in this schedule. The holidays currently recognized are: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Juneteenth Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day, and the employee's birthday. Except as may be otherwise provided by law, if a holiday falls on a Saturday, the preceding Friday will instead be observed as a holiday; and where a holiday would fall on a Sunday, the following Monday will instead be observed as a holiday.

PERSONAL LEAVE. Employees in the positions covered by this Personnel Schedule shall receive three (3) days of paid personal leave annually.

SICK LEAVE. Sick leave for all personnel positions covered by this Personnel Schedule shall be accrued at a day and a quarter per month, per year, with a maximum accumulation of one hundred fifty (150) days.

MILITARY LEAVE. All full-time and regular part-time employees who are members of the Ohio National Guard, the Ohio Military Reserve, the Ohio Naval Militia, or members of other reserve components of the US Armed Forces, or are otherwise members of the uniformed services as defined by Section 5923.05 of the Ohio Revised Code, are entitled to a leave of absence to perform military duty for a period of 30 days in any calendar year ("Short-Term Military Leave"), with no requirement to apply for reinstatement thereafter.

In addition, these employees are entitled to up to 24 months of active duty leave ("Active Duty Military Leave"), subject to timely application for reinstatement thereafter. For an employee returning from uniformed service of 31 to 180 days, application for reinstatement must be made within 14 days of completing uniformed service. For an employee on leave for more than 180 days, application for reinstatement must be made within 90 days of completing uniformed service. Except where reinstatement is impossible or would impose an undue hardship on the City, an employee on leave for less than 180 days shall be reinstated into his or her former position; employees on leave in excess of 180 days may be placed in any position of equivalent status, seniority and pay.

The City Manager is authorized to adopt policies as necessary to implement the military leave set forth in this section, including but not limited to policies pertaining to employee compensation and continuation of employment benefits during an employee's military leave. Any such policies shall be consistent with the requirements of Section 5923.05 of the Ohio Revised Code and shall also ensure that eligible employees are entitled to all rights and benefits conferred by the federal Uniformed Service Employment and Reemployment Rights Act of 1994 ("USERRA").

VACATIONS. Employees in the positions covered by the Personnel Schedule receive the following annual vacations with pay:

- a. Employees who have completed a minimum of one year service, but less than six work years, shall receive twelve (12) working days of vacation.
- b. Employees who have completed six work years, but less than eleven work years, shall receive fourteen (14) working days of vacation.
- c. Employees who have completed eleven work years, but less than sixteen work years, shall receive eighteen (18) working days of vacation.
- d. Employees who have completed sixteen work years, but less than twenty work years, shall receive twenty (20) working days of vacation.
- e. Employees who have completed twenty work years, but less than twenty-five work years, shall receive twenty-two (22) working days of vacation.
- f. Employees who have completed twenty-five work years or more shall receive twenty-five (25) working days of vacation.

- g. Every employee shall be entitled to one additional day of vacation for each three days of unused sick leave that employee may have accumulated in excess of ninety days. This exchange of sick leave for vacation leave shall be limited to a maximum of five additional vacation days for any work year. The additional vacation leave obtained through this type of exchange must be used during the work year in which the exchange is made, except that up to two such additional vacation days may be accumulated so as to be carried forward to a succeeding year.

VACATION ACCUMULATION. The City Manager is hereby authorized to establish a regulation limiting the amount of vacation time an employee may accumulate. In so doing, the City Manager may distinguish between various employee classifications.

VACATION CONVERSION. Prior to September 30th of each year, the City Manager shall be permitted to convert to cash up to twenty-two (22) but not less than five (5) days of accumulated vacation. Department heads may be permitted to convert up to fourteen (14) but not less than five (5) days of accumulated vacation upon written approval of the City Manager. The classifications of Assistant Finance Director, Income Tax Administrator, and Public Safety Captain may be permitted to convert up to eight (8) but not less than five (5) days of accumulated vacation upon written approval of the City Manager. In order to be eligible to convert vacation, the employee must meet certain performance standards which are to include, as a minimum, but not exclusively, better than satisfactory work toward completion of organization work goals and objectives and the discrete and conservative use of sick leave. The City Manager is authorized to promulgate such performance criteria and to approve such buy backs if, in his or her opinion, such criteria have been met. Under special circumstances, the City Manager may permit eligible employees to convert additional accumulated vacation over and above the maximum number of days enumerated above, and allow vacation conversion for other salaried employees in special circumstances, subject to the same performance standards outlined above. Any decision on vacation conversion by the City Manager shall be his or her exclusive management right and shall be final. Since vacation conversion is compensation to the employee, it shall be subject to all of the applicable rules and provisions relative to the Ohio Public Employees Retirement System and the Ohio Police and Fire Pension Fund.

RETIREMENT OR DEATH. The following provision shall apply concerning the conversion of sick leave unused at the time of retirement or death into pay:

- a. If the employee has accumulated sick leave of between sixty and one hundred twenty days, he or she, or their beneficiary will be compensated for accumulated sick leave at the time of retirement or death upon the basis of one day's pay for every three days of sick leave.
- b. If the employee has accumulated over one hundred twenty days of sick leave, he or she, or their beneficiary will be compensated at retirement or death at one day's pay for each two days of sick leave.

MANAGEMENT BANQUET - CLERICAL AND OFFICE LUNCHEON - COFFEE. The council may from time to time, elect to give a Management Banquet for its management personnel and guests. The City Manager is authorized to furnish coffee or other amenities, from time to time, for office use at the location designated by him or her; and is also authorized to furnish a special luncheon for the office personnel, from time to time.

AUTOMOBILES. In the event a City employee must use his or her personal vehicle in the conduct of official City business, the employee shall receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for each mile driven while engaged in such official business provided, however, that:

- a. The employee has prior permission of his or her respective department head to utilize his or her personal vehicle; and
- b. Requests for reimbursement are filed on a monthly basis, not later than the last working day of each month. If, however, an employee's official business necessitates his or her absence from the City at month's end, he or she may file his or her reimbursement request immediately upon his or her return.

The City Manager, at his or her sole discretion, shall have the right to promulgate rules and regulations relating to the use of both City vehicles and employees' personal vehicles on City business. The City

Manager may also designate those employees who are subject to said rules and regulations and may determine which employees are authorized for personal use of city vehicles.

JOB SPECIFICATIONS AND DUTIES. All compensation and fringe benefits referred to in this Schedule shall be paid and granted upon the basis of each employee performing the duties described in the job specification for each position, as those specifications may be amended from time to time, and in accordance with applicable state and federal requirements. Should an employee be hired with exceptional or professional skills, compensation paid to the employee may be increased by authorization from the City Manager.

DEFERRED COMPENSATION. The City is hereby authorized to enter into deferred compensation plans for any of its management, office, and clerical personnel. As additional compensation to the City Manager, the City Council may approve the payment of deferred compensation annually to the Ohio Public Employees Deferred Compensation Program.

CONTRACT PERSONNEL AS OPPOSED TO CITY EMPLOYEES. The City Manager is authorized to fill any of the positions listed in this Personnel Schedule by contract, as opposed to using employees of this City. When this occurs, the term of that contract will apply, up to the maximum allowed by this Schedule.

EMPLOYEE ASSISTANCE PROGRAM. The City Manager may enter into an agreement with a private institution to provide support services to employees to include alcohol and drug rehabilitation, family counseling, retirement planning, etc. The cost of such services may be paid for by the City or the employee as determined by the City Manager.

SECTION 125 BENEFIT PROGRAM. The City Manager is hereby authorized to make available to all eligible employees a Section 125 Benefit Program commonly referred to as a Cafeteria Benefit Plan. The benefits provided under such a plan shall be determined by the City Manager upon consultation with City Council.

SICK LEAVE DONATION PROGRAM. The City Manager is hereby authorized to establish a sick leave donation program for full-time and permanent part-time employees. This program will be available to qualified employees, consistent with regulations adopted by the City Manager, and under those circumstances in which other available leave benefits have been exhausted.

HEALTH CARE, VISION AND DENTAL INSURANCE COVERAGE. All full-time city employees shall have access to health, dental and vision insurance:

- a. Health insurance coverage for inpatient and outpatient services, preventative services, physician/office services, hospice, home health care, diagnostic services, emergency and urgent care, mental health and substance abuse services, and prescription drug coverage. Such healthcare coverage may be provided through a High Deductible Health Plan with a Health Savings Account (HSA) or a Health Reimbursement Account (HRA) for employees who do not qualify for an HSA. The city may contribute to an employee's HSA and HRA an annual amount as determined by the City Manager
- b. Dental insurance.
- c. Vision care coverage to include an annual eye exam and partial payment for ophthalmic lenses, contact lenses and frames.

The City Manager is hereby authorized to adopt a policy requiring employees eligible for health and dental insurance to contribute towards a portion of the costs of the monthly premiums for said health and dental insurance coverage.

City Council members shall also be eligible to be covered by the city's health, vision, and dental programs provided, however, that participation shall be at the election of the City Council member who shall bear the full cost of the monthly premium.

PAYMENT IN LIEU OF HEALTH INSURANCE. Any employee eligible for health insurance benefits and who elects not to enroll in the city's health insurance plan and signs a form as required by the AFFORDABLE CARE ACT that he/she is covered under another health insurance plan, shall be entitled to compensation equal to 25% of the annual insurance premium which would have been paid by the city on behalf of the employee. In order to qualify, an employee must be eligible at the

start of the benefit year and may not be enrolled in the city's health insurance plan during any portion of the benefit year. Payment under this program shall be made at the conclusion of the benefit year.

LIFE INSURANCE. Except under medical or other exceptional circumstances which make the purchase of life insurance benefits impracticable, management personnel shall receive the following types of life insurance coverage.

a. Forty thousand dollar (\$40,000) term life insurance for each person holding a management position, and

b. Additional life insurance in the following amounts:

City Manager	\$200,000
Department Heads and Public Safety Captains	\$100,000
Assistant Finance Director, Leisure Services Program Supervisor, Horticulturist, Staff Engineer, Refuse Foreman, Streets Foreman, Water and Sewer Foreman, Water Plant Superintendent, Assistant Water Plant Superintendent, Income Tax Administrator, and Code Enforcement Officer	\$75,000

The reference to dollar amounts of life insurance coverage shall not preclude the purchase of additional life insurance and related products, including but not limited to annuity investments, to enhance the current life insurance program for management personnel. If an employee retires from city service and is immediately eligible to receive retirement benefits, the employee shall have the option to: 1) receive any cash values that may have accumulated on his or her behalf; 2) convert the benefits under the terms and conditions of the policy; or, 3) continue the existing benefits as his or her own policy.

Office personnel, and clerical and support personnel shall be provided with \$40,000 term life insurance for each person holding such a position.

Except as may be otherwise provided in an applicable collective bargaining agreement, all life insurance referred to in this Personnel Schedule shall be provided six months after the date of hiring, with the City Manager to have authority to direct that it be provided at an earlier date within those first six months through a written memorandum to the Personnel Officer and the Finance Director.

I hereby certify that this Amended Personnel Schedule is a true and correct compilation of the Personnel Schedule and all amendments thereto previously enacted by the Council for the city of Oakwood.

NORBERT S. KLOPSCH, CITY MANAGER

DATE: December 5, 2022

AN ORDINANCE

BY: _____ NO. _____

TO SET THE MAXIMUM COMPENSATION OF THE OAKWOOD MUNICIPAL COURT CLERK, DEPUTY CLERK OF COURT, AND BAILIFF, AND TO DECLARE AN EMERGENCY.

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

SECTION I.

Ordinance No. 4949 adopted December 13, 2021 is hereby repealed.

SECTION II.

The maximum annual salary for the Clerk of the city of Oakwood Municipal Court shall be \$62,662.07. The top rate of pay for the Bailiff of the Oakwood Municipal Court shall be \$646.33 per month. In accordance with O.R.C. 1901.31 (C) (3), three-fifths of the annual compensation for these positions shall be paid from the treasury of this City and two-fifths from the treasury of Montgomery County.

SECTION III.

The top rate of pay for the Deputy Clerk of Court shall be \$54,689.42.

SECTION IV.

The hourly rate for the part-time Probation Officer shall be \$25.59.

SECTION V.

The foregoing maximum annual salaries shall be effective with the pay period beginning December 19, 2022.

SECTION VI.

It is hereby declared that this ordinance is an emergency measure to take effect immediately on the basis that it is necessary to authorize such compensation as quickly as possible for the protection of morale among the court personnel and on the basis of preservation of the public peace, health, safety and welfare.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, the _____ 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 under the heading Legal Notice.

City Attorney Robert F. Jacques

LEGAL NOTICE

Ordinance No. _____ of the Council of the City of Oakwood, Ohio was passed on the 5th day of December, 2022. Said ordinance was enacted to determine the compensation of the Municipal Court employees, and to declare an emergency.

By order of the Council of the City of Oakwood, Ohio.

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

ORDINANCE

BY: _____

NO. _____

TO ESTABLISH AN AMENDMENT TO THE ORGANIZATION AND STAFFING SCHEDULE FOR THE PURPOSE OF CREATING THE CLASSIFICATION OF ASSISTANT WATER PLANT SUPERINTENDENT; ELIMINATING THE WATER PLANT TECHNICIAN CLASSIFICATION; AMENDING THE NUMBER OF AUTHORIZED POSITIONS FOR THE WATER AND SEWER TECHNICIAN CLASSIFICATION FROM ONE TO TWO; AMENDING THE NUMBER OF AUTHORIZED POSITIONS FOR THE GENERAL SERVICE WORKER CLASSIFICATION FROM THIRTEEN TO FOURTEEN; CLARIFYING TITLES FOR OTHER CLASSIFICATIONS; AND DECLARING AN EMERGENCY.

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

SECTION I.

This Council hereby ratifies, confirms and establishes an amendment dated the 5th day of December, 2022 to the Organization & Staffing Schedule, copies of which are being made a part of this ordinance as Exhibit A through the doctrine of incorporation by reference. This amendment shall supersede and replace any prior Organization & Staffing Schedule adopted by this Council. The purpose of this amendment is to create the classification of Assistant Water Plant Superintendent; to eliminate the Water Plant Technician classification; to amend the number of authorized positions for the Water and Sewer Technician classification and the General Service Worker classification; and to make miscellaneous clarifications to titles for other classifications.

SECTION II.

This Ordinance is hereby declared to be an emergency measure and as such shall take effect immediately on the basis that it is necessary to maintain morale and to promote efficiency, and on the basis of preservation of the public peace, health, safety and welfare.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, the ____ 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 under the heading Legal Notice.

City Attorney Robert F. Jacques

LEGAL NOTICE

On December 5, 2022, the Council of the City of Oakwood, Montgomery County, Ohio adopted Ordinance No. _____ entitled, "AN ORDINANCE TO ESTABLISH AN AMENDMENT TO THE ORGANIZATION AND STAFFING SCHEDULE."

By order of the Council of the City of Oakwood, Ohio.

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

EXHIBIT A
AMENDED ORGANIZATION AND STAFFING SCHEDULE

Number of Authorized
Positions for each
Classification

December 5, 2022

Title of Each Position

	<u>Council</u>
1	Mayor
4	Members of Council
	<u>Administrative Staff</u>
1	City Manager
1	Director of Personnel and Properties
1	City Manager's Administrative Assistant II*
1	City Manager's Administrative Assistant I
1	Receptionist/Clerk
	<u>Public Safety</u>
1	Public Safety Director
2	Captain
4	Lieutenant
22	Public Safety Officer
4	Dispatcher
2	Part-time Dispatcher
4	School Crossing Guard
1	Records/Administrative Clerk
	<u>Engineering & Public Works</u>
1	Director of Engineering and Public Works
1	Staff Engineer
1	Water Plant Superintendent
1	Water and Sewer Foreman
1	Refuse Foreman
1	Streets Foreman
1	Assistant Water Plant Superintendent
4	Maintenance Worker
14	General Service Worker
2	Water & Sewer Technician
2	Truck Driver I
2	Refuse Collection Driver III
1	Motor Equipment Mechanic II
1	Motor Equipment Mechanic I
1	Department Head Administrative Assistant
3	Part-Time Laborer
	<u>Public Finance/Income Tax</u>
1	Finance Director
1	Assistant Finance Director
1	Income Tax Administrator
2	Account Clerk II
1	Account Clerk I
1	Part-Time Account Clerk
	<u>Health Functions</u>
1	Health Commissioner
1	Assistant Health Commissioner
1	Environmental Health Director (Sanitarian)
1	Code Enforcement Officer
	<u>Municipal Court</u>
1	Judge
1	Clerk of Court**
1	Deputy Clerk of Court**
1	Bailiff**

	<u>Law Department</u>
1	Law Director
	<u>Leisure Services</u>
1	Leisure Services Director
2	Leisure Services Program Supervisor
1	Department Head Administrative Assistant
3	Part-Time Clerk Typist/Office Assistant I
1	Horticulturist
1	Custodian
1	Part-Time Athletic Field Maintenance/Groundskeeper
4	Part-Time City Grounds Maintenance

* Also serves as Clerk of Council

** May also serve as Probation Officer, as directed by Judge

The City Manager is hereby authorized to revise any of the above position titles, add new positions and to create the titles for them and to hire up to the maximum number of positions for each classification as authorized herein.

The City Manager is further authorized to transfer persons from one position to another, to combine one or more positions, and is authorized to fill temporary seasonal positions and to hire up through five (5) additional full-time or part-time employees as long as such new hirings do not exceed budgeted personnel costs approved by this Council.

Any position titles that have formerly been a part of the organization of the City of Oakwood but that are not set forth above in this Schedule are hereby deemed to have been abolished.

I hereby certify that this Organization and Staffing Schedule is a complete and correct presentation of the authorized employment positions in the City of Oakwood.

Norbert S. Klopsch, City Manager

APPROVED:

Mayor, City of Oakwood

AN ORDINANCE

BY: _____ NO. _____

AUTHORIZING THE RENEWAL OF A LAND LEASE AGREEMENT WITH THE ENTERPRISE ROOFING AND SHEET METAL CO., INC., AND IRVING COMMONS ASSOCIATION.

WHEREAS, as part of its water production and distribution system, the city of Oakwood owns certain land within the city of Dayton; and

WHEREAS, a portion of said land, identified as Lot No. 61449 of the revised and consecutive lots on the plat of the city of Dayton, is occupied below-grade by Oakwood’s sub-surface water distribution infrastructure, and above-grade by the Enterprise Roofing and Sheet Metal Company and the Irving Commons Association, who use it for parking purposes pursuant to a lease agreement with the city of Oakwood; and

WHEREAS, the current lease agreement among the parties has expired and Council desires to authorize its renewal on substantially similar terms as the previous lease;

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

SECTION I.

The City Manager is hereby authorized to lease the real property described on the attached Exhibit A, which is incorporated by this reference, to the Enterprise Roofing and Sheet Metal Co., Inc., and the Irving Commons Association, on substantially similar terms and conditions as the previous lease, such new lease agreement to be effective retroactive to the date of expiration thereof.

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. The ordinance authorizes the City Manager to renew an existing land lease agreement with the Enterprise Roofing and Sheet Metal Co., Inc., and the Irving Commons Association, and shall take effect as of the earliest date permitted by law.

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"

A description of the property subject to this Lease by and between City of Oakwood, Lessor and Enterprise Roofing & Sheet Metal, Co., Inc. and Irving Commons Association jointly is set forth below

**0.355 ACRE STRIP OF LAND 33 FEET WIDE
BETWEEN IRVING AVE. & CONRAIL CORPORATION**

Situated in the City of Dayton, Montgomery County, Ohio and being all of Lot Number 61449 of the revised and consecutive numbers of lots on the plat of the City of Dayton said Lot 61449 also being the North part of a 33 x 660 foot strip of land described in Volume 324 page 165 of the records of said Montgomery County, Ohio and being more particularly described as follows:

Beginning at an iron pin in an asphalt drive on the south right of way of Irving Avenue (30 feet from center) said iron pin also being at the northwest corner of Lot Number 61450 of said revised and consecutive lot numbers; thence along the west line of said lot 61450 and lot 61451 South 06 degrees 14 minutes 02 seconds West 418.55 feet to a point; thence along the arc of a curve to the left having a radius of 514.08 for a distance of 85.60, the chord of said curve bears South 13 degrees 35 minutes 08 seconds East 85.50 feet to a point on the east right of way line of lands conveyed to the Conrail Corporation (formerly C.L.&N. Railroad) by deed recorded in MF 77-560A01 of the records of said Montgomery County, Ohio; thence along said railroad right of way along the arc of a curve to the left having a radius of 2367.01 feet for a distance of 93.76 feet, the chord of said curve bears North 35 degrees 09 minutes 17 seconds West 93.76 feet to a point at the southeast corner of Lot 61448 of said revised and consecutive lot numbers; thence along the east line of said lot 61449 North 06 degrees 14 minutes 02 seconds East 434.06 feet to a point on the south right of way line of Irving Avenue and the Northeast corner of lot 61448; thence along said south right of way line South 85 degrees 10 minutes 33 seconds East 19.73 feet to an iron pin in an asphalt drive; thence continuing along said right of way line South 59 degrees 48 minutes 00 seconds East 14.53 feet to the place of beginning containing acres more or less, and subject to all legal easements record.

Deed References: Volume 24 Page 165, MF 77560A01, Volume 250
Page 245.

Surveyed by: John J. Beals, Ohio Registered Surveyor No.
5312, December 7, 1978.