

CITY OF OAKWOOD  
COUNCIL AGENDA  
JANUARY 2, 2024

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. ORGANIZATION MEETING
  - Swear in Re-elected Council Members
  - Swear in Newly-elected Council Member
  - Election of Mayor
  - Election of Vice Mayor
- V. MINUTES OF DECEMBER 4 REGULAR SESSION, WORK SESSION & EXECUTIVE SESSION
- VI. STATUS REPORTS
  - Council Committee Assignments
- VII. VISITORS
  - State Representative Andrea White
  - Holiday Decorating Awards
- VIII. LEGISLATION
  - A Resolution recognizing Anne Hilton, Mayor Duncan
  - An Ordinance imposing a 1-year moratorium on Marijuana in Oakwood, Vice Mayor Byington
  - An Ordinance authorizing the sale of 1313 Far Hills Avenue, Vice Mayor Byington
- IX. STAFF REPORT – NONE
- X. AN OAKWOOD MOMENT
- XI. CITY MANAGER’S REPORT
- XII. COUNCIL COMMENTS
- XIII. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR FEBRUARY 5, 2024



WHEREAS, during her service on City Council, Anne was always a staunch supporter of projects and programs that improved the environment and living conditions for all citizens in Oakwood and in the Miami Valley; and

WHEREAS, Anne always made decisions that recognized the reality and necessity of change yet stressed the importance of retaining the charm and storied history of our unique community; and

WHEREAS, during her public service career Anne was a responsible guardian of the public checkbook and participated in the operation and adoption of 14 annual city budgets, and consistently attended regular meetings with the citizen’s Budget Review Committee (BRC); and

WHEREAS, throughout her entire public service career, Anne respected the Council-Manager form of government prescribed by Oakwood City Charter and was a stalwart advocate for empowering and supporting city staff.

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

SECTION I.

The Council of the city of Oakwood accords special public recognition to Anne Hilton for her 14 years of exemplary service as a member of the City Council of the city of Oakwood.

SECTION II.

Fellow members of Council, members of the city staff, and all Oakwood residents will miss the special way in which Anne Hilton made every citizen feel they were an important part of the community.

SECTION III.

Through this resolution the City Council hereby declares and expresses sincere gratitude and appreciation of the citizens, public officials, and employees of the city of Oakwood for the 14 years of dedicated public service that Anne Hilton has rendered to this community.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD this 2<sup>nd</sup> day of January, 2024.

_____ William D. Duncan Mayor	_____ Steven Byington Vice Mayor	_____ Robert P. Stephens Member of Council
_____ Leigh Turben Member of Council	_____ Healy Jackson Member of Council	_____ Norbert S. Klopsch City Manager

AN ORDINANCE

BY: \_\_\_\_\_ NO. \_\_\_\_\_

IMPOSING AN IMMEDIATE MORATORIUM ON THE ISSUANCE AND PROCESSING OF ANY PERMITS RELATING TO RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF ADULT USE MARIJUANA; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 adopting proposed legislation authorizing the cultivation, sale and use of marijuana products for recreational purposes; and

WHEREAS, pursuant to the operation of Article II, Section 1(b) of the Ohio Constitution, the proposed legislation now approved by Ohio voters has been incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and became effective on December 7, 2023, with no further action required by the Ohio General Assembly (the “Act”); and

WHEREAS, since the passage of Issue 2, members of the Ohio General Assembly have expressed an intention to amend the Act but have not yet clarified whether and/or how the Act will be repealed, modified, or materially altered; and

WHEREAS, Section 3780.03 of the Act provides that a newly created “Division of Cannabis” shall adopt rules establishing standards and procedures for the implementation of the adult use marijuana program, including licensing requirements for cultivators, processors, and retailers; and

WHEREAS, the Act, as currently constituted, provides the Division of Cannabis a period of nine months after December 7, 2023 to implement rules and regulations regarding the adult use marijuana program; and

WHEREAS, Council intends to adopt legislation that provides for the orderly implementation of adult use cannabis in the City consistent with State laws and regulations; and

WHEREAS, pursuant to the Ohio Constitution and local ordinances, Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, at least until such time as regulations are adopted, the amendments to the Act are adopted and the City has had an opportunity to study the foregoing, Council has determined it to be in the best interests of the public health, safety, and welfare to impose an immediate moratorium on any cultivation, processing, or retail dispensing of marijuana for adult use business purposes in any form within the city of Oakwood, except as required by the Act;

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

SECTION I.

Except as required by the Act, Council hereby imposes an immediate moratorium on the issuance and processing of any permits for cultivators, processors, and retail dispensaries of adult use marijuana as defined in Sections 3780.01 through 3780.99 of the Ohio Revised Code.

SECTION II.

The purpose of this moratorium is to allow city staff and Council to consider amendments to pertinent Codified Ordinances, including the Oakwood Zoning Code, to prepare regulations which may be necessary, and to determine where, whether, and how to allow, limit or prohibit cultivators, processors, and retail dispensaries in the city.

SECTION III.

Council hereby directs and orders that no permits for cultivators, processors or retail dispensaries of adult use marijuana shall be issued or processed by the city during the moratorium, including but not limited to any zoning certificate, except as may be required by the Act.

SECTION IV.

The moratorium shall be in effect for a period of one (1) year beginning from the effective date of this Ordinance, or until changes are enacted and take legal effect to amend the Codified Ordinances of the City of Oakwood to address these issues, or until Council enacts legislation explicitly revoking this moratorium and the same takes legal effect, whichever occurs first.

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 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 VI.

This ordinance is hereby declared to be an emergency measure and as such takes effect immediately on the basis that it is necessary to avoid any practical or legal entanglements that may arise during the developmental roll-out of the State of Ohio's adult use marijuana program, and on the further basis that doing so will promote the immediate preservation of the public peace, health and safety of the City and its inhabitants.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this \_\_\_ day of \_\_\_\_\_, 2024.

---

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 \_\_\_\_\_ day of \_\_\_\_\_, 2024. Said ordinance was enacted as an emergency measure to provide for a moratorium on the issuance of permits relating to retail dispensaries, cultivators, and processors of adult use marijuana.

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. \_\_\_\_\_

TO AUTHORIZE THE DISPOSITION OF CERTAIN REAL PROPERTY WHEN NO LONGER NEEDED FOR MUNICIPAL PURPOSES.

WHEREAS, pursuant to Ordinance No. 4912, adopted April 6, 2020, the city acquired a parcel of real estate located at 1313 Far Hills Avenue (the "Property") and subsequently demolished the single-family home thereon in order to facilitate a major capital improvement known as the 2023 Far Hills Storm Sewer Reconstruction Project (the "Project"); and

WHEREAS, the Project was specifically engineered and designed in such a way as to ensure that the Property could be utilized for the construction of a new single-family home upon its completion; and

WHEREAS, upon conclusion of the Project, Council intends to sell the Property in order to (1) partially recoup the public funds invested in its acquisition and demolition, and (2) ensure that it is returned to single-family use, which is the highest and best use for this residential location;

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

SECTION I.

Pursuant to Section 151.02(B), it is hereby found and determined that the real property located at 1313 Far Hills Avenue is no longer needed for municipal purposes, with the exception of a utility easement that shall be retained over the location of a storm sewer pipe installed as part of said Project, such determination to take effect upon conclusion of the 2023 Far Hills Storm Sewer Reconstruction Project. A copy of the legal description for said real estate is attached as Exhibit A and is hereby incorporated by this reference.

SECTION II.

At such time as Section I shall take effect, the City Manager is hereby authorized and directed to offer and sell the real property described on Exhibit A upon such terms and conditions as, in his managerial judgment, are deemed to be the most practical and beneficial to the city, provided that in doing so, he shall be guided by the fair-market value as determined by a licensed appraiser or realtor, and shall retain for the city an appropriate utility easement for the future maintenance and replacement of the storm sewer pipe installed upon the property.

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 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 IV.

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

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
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 \_\_\_\_ day of \_\_\_\_\_, 2024. Said ordinance was enacted to provide for the disposition of a parcel of real property when no longer needed for municipal purposes.

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**

**For APN/Parcel ID(s): Q71-00807-0006 and Q71-00807-0007**

---

Situate in the City of Oakwood, County of Montgomery and State of Ohio, and being Lot Numbered Three Thousand Three Hundred Fifty Three (3353) excepting ten (10) feet taken by parallel lines of the south side, and Lot Numbered Three Thousand Three Hundred Fifty Four (3354) of the consecutive numbers of lots on the plat of the said City of Oakwood, Ohio.

**KARL KEITH**  
**COUNTY AUDITOR**  
**MONTGOMERY COUNTY DAYTON, OHIO**  
DESCRIPTION APPROVED FOR  
STRAIGHT TRANSFER CLOSURE.  
NOT CHECKED  
BY MMQ DATE 4/29/2020  
MAP/DEPARTMENT