

CITY OF OAKWOOD  
COUNCIL AGENDA  
AUGUST 1, 2022

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF JULY 18, 2022 REGULAR SESSION AND WORK SESSION
- V. STATUS REPORTS
  - Proclamation recognizing The Oakwood Club for 60 great years
  - Proclamation recognizing Laura Hart and family
- VI. VISITORS
- VII. LEGISLATION
  - A Resolution to apply for Amendment 2 funds, Vice Mayor Byington
  - An Ordinance to establish a new fund known as the OneOhio Fund, Vice Mayor Byington
  - A Resolution and public hearing to consider a zoning appeal filed by Insomnia Cookies regarding extended operating hours, Vice Mayor Byington
- VIII. STAFF REPORT – DIRECTOR OF PUBLIC SAFETY
- IX. AN OAKWOOD MOMENT
- X. CITY MANAGER’S REPORT
- XI. COUNCIL COMMENTS
- XII. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR SEPTEMBER 19, 2022

A RESOLUTION

BY \_\_\_\_\_ NO \_\_\_\_\_

TO AUTHORIZE AND DIRECT THE CITY MANAGER TO APPLY FOR AMENDMENT 2 GRANT FUNDS IN CONNECTION WITH THE FAR HILLS STORM SEWER RECONSTRUCTION PROJECT; AND TO PROVIDE SUCH RELATED INFORMATION AS MAY BE REQUESTED BY THE DISTRICT 4 PUBLIC WORKS INTEGRATING COMMITTEE OR BY THE OHIO PUBLIC WORKS COMMISSION, DIRECTOR OF ADMINISTRATORS.

WHEREAS, in 1987, voters of Ohio passed Amendment 2, an amendment to Article VIII of the Ohio Constitution, which authorized the State of Ohio to issue bonds for the purpose of financing or assisting local governments in financing public infrastructure capital improvements; and

WHEREAS, as authorized by Amendment 2, the 117<sup>th</sup> General Assembly adopted Amended Substitute House Bill 704, which established the State Capital Improvement Program and enabled its implementation by the Ohio Public Works Commission (OPWC), and the same has been renewed in 1995, 2005, and 2014 and remains in effect as the primary state program to assist with local infrastructure improvements; and

WHEREAS, it is the intent of the city of Oakwood to apply for Amendment 2 funds for Public Infrastructure Capital Improvements in connection with the planned Far Hills Storm Sewer Reconstruction Project; and

WHEREAS, the Far Hills Storm Sewer Reconstruction Project is considered to be a priority need for the community and for persons traveling along State Route 48 (Far Hills Avenue) through Oakwood, and is a qualified project under the terms of this OPWC program;

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

SECTION I.

The City Manager is hereby authorized and directed to submit an Application for Financial Assistance for the City of Oakwood Far Hills Avenue Storm Sewer Reconstruction Project, a Capital Improvement Project as defined in Section 164.01(A) of the Ohio Revised Code; to provide such information as may be requested by the District 4 Public Works Integrating Committee or by the Ohio Public Works Commission, Director of Administrators; and to execute such contracts and agreements as may be necessary and appropriate to implement this project.

SECTION II.

The City of Oakwood hereby declares that it will make available matching funds as may be required under the terms of any grant awarded pursuant to this resolution, and commits to including these funds in the City Budget for the year of the grant award.

SECTION III.

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 §121.22, 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

AN ORDINANCE

BY: \_\_\_\_\_

NO. \_\_\_\_\_

TO CREATE A FUND WITHIN THE FISCAL RECORDS OF THIS CITY TO BE KNOWN AS THE ONEOHIO FUND; AND TO DECLARE AN EMERGENCY.

WHEREAS, on September 20, 2021, Council adopted Resolution No. 1888 to ratify and confirm the city’s participation in the OneOhio Memorandum of Understanding (“MOU”), which governs the terms of a statewide settlement with certain distributors of opioid pharmaceuticals; and

WHEREAS, pursuant to the terms of the OneOhio MOU, the city will receive Local Government Settlement Funds of approximately \$5,000 to \$7,500 per year for 18 years, starting with a payment in calendar year 2022 that was recently received; and

WHEREAS, pursuant to recent guidance from the Ohio Auditor of State, Bulletin 2022-003, the city is required to separately account for its Local Government Settlement Funds in a new segregated fund to be established in the city’s accounting records and known as the “OneOhio Fund” (Fund 221), which fund may be established by local legislative action without requiring approval from the Auditor of State; and

WHEREAS, Council finds it necessary and desirable to establish such a fund;

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

SECTION I.

Through this ordinance a new fund entitled the OneOhio Fund is created.

SECTION II.

The Director of Finance is hereby authorized and directed to take such actions as may be necessary to enter the same upon the fiscal records of this city, and to utilize the same immediately for the purposes provided by law, provided that Local Government Settlement Funds credited to said fund shall only be used for approved purposes pursuant to the OneOhio MOU ratified and approved by Resolution No. 1888.

SECTION III.

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 create the new fund immediately because the first payment of Local Government Settlement Funds has already been received, and on the further basis of protection of the public peace, health, safety and welfare.

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 in the summary form set forth on the following page:

LEGAL NOTICE

On \_\_\_\_\_, the Council of the City of Oakwood, Montgomery County, Ohio, adopted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE TO CREATE A FUND WITHIN THE FISCAL RECORDS OF THIS CITY TO BE KNOWN AS THE ONEOHIO FUND; AND TO DECLARE AN EMERGENCY."

Lori Stacel, Clerk of Council, City of Oakwood

\_\_\_\_\_  
City Attorney Robert Jacques

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 \_\_\_\_\_, a newspaper of general circulation in said city and that the publication occurred on the following date:\_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

A RESOLUTION

BY: \_\_\_\_\_

NO. \_\_\_\_\_

(AFFIRMING OVERRIDING) THE DECISION OF THE PLANNING COMMISSION WITH RESPECT TO APPLICATION 22-3, BEING A SPECIAL USE REQUEST BY INSOMNIA COOKIES FOR EXTENDED OPERATING HOURS AT 6 OAKWOOD AVENUE, UNIT C.

WHEREAS, Insomnia Cookies opened in May 2022 as a permitted business use (bakery) located at 6 Oakwood Avenue, Unit C, which is within the zoning district known as the Neighborhood Business District (NBD); and

WHEREAS, pursuant to the Oakwood Zoning Code, permitted operating hours within the NBD are 7:00 a.m. to 9:00 p.m., unless otherwise authorized by Special Use permit; and

WHEREAS, in April 2022, prior to opening for business, Insomnia Cookies submitted Application 22-3 to request a Special Use permit for extended operating hours, specifically, to remain open until 2:00 a.m.; and

WHEREAS, a duly-noticed public hearing on this matter was held by the Planning Commission on May 4, 2022, and having carefully considered the matter in light of the Special Use standards set forth in Section 1004.6 of the Zoning Code, the Planning Commission determined that while the proposed hours did not pose neighborhood compatibility issues with respect to the business' architecture/aesthetics, utilities, parking/loading facilities, or likely traffic patterns, the requested late-night hours were a significant deviation from hours that currently exist in the NBD and were inconsistent with the residential uses and character of the surrounding neighborhood; and

WHEREAS, the Planning Commission noted that one existing business in the 6 Oakwood Avenue retail center, Firehouse Subs, has been granted a Special Use permit for extended hours until 10:00 p.m. on Friday and Saturday nights only, and determined that allowing the same hours for Insomnia Cookies would not have an adverse effect on the surrounding neighborhood; and

WHEREAS, by a vote of 4-0 with one member absent, the Planning Commission voted to approve Application 22-3 with conditions, to wit: Insomnia Cookies's request for extended hours was approved on the condition that such extension would only apply on Friday and Saturday nights, and only until 10:00 p.m.; and

WHEREAS, on May 19, 2022, Insomnia Cookies filed a written notice of its intent to appeal the Planning Commission's decision to Council, and subsequently filed a timely appeal brief on June 2, 2022; and

WHEREAS, on August 1, 2022, Council held a duly-noticed public hearing upon the matter, and heard testimony both for and against Application 22-3, and evaluated the same in light of the Special Use standards set forth in Section 1004.6 of the Zoning Code, and by a vote of \_\_\_\_\_ with one (1) member recusing himself, finds that the Planning Commission's decision is:

- AFFIRMED; or
- OVERRIDDEN, as set forth below;

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

SECTION I.

The foregoing recitations, and any additional facts set forth in this Section, are hereby adopted as Council's findings of fact with regard to Special Use Application 22-3:

(Additional facts, if any:) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Mayor William D. Duncan

ATTEST:

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Clerk of Council

TO THE CLERK:

No publication is required.

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City Attorney Robert F. Jacques