

CITY OF OAKWOOD
COUNCIL AGENDA
DECEMBER 4, 2023

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF NOVEMBER 6 REGULAR SESSION, WORK SESSION & EXECUTIVE SESSION
- V. STATUS REPORTS
 - PSO Swear-in
- VI. VISITORS
- VII. LEGISLATION
 - An Ordinance to increase the water and sanitary sewer rates, Mrs. Turben
 - An Ordinance to place a property tax issue on the March 19, 2024 ballot, Vice Mayor Byington
 - An Ordinance to approve the 2024 Budget, Vice Mayor Byington
 - An Ordinance to approve updates to the Traffic and General Offenses Codes, Mr. Stephens
 - 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 provide a supplemental appropriation for the Far Hills Resurfacing Project, Vice Mayor Byington
 - A Resolution to proceed with the 2024 ODOT resurfacing project on Far Hills Avenue, Mr. Stephens
- VIII. STAFF REPORT
- IX. CITY MANAGER'S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR JANUARY 2, 2024

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. ORGANIZATION MEETING
- IV. APPROVE MINUTES OF DECEMBER 5, 2022 MEETINGS
- V. BUSINESS
- VI. ADJOURN

AN ORDINANCE

BY: _____ NO. _____

AN ORDINANCE TO AMEND “APPENDIX A – PUBLIC SERVICES RATE SHEET” OF THE OAKWOOD STREETS AND PUBLIC SERVICES CODE TO INCREASE THE WATER SERVICE RATES AND THE SANITARY SEWER UTILITY RATES.

WHEREAS, the City of Oakwood operates three (3) enterprise utility services (water, sanitary sewer, and stormwater) and one (1) quasi-utility service (refuse), for a total of four (4) city services (collectively, “city utilities”), each of which is supported primarily by user fees and not by general tax revenues; and

WHEREAS, as enterprise utility operations, all costs of the Sanitary Sewer Utility and Water Utility are built into the rates charged to Oakwood residents for those services; and

WHEREAS, for its Sanitary Sewer Utility, the city of Oakwood incurs outside costs because it contracts for the use of sewer pipes and wastewater treatment infrastructure operated by the city of Dayton and by Montgomery County; and

WHEREAS, the costs of city personnel and infrastructure maintenance account for approximately 37% of Sanitary Sewer Utility rates charged to Oakwood residents, while the outside costs of contracting services from the city of Dayton and Montgomery County account for approximately 63% of those rates; and

WHEREAS, Oakwood has absorbed sanitary sewer rate increases by Dayton and Montgomery County since 2018 and expects additional increases in both 2024 and 2025; and

WHEREAS, the City Manager has determined that the Sanitary Sewer Utility cannot sustain further increases in these outside costs without an adjustment to Oakwood’s rate, and has proposed an increase to the Sanitary Sewer Utility base rates including both the minimum use charges and the standard consumption rates; and

WHEREAS, in addition, the City Manager has determined that the Water Utility rates must also be increased, including both the minimum use charges and the standard consumption rates, in order to meet operational and anticipated capital needs; and

WHEREAS, rates were last increased for water in 2017 and for sanitary sewer services in 2018; and

WHEREAS, the City Manager presented the recommended rate increases to the citizen Budget Review Committee (“BRC”) as part of the 2023 budget briefings on September 12, 2023 and on October 17, 2023; and

WHEREAS, Council, based on the positive response from the BRC and its own study of the matter, finds that the recommended changes are justified and necessary, and will benefit the general health, safety and welfare of the citizens of Oakwood, and desires to implement the same;

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

SECTION I.

Appendix A to the Streets and Public Services Code, which is incorporated by reference in the ordinances governing the city’s water, sanitary sewer, stormwater, and refuse utility programs, is hereby amended as shown on the attached exhibit to reflect increases in the minimum use charges and the standard consumption rates for both water and sanitary sewer utilities.

SECTION II.

The rate increases set forth herein shall be effective as of January 1, 2024.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of Council and any of its committees that resulted in that formal action were in meetings open to the public to the extent required by law.

SECTION IV.

This ordinance, as an ordinance to raise revenue, shall take effect upon passage as provided by Section 3.04 of the City Charter.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of December, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

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

City Attorney Robert F. Jacques

APPENDIX A -- PUBLIC SERVICES RATE SHEET

WATER UTILITY RATES

RATES FOR WATER INSIDE THE CITY

1. Minimum charge per month according to size of meter:

5/8" or smaller	15.00	2"	81.17
3/4"	18.65	3"	162.33
1"	29.30	4"	244.79
1 1/2"	48.72	6"	421.70

2. Consumption rate, per 100 cu.ft. 2.64

All bills due by last day of month. THEREAFTER a 10% charge on past due amount.
 1 1/2% per month interest begins 30 days after due date.

RATES FOR WATER OUTSIDE THE CITY

Including \$0.10 per hundred cu. ft. Well Field Protection Fee and \$1.321 fixed fee

1. Minimum charge per month according to size of meter:

5/8" or smaller	33.50	2"	142.70
3/4"	39.51	3"	276.59
1"	57.11	4"	412.59
1 1/2"	89.12	6"	704.55

2. Consumption rate, per 100 cu.ft. 4.50

HYDRANTS

1. Fire hydrants inside city per month, per hydrant 12.50
2. Fire hydrants outside city per month, per hydrant 25.00

FIRE LINES

For the furnishing of water service to fire lines within the boundaries of the City of Oakwood, the rates shall be \$21.00 per month, and for the furnishing of water service to fire lines beyond the boundaries of the City of Oakwood, the rate shall be \$31.50 per month.

SANITARY SEWAGE RATES

1. Minimum charge per month according to size of meter:

<u>Meter Size</u>	<u>Inside City Rates</u>	<u>Outside City Rates</u> <u>(25% surcharge)</u>
5/8" or 3/4"	26.50	33.13
1"	27.21	34.01
1 1/2"	27.91	34.90
2"	28.49	35.61
3"	29.34	36.66
4"	30.04	37.55
6"	30.99	38.75

2. Consumption rate, per 100 cu.ft. 4.409 5.511

MONTHLY REFUSE COLLECTION & DISPOSAL RATES

SINGLE FAMILY HOME	30.00
DUPLEX	60.00
TRIPLEX	90.00
FOUR-UNIT	120.00
MORE THAN FOUR UNITS	30.00 per unit

MONTHLY STORMWATER MANAGEMENT RATES

SINGLE FAMILY HOME	10.00
DUPLEX	10.00
TRIPLEX	10.00
EQUIVALENT RESIDENTIAL UNIT (ERU) 3,403 sq.ft.	
FOUR OR MORE UNITS, or COMMERCIAL	

Formula: (Impervious area in sq.ft. / ERU) rounded to nearest whole number x 10.00

AN ORDINANCE

BY: VICE MAYOR BYINGTON NO. _____

PROVIDING FOR AN ELECTION ON THE QUESTION OF A TAX LEVY IN EXCESS OF THE TEN-MILL LIMITATION FOR CURRENT EXPENSES AND THE GENERAL OPERATION OF THE CITY.

WHEREAS, Council of the city of Oakwood has previously declared the necessity of a tax levy in excess of the ten-mill limitation for the purpose of meeting current expenses for the general operation of the city’s governmental services, and has requested that the county auditor certify the total current tax valuation of the subdivision, and the number of mills for each one dollar of taxable value necessary to generate a specified amount of revenue; and

WHEREAS, having received the county auditor’s certification, Council desires to proceed with placing the matter on the ballot for the next special election;

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

SECTION I.

That pursuant to the provisions of Section 5705.03 of the Revised Code, Council hereby declares that the amount of taxes which may be raised within the 10-mill limitation will be insufficient to meet the current expenses for the general operation of the city’s governmental services, and hereby determines to proceed with submitting the question of an additional tax levy to the electors of the city of Oakwood as set forth herein.

SECTION II.

The question of an additional levy of 2.41 mills for the purpose of meeting current expenses for the general operation of the city’s governmental services for a period of five (5) years beginning with the tax list and duplicate for tax year 2024, the proceeds of which first would be available to the city in calendar year 2025, shall be submitted under the provisions of Section 5705.19(A) of the Revised Code to the electors of the city at the election to be held on the 19th day of March, 2024, as authorized by law. Said election shall be held at the regular places of voting in said District as established by the Montgomery County Board of Elections, or otherwise, within the times provided by law, and shall be conducted, canvassed and certified in the manner provided by law. If a majority of the voters voting thereon vote in favor thereof, said levy will be first placed on the tax list and duplicate for the tax year 2024 for collection in calendar year 2025.

SECTION III.

The form of the ballot to be cast at the election on the question of this tax levy shall be substantially as follows:

PROPOSED TAX LEVY
CITY OF OAKWOOD

A majority affirmative vote is necessary for passage.

An additional tax for the benefit of the city of Oakwood for the purpose of meeting current expenses, that the county auditor estimates will collect \$1,137,224 annually, at a rate not exceeding 2.41 mills for each \$1 of taxable value, which amounts to \$84 for each \$100,000 of the county auditor’s appraised value, for a period of five (5) years, commencing in 2024 and first due in calendar year 2025.

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

SECTION IV.

The Clerk of this Council is hereby authorized and directed to certify a copy of this ordinance, along with the county auditor’s certification of valuation and a copy of Resolution No. 1915, to the Montgomery County Board of Elections not later than December 20, 2023, and to provide any other notice of said election as provided by law.

SECTION V.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of

its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VI.

This ordinance shall take effect and be in full force immediately upon its passage, as provided by Section 3.04 of the City Charter.

PASSED BY COUNCIL this 4th day of December, 2023.

MAYOR WILLIAM D. DUNCAN

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please certify a copy of this ordinance, together with the Montgomery County Auditor’s certification of valuation and a copy of Resolution No. 1915, to the Montgomery County Board of Elections.

Please also publish in the following summary form:

LEGAL NOTICE

On December 4, 2023, the Council of the City of Oakwood, Montgomery County, Ohio adopted Ordinance No. _____ entitled “AN ORDINANCE PROVIDING FOR AN ELECTION ON THE QUESTION OF AN ADDITIONAL TAX LEVY IN EXCESS OF THE TEN-MILL LIMITATION FOR CURRENT EXPENSES AND THE GENERAL OPERATION OF THE CITY.”

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, do hereby certify that the foregoing summary form was duly published in the Oakwood Register, a newspaper of general circulation in the said City of Oakwood, and that said publication occurred on the following date:

Lori Stacel, Clerk of Council

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, 2024.

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 2024, and desiring to provide for expenses and other expenditures of the city of Oakwood during the period commencing January 1, 2024 and ending December 31, 2024, 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	\$ 8,895,327	\$ 1,698,912	\$ 10,594,239
	Total Transfers			\$ 3,907,501
	Total General Fund			<u>\$ 14,501,740</u>
220	Street Maintenance and Repair Fund			
	Total Expenditures	\$ 1,069,805	\$ 284,110	\$ 1,353,915
	Total Transfers			\$ 206,922
	Total Street Maintenance and Repair Fund			<u>\$ 1,560,837</u>
228	Leisure Activity Fund			
	Total Expenditures	\$ 837,642	\$ 517,900	\$ 1,355,542
	Total Transfers			\$ 4,010
	Total Leisure Activity Fund			<u>\$ 1,359,552</u>
230	Health Fund			
	Total Expenditures	\$ 172,917	\$ 40,775	\$ 213,692
	Total Transfers			\$ 4,010
	Total Health Fund			<u>\$ 217,702</u>
308	General Equipment Replacement Fund			
			\$ 754,500	\$ 754,500
309	Capital Improvement Fund			
			\$ 2,229,900	\$ 2,229,900
510	Sidewalk, Curb & Apron Fund			
			\$ 201,700	\$ 201,700
707	Service Center Fund			
	\$ 278,560	\$ 543,155		\$ 821,715
TOTAL MAJOR OPERATING FUNDS				<u>\$ 21,647,646</u>
OTHER FUNDS				
208	Bullock Endowment Trust Fund			
			\$ 500	\$ 500
209	MLK Community Recognition Fund			
			\$ -	\$ -
210	Special Improvement District Assessment Fund			
			\$ 117,306	\$ 117,306
211	Smith Memorial Gardens Fund			
	\$ 83,600	\$ 69,650		\$ 153,250

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	\$ 10,500	\$ 10,500
215	Drug Law Enforcement Fund	\$ -	\$ -
216	Police Pension Fund	\$ -	\$ -
217	Court Clerk Computerization Fund	\$ 8,500	\$ 8,500
218	Court Computerization Fund	\$ 9,500	\$ 9,500
219	Court Special Projects Fund	\$ 28,500	\$ 28,500
221	OneOhio	\$ -	\$ -
224	State Highway Improvement Fund	\$ 47,600	\$ 47,600
240	Public Safety Endowment Fund	\$ 30,500	\$ 30,500
250	Special Projects Fund	\$ -	\$ -
310	Issue 2 Capital Projects Fund	\$ -	\$ -
311	Public Facilities Fund	\$ -	\$ -
312	Local Coronavirus Relief Fund	\$ -	\$ -
313	Local Fiscal Recovery Fund	\$ -	\$ -
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			\$ 601,056
REFUSE FUND			
205	Refuse Fund		
	Total Expenditures	\$ 1,128,515	\$ 1,400,330
	Total Transfers		\$ 240,138
	Total Refuse Operating Fund		<u>\$ 1,640,468</u>
206	Refuse Improvement / Equipment Replacement Fund	\$ 140,000	\$ 140,000
TOTAL REFUSE FUNDS			\$ 1,780,468
ENTERPRISE FUNDS			
602	Water Operating Fund		
	Total Expenditures	\$ 644,855	\$ 1,316,004
	Total Transfers		\$ 618,072
	Total Water Operating Fund		<u>\$ 1,934,076</u>
603	Water Improvement / Equipment Replacement Fund	\$ 631,000	\$ 631,000
TOTAL WATER FUNDS			\$ 2,565,076

Fund	Appropriation		
	Personnel	Operating	Total
607 Sanitary Sewer Operating Fund			
Total Expenditures	\$ 595,230	\$ 1,772,000	\$ 2,367,230
Total Transfers			\$ 344,109
Total Sanitary Sewer Operating Fund			<u>\$ 2,711,339</u>
608 Sanitary Sewer Improvement / Equipment Replacement Fund			
Total Expenditures		\$ 428,700	\$ 428,700
TOTAL SANITARY SEWER FUNDS			<u>\$ 3,140,039</u>
615 Stormwater Operating Fund			
Total Expenditures	\$ 201,145	\$ 127,975	\$ 329,120
Total Transfers			\$ 277,806
Total Stormwater Operating Fund			<u>\$ 606,926</u>
616 Stormwater Improvement / Equipment Replacement Fund			
Total Expenditures		\$ 280,000	\$ 280,000
TOTAL STORMWATER FUNDS			<u>\$ 886,926</u>
TOTAL ENTERPRISE FUNDS			<u>\$ 6,592,041</u>
TOTAL EXPENDITURES ALL FUNDS			\$ 30,621,211
TRANSFER ADJUSTMENT			<u>\$ (5,602,568)</u>
NET TOTAL EXPENDITURES			<u>\$ 25,018,643</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, 2024, as provided by Section 6.05 of the City Charter.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD THIS 4th day of December, 2023.

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 4th day of December, 2023. 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, 2024.

LORI STACEL,
CLERK OF COUNCIL

City Attorney Robert F. Jacques

CERTIFICATION OF PUBLICATION

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

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: _____

NO. _____

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 2023 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

- 303.081 Impounding Vehicles on Private Residential or Agricultural Property. (Amended)
- 303.082 Private Tow-Away Zones. (Amended)
- 303.083 Impounding Vehicles on Public Property. (Amended)
- 303.991 Committing an Offense While Distracted Penalty. (Amended)
- 331.35 Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion. (Amended)
- 333.01 OVI; Willful Misconduct; Speed. (Amended)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
- 333.11 Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)
- 335.07 Driving Under Suspension or License Restriction. (Amended)
- 335.071 Driving Under OVI Suspension. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
- 335.073 Driving Without Complying With License Reinstatement Requirements. (Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended)
- 337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)
- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
- 337.22 Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)
- 341.01 Commercial Drivers Definitions. (Amended)
- 351.20 Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)

General Offenses Code

- 501.01 General Provisions and Penalty Definitions. (Amended)
- 501.99 Penalties for Misdemeanors. (Amended)
- 505.071 Cruelty to Companion Animals. (Amended)
- 505.14 Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amended)
- 509.04 Disturbing a Lawful Meeting. (Amended)
- 509.14 Impeding Public Passage of an Emergency Service Responder. (Added)
- 517.08 Raffles. (Amended)
- 521.18 Spreading Contagion. (Added)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
- 529.02 Sales to and Use By Underage Persons; Securing Public Accommodations. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.01 Obscenity and Sex Offenses Definitions. (Amended)
- 533.06 Voyeurism. (Amended)
- 533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)
- 537.03 Assault. (Amended)
- 537.06 Menacing. (Amended)
- 537.07 Endangering Children. (Amended)
- 537.15 Temporary Protection Order. (Amended)
- 545.05 Misdemeanor Theft. (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>
	None	

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 2023 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 is hereby declared to be an emergency measure and as such takes effect immediately on the basis that it is necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current replacement pages to the Traffic and General Offenses Codes to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD THIS _____ day of _____, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK: Please publish by including the 2023 Replacement Pages in the Codified Ordinances of this City.

City Attorney Robert F. Jacques

APPENDIX A

Traffic Code

- 303.081 Impounding Vehicles on Private Residential or Agricultural Property. (Amends “Chief of Police” to more general “chief of a law enforcement agency”.)
- 303.082 Private Tow-Away Zones. (Amends “Chief of Police” to more general “chief of a law enforcement agency”.)
- 303.083 Impounding Vehicles on Public Property. (Amends “Chief of Police” to more general “chief of a law enforcement agency”.)
- 303.991(a)(1)A. Committing an Offense While Distracted Penalty. (Amends definition of “distracted”.)
- 331.35 Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion. (Expands regulations to include fifth wheel vehicles.)
- 333.01 OVI; Willful Misconduct; Speed. (Amends restrictions for driving under the influence.)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Adds exception to subsection (j)(2).)
- 333.11 Electronic Wireless Communication Device Use Prohibited While Driving. (Adds new State regulations from SB 288.)
- 335.07(i) Driving Under Suspension or License Restriction. (Adds affirmative defense for emergencies.)
- 335.071(i) Driving Under OVI Suspension. (Adds affirmative defense for emergencies.)
- 335.072(f) Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Adds affirmative defense for emergencies.)
- 335.073(d) Driving Without Complying With License Reinstatement Requirements. (Adds affirmative defense for emergencies.)
- 335.074(d) Driving Under License Forfeiture or Child Support Suspension. (Adds affirmative defense for emergencies.)
- 337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Adds definitions, clarifies regulations generally, and for specific slow-moving vehicles, farm machinery, agricultural tractors and animal-drawn vehicles.)
- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amends regulations for flashing lights in subsections (c) and (d).)
- 337.22 Windshield and Windshield Wiper; Sign or Poster Thereon. (Adds “vehicle safety technology” to electronic device exceptions for windshields.)
- 341.01 Commercial Drivers Definitions. (Adds “harmful intoxicant” to definition of “drug of abuse”.)
- 351.20 Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Expands regulations for accessible parking.)

General Offenses Code

- 501.01 General Provisions and Penalty Definitions. (Adds ORC references to subsection (i), and amends ORC reference in subsection (k)(6).)
- 501.99(a) Penalties for Misdemeanors. (Amends regulations for victim restitution.)
- 505.071 Cruelty to Companion Animals. (Amends definitions and treatment of companion animals.)
- 505.14 Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amends the number of poultry.)
- 509.04 Disturbing a Lawful Meeting. (Expands violations. Adds virtual meeting regulations and definitions.)
- 509.14 Impeding Public Passage of an Emergency Service Responder. (Adds prohibition for obstructing emergency service responder.)

- 517.08 Raffles. (Amends exemptions for charitable raffle drawings.)
- 521.18 Spreading Contagion. (Adds restrictions on spreading contagion.)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amends reference to “persons with drug dependencies”.)
- 525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amends the application/definition of a “person who is blind, deaf or hearing impaired” or “a person with a mobility impairment”.)
- 529.02 Sales to and Use by Underage Persons; Securing Public Accommodations. (Amends subsection (i) to reflect new M3 penalty for violations of ORC 4301.69(E)(1) which is our subsection (e).)
- 529.07 Open Container Prohibited. (Adds 2 permit designations: D-9 and A-2f.)
- 533.01 Obscenity and Sex Offenses Definitions. (Adds two definitions.)
- 533.06 Voyeurism. (Amends to include place where person has a reasonable expectation of privacy.)
- 533.08 Procuring; Engagement in Sexual Activity for Hire. (Expands regulations for engagement in sexual activity for hire.)
- 537.03(c)(10) Unlawful Restraint. (Amends ORC reference.)
- 537.03(c)(11) Unlawful Restraint. (Adds prosecution for violation provisions.)
- 537.03(d) Unlawful Restraint. (Adds definitions (21) to (26).)
- 537.06 Menacing. (Adds additional restrictions on menacing. Adds emergency service responders.)
- 537.07 Endangering Children. (Changes reference to a “child with a mental or physical disability”.)
- 537.15 Temporary Protection Order. (Removes provision for payment of indigent electronic monitoring device from state fund.)
- 545.05 Petty Theft. (Changes “petty theft” to “misdemeanor theft”.)

AN ORDINANCE

BY: _____

NO. _____

TO REPEAL ORDINANCE NUMBER 4968 AND ESTABLISH AN AMENDED PERSONNEL SCHEDULE DATED DECEMBER 4, 2023, AND TO DECLARE AN EMERGENCY.

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

SECTION I.

Ordinance No. 4968 adopted December 5, 2022 is hereby repealed.

SECTION II.

An amended Personnel Schedule attached hereto and dated December 4, 2023, 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 18, 2023, and shall remain in effect until otherwise amended.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this 4th day of December, 2023.

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 4th day of December, 2023. 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 4, 2023

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 the top rates of annual salary and/or wage compensation. The City Manager shall have the authority to create and apply, with regard to any such personnel position, various lower compensation rates, 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 18, 2023.

MANAGEMENT PERSONNEL

City Manager	\$172,312.65
Public Safety Director	\$137,105.59
Public Works Director	\$134,885.29
Finance Director	\$134,885.29
Leisure Services Director	\$134,885.29
Law Director	\$134,885.29
City Engineer	\$134,885.29
Public Safety Captain	\$127,356.73
Refuse Foreman	\$108,537.54
Streets Foreman	\$108,537.54
Public Works Foreman/Inspector/Engineering Tech	\$108,537.54
Water Plant Superintendent/Water & Sewer Foreman	\$108,537.54
Income Tax Administrator	\$99,324.98
Human Resources Manager	\$94,714.00
Planning & Zoning Manager	\$94,714.00
Assistant Finance Director	\$92,177.41
Horticulturist	\$90,596.00
Assistant Water Plant Superintendent	\$90,596.00
Leisure Services Program Supervisor	\$77,830.66
Health Commissioner	\$5,000.00

OFFICE PERSONNEL

City Manager's Administrative Assistant/Clerk of Council.....	\$39.76/hour
HR Administrative Assistant.....	\$35.33/hour
Accounting Specialist II.....	\$35.33/hour
Department Head Administrative Assistant/Records/Administrative Clerk.....	\$32.84/hour
Accounting Specialist I.....	\$27.57/hour
Receptionist/Clerk.....	\$26.50/hour

SUPPORT PERSONNEL

Custodian.....	\$24.18/hour
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PART-TIME CLERICAL AND SUPPORT PERSONNEL

Part-Time Code Enforcement Officer.....	\$26.50/hour
Part-Time Records/Administrative Clerk.....	\$26.50/hour
Part-Time Income Tax Clerk.....	\$19.59/hour
Part-Time Office Assistant/Desk Monitor/Receptionist.....	\$18.37/hour
Part-Time Athletic Field Maintenance/Groundskeeper.....	\$16.96/hour
Part-Time City Grounds Maintenance/Laborer.....	\$16.96/hour

TEMPORARY SEASONAL PERSONNEL

Intern.....	\$18.53/hour
Pool Manager.....	\$16.97/hour
Head Lifeguard.....	\$14.93/hour
Landscaping and Boulevard Maintenance including Smith Gardens.....	\$15.44/hour
Laborer.....	\$15.44/hour
Head Lifeguard.....	\$14.93/hour
Day Camp/Recreation Leader.....	\$14.41/hour
Lifeguard.....	\$12.87/hour
Teen Monitor.....	\$11.75/hour
Facility Supervisor.....	\$11.75/hour
Concession Worker.....	\$11.23/hour
Pool Desk Attendant.....	\$11.23/hour
Crossing Guard.....	\$61.91/day

PAY PERIODS. The City Manager shall have the authority to determine the length of pay periods. All employees are paid bi-weekly, resulting in 26 pays per calendar year. However, an anomaly 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 to accommodate the additional pay.

COMBINATION OF POSITIONS. The City Manager shall have the authority to combine any of the positions referred to in this Personnel Schedule so as to reduce the workforce 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 working twenty-nine (29) hours or fewer per week on a year-round basis. 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 the full-time 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. These amounts shall be pro-rated for regular part-time employees based upon their hours of work.

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, an application for reinstatement must be made within 14 days of completing uniformed service. For an employee on leave for more than 180 days, an 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 full-time positions covered by the Personnel Schedule receive the following annual vacations with pay, and such amounts shall be pro-rated for regular part-time employees based upon their hours of work:

- a. Employees who have completed a minimum of one year of 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 the 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, Public Safety Captain, Planning & Zoning Manager, and Human Resources Manager 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 buybacks 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 from 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 the 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 the 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, Refuse Foreman, Streets Foreman, Public Works Foreman/Inspector/Engineering Tech, Water and Sewer Foreman/Water Plant Superintendent, Assistant Water Plant Superintendent, Income Tax Administrator, Human Resources Manager and Planning & Zoning Manager	\$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 the 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:

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. 4969 adopted December 5, 2022, is hereby repealed.

SECTION II.

The maximum annual salary for the Clerk of the city of Oakwood Municipal Court shall be \$64,510.60. The top rate of pay for the Bailiff of the Oakwood Municipal Court shall be \$665.40 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 \$56,302.76.

SECTION IV.

The hourly rate for the part-time Probation Officer shall be \$26.34

SECTION V.

The foregoing maximum annual salaries shall be effective with the pay period beginning December 18, 2023.

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 _____, 2023.

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 4th day of December, 2023. 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

AN ORDINANCE

BY: _____

NO. _____

AN ORDINANCE TO ESTABLISH AN AMENDMENT TO THE ORGANIZATION AND STAFFING SCHEDULE FOR THE PURPOSE OF CREATING THE CLASSIFICATIONS OF CITY ENGINEER, HUMAN RESOURCES MANAGER, AND PLANNING AND ZONING MANAGER ELIMINATING THE STAFF ENGINEER AND DIRECTOR OF PROPERTIES AND PERSONNEL CLASSIFICATIONS; CLARIFYING TITLES FOR OTHER CLASSIFICATIONS FOR CITY’S OPERATIONAL NEEDS; 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 4th day of December, 2023 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 classifications of City Engineer, Human Resources Manager, and Planning and Zoning Manager; to eliminate the Staff Engineer and Director of Properties and Personnel classifications; 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 _____, 2023.

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 4, 2023, 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 4, 2023

Title of Each Position

	<u>Council</u>
1	Mayor
4	Members of Council
	<u>Administrative Staff</u>
1	City Manager
1	Human Resources Manager
1	Planning & Zoning Manager
1	City Manager's Administrative Assistant /Clerk of Council
1	Human Resources Administrative Assistant
1	Receptionist/Clerk
	<u>Public Safety</u>
1	Public Safety Director
2	Captain
4	Lieutenant
22	Public Safety Officer
4	Dispatcher
1	Part-time Dispatcher
4	School Crossing Guard (3 Substitutes)
1	Records/Administrative Clerk
1	Part-Time Records/Administrative Clerk
	<u>Engineering & Public Works</u>
1	Public Works Director
1	City Engineer
1	Water Plant Superintendent/Water and Sewer Foreman
1	Public Works Foreman/Inspector/Engineering Tech
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	Accounting Specialist II
1	Accounting Specialist I
1	Part-Time Account Clerk
	<u>Health Functions</u>
1	Health Commissioner
1	Part-Time 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
4	Part-Time Office Assistant/Desk Monitor/Receptionist
1	Horticulturist
1	Custodian
1	Part-Time Athletic Field Maintenance/Groundskeeper
4	Part-Time City Grounds Maintenance/Laborer

* 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 create the titles for them, and 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 hire up to five (5) additional full-time or part-time employees as long as such new hiring does 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. _____

TO AMEND SECTION I, 2023 ORIGINAL APPROPRIATION ORDINANCE NO. 4967, AND ANY EXISTING SUPPLEMENTS THERETO, TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$140,000 TO BE EXPENDED FROM THE CAPITAL IMPROVEMENT FUND FOR ADDITIONAL COSTS FOR THE 2024 FAR HILLS RESURFACING PROJECT; AND
2. AN AMOUNT OF \$140,000 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, 2023.

WHEREAS, Council previously adopted Resolution No. 1904 to authorize the city’s cooperation with the Ohio Department of Transportation (ODOT) in connection with the 2024 resurfacing of State Route 48, also known as Far Hills Avenue; and

WHEREAS, 80% of the project is funded by ODOT, with the remaining 20% to be paid by the city as a local match contribution to the project; and

WHEREAS, based upon ODOT’s preliminary cost estimate for the project, Council originally appropriated \$220,000.00 to be expended as the city’s local match contribution, but due to inflation and other market factors, the final cost is expected to exceed the preliminary estimate such that the city’s local match portion may approach \$360,000.00; and

WHEREAS, Council finds it necessary to appropriate the additional \$140,000.00 for this project to ensure that it can proceed as scheduled;

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, 2023 and ending December 31, 2023, 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	<u>Appropriation</u>	
101 General Fund	\$6,100,890	\$6,240,890
309 Capital Improvement Fund	\$1,486,600	\$1,626,600

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 4th day of December, 2023.

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 4th day of December, 2023. Said ordinance was enacted to make a supplemental appropriation for current expenses of the city of Oakwood, Ohio, for the period ending December 31, 2023.

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

A RESOLUTION

BY: _____

NO. _____

TO PROCEED WITH THE 2024 RESURFACING OF FAR HILLS AVENUE (STATE ROUTE 48) IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT).

WHEREAS, on the 6th day of February 2023, the City of Oakwood, Ohio, hereinafter referred to as the Legislative Authority Local Public Agency or "LPA," enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of improvements to Far Hills Avenue (S.R. 48) from the South corporation limit (S.L.M 8.67) to the North corporation limit (S.L.M. 10.88), including pavement planing, pavement repair and patching, resurfacing, and pavement markings, lying within the City of Oakwood; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Three Hundred Thirty-Two Thousand Eight Hundred Forty and 00/100 Dollars (\$332,840.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement;

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

SECTION I.

That the estimated sum of Three Hundred Thirty-Two Thousand Eight Hundred Forty and 00/100 Dollars (\$332,840.00) having been duly appropriated for the improvement described above, the fiscal officer is hereby authorized and directed to issue payment for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. The city of Oakwood hereby agrees to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

PID No. 108888

SECTION II.

That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

SECTION III.

That the LPA shall enter into a contract with the State, and that the City Manager be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

SECTION IV.

That the LPA transmit to the Director of Transportation a certified copy of this Resolution.

SECTION V.

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 meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

SECTION VI.

This Resolution shall become effective at the earliest date allowed by law.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD this _____ day of _____, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:
Publication is not required.

City Attorney Robert F. Jacques