

A RESOLUTION

BY: _____

NO. _____

TO GRANT PARTIAL APPROVAL OF AN AMENDMENT TO THE MASTER PLAN FOR THE SUGAR CAMP AND POINTE OAKWOOD DEVELOPMENT, AFFECTING SIGNAGE FOR THE ELEMENT OAKWOOD CONDOMINIUMS AT 300 AND 310 OLD RIVER TRAIL.

WHEREAS, on April 23, 2007, Council passed a resolution granting approval of the Special Use Applications filed by Oakwood Investment Group (“OIG”) and the Versant Group for a Planned Development of the 36+ acres encompassing Sugar Camp and the surrounding undeveloped land (the “Master Plan”); and

WHEREAS, that original Master Plan provided for the redevelopment of four major buildings in the NCR Sugar Camp campus, to be known as the Sugar Camp Commercial Development; and development of the surrounding undeveloped land as the Pointe Oakwood Residential Development, to include: construction of single-family residences in the southeast portion thereof, with attached residence units near the corner along Far Hills Avenue and West Schantz Avenue; a professional building on the northeast corner; and four mid-rise (4-story) condominium buildings arranged on a private circle just west of the intersection of Pointe Oakwood Way and Old River Trail; and

WHEREAS, since the original Master Plan was approved in 2007, several modifications to the Master Plan were approved by the City, including but not limited to the approval of Element Oakwood (formerly known as The Trails), an 84 unit condominium complex currently being constructed along Old River Trail at the northwest end of the Pointe Oakwood residential development; and

WHEREAS, when the construction of Element Oakwood was approved in 2017, it was understood that the developer would make a separate application for approval of a signage plan when the condominiums were nearing completion; and

WHEREAS, Element Oakwood has submitted Application 19-4 for a special use/Master Plan amendment pertaining to a total of four signs, including:

- One (1) wall-mounted sign on 300 Old River Trail;
- One (1) wall-mounted sign on 310 Old River Trail;
- One (1) monument sign in front of 300 Old River Trail, adjacent to the driveway entrance to Element Oakwood; and
- One (1) monument sign in the landscaping island at the intersection of Old River Trail and Ascent Circle; and

WHEREAS, a duly-noticed public hearing on this matter was held by the Planning Commission on July 3, 2019, and having carefully considered the matter, the Planning Commission determined that three (3) of the four (4) proposed signs are consistent with the recommendations set forth in the 2004 NCR Sugar Camp Subarea Plan Site Development Alternatives and Guidelines, the 2004 Comprehensive Plan and the 1997 Subarea Plan, as well as the special use standards set forth in Section 1004.6 of the Zoning Code, and by a vote of 4-0 with one (1) member recusing himself, the Planning Commission recommended approval of the first three (3) signs but declined to recommend approval of the monument sign at the intersection of Old River Trail and Ascent Circle; and

WHEREAS, on August 5, 2019, Council held a duly-noticed public hearing upon the matter, and heard testimony both for and against Application 19-4, and finds that the Planning Commission’s recommendation is well-taken; and

WHEREAS, Council further finds that three (3) of the four (4) proposed signs are, with conditions imposed below, if any, consistent with the recommendations set forth in the 2004 NCR Sugar Camp Subarea Plan Site Development Alternatives and Guidelines, the 2004 Comprehensive Plan, the 1997 Subarea Plan, and the standards for special uses set forth in Oakwood Zoning Ordinance Section 1004.6, by reason of complementing the architectural styles and building materials in use at the Sugar Camp development; being scaled appropriately for the area; and providing effective identification in a manner that ensures compatibility with the surrounding neighborhood; and that one (1) of the four (4) proposed signs, to wit: the monument

sign proposed for the intersection of Old River Trail and Ascent Circle, is inconsistent therewith because it is an off-premise sign benefitting a single property within the Pointe Oakwood residential development; and

WHEREAS, by a vote of _____ with one (1) member recusing himself, Council has voted to adopt the recommendation of the Planning Commission with regard to Application 19-4, with conditions set forth below (if any);

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

SECTION I.

The foregoing recitations are hereby adopted as Council's findings of fact with regard to the Application 19-4 to amend the Master Plan for the Sugar Camp and Pointe Oakwood developments.

SECTION II.

Application 19-4, being an application for a special use/Master Plan amendment submitted by Element Oakwood, is hereby approved in part and denied in part, as follows:

- A. The wall-mounted sign proposed for 300 Old River Trail is hereby approved;
- B. The wall-mounted sign proposed for 310 Old River Trail is hereby approved;
- C. The monument sign in front of 300 Old River Trail, adjacent to the driveway entrance to Element Oakwood, is hereby approved; and
- D. The monument sign proposed for the landscaping island at the intersection of Old River Trail and Ascent Circle is hereby denied.

SECTION III.

The approval herein is granted with the following conditions, if any, which Council has determined are necessary to ensure consistency with the above-referenced city planning documents and special use standards:

SECTION IV.

The amendment approved herein remains subject to all determinations, conditions and restrictions set forth in the original plan approval Resolution of April 23, 2007, as amended.

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 Revised Code, Sec. 121.22.

SECTION VI.

This Resolution shall be and remain in effect upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2019.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

No publication is required.

City Attorney Robert F. Jacques

AN ORDINANCE

BY: _____

NO. _____

ADOPTING NEW SECTION 17-801, *SHORT-TERM RENTALS PROHIBITED*, OF THE PROPERTY MAINTENANCE CODE AND MAKING RELATED AMENDMENTS ELSEWHERE IN THE PROPERTY MAINTENANCE CODE TO PROVIDE FOR THE PROHIBITION OF SHORT-TERM RESIDENTIAL RENTALS THROUGHOUT THE CITY.

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

SECTION I.

The title of Chapter 17-EIGHT of the Oakwood Property Maintenance Code is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strikethrough~~ font:

CHAPTER 17-EIGHT
RESIDENTIAL RENTALS ~~UNIT INSPECTION~~

SECTION II.

New Section 17-801, *Short-Term Rentals Prohibited*, of the Oakwood Property Maintenance Code, is hereby adopted to read as follows:

Sec. 17-801 SHORT-TERM RENTALS PROHIBITED

17-801.1 PURPOSE

Council of the city of Oakwood has determined that the short-term rental of residential property is inconsistent with the permanence, established character, density, and tranquility of Oakwood's residential neighborhoods and is potentially detrimental to property values. The purpose and intent of this ordinance is to prohibit short-term rentals to protect and preserve these qualities of Oakwood's residential neighborhoods and to provide for the comfort, safety, and welfare of Oakwood residents.

17-801.2 DEFINITIONS

- A. "Transient Occupancy" means the right to use, occupy or possess, or the actual use, occupancy or possession, of the following, as defined by the Oakwood Zoning Ordinance: a Dwelling Unit, Single Family Dwelling, Two Family Dwelling, or Multiple-Family Dwelling; or a portion of any of the aforementioned; for a period of twenty five (25) consecutive calendar days or less.
- B. "Transient Rental" means the renting, letting, subletting, leasing or subleasing of the following, as defined by the Oakwood Zoning Ordinance: a Dwelling Unit, Single Family Dwelling, Two Family Dwelling, or Multiple-Family Dwelling; or a portion of any of the aforementioned; for Transient Occupancy use.

17-801.3 PROHIBITION

On or after January 1, 2020, no person shall operate, let, list, advertise, or otherwise make available, any residential property in the city of Oakwood for Transient Rental purposes.

17-801.4 NOTICE OF VIOLATION; TIME FOR PERFORMANCE; APPEALS; VARIANCES; INSPECTIONS AND PENALTIES ARE DEALT WITH IN OTHER SECTIONS OF THIS CODE

Other matters regarding notice of violation, time for performance, appeals, variances, inspections, penalties, and other aspects of administration are covered in Chapter 17-ONE of this Property Maintenance Code.

SECTION III.

Existing Section 17-106.1(A) of the Oakwood Property Maintenance Code, which addresses violations of such Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strikethrough~~ font:

- A. The unlawful acts described in this paragraph A- shall include:
1. ~~Transfer of legal or equitable ownership of premises or change of tenant without having obtained a pre-sale inspection as required by 17-107.5 and 17-107.11 or without furnishing the proposed new owner a true copy of any conditional certificate of occupancy or other notice of violation and obtaining a signed receipt for it, as required by 17-107.10.~~
 2. ~~Further, these unlawful acts described herein shall also include~~ **Occupancy or use of any premises by a new owner or tenant without that owner having obtained from the code official (or from the previous owner) a valid certificate of occupancy for the premises, as required by 17-107.5.**
 3. ~~These unlawful acts described herein shall also include the f~~ **Failure to timely submit the information required by Section 17-800.4.**
 4. **Operating, letting, listing, advertising, or otherwise making available, any residential property in the city of Oakwood for Transient Rental purposes, as prohibited by 17-801.3.**

SECTION IV.

Existing Section 17-106.4 of the Oakwood Property Maintenance Code, which addresses penalties for violations of such Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strikethrough~~ font:

- A. Whoever commits an unlawful act as described in paragraph A of 17-106.1 shall be guilty of ~~a minor~~ **an unclassified** misdemeanor.
- B. Whoever commits an unlawful act as described in paragraph B of 17-106.1 shall be guilty of a fourth degree misdemeanor.
- C. Whoever commits an unlawful act as described in paragraph C of 17-106.1 shall be guilty of a third degree misdemeanor.
- D. Whoever commits an unlawful act as described in paragraph D of 17-106.1 shall be guilty of a fourth degree misdemeanor.
- E. Whoever commits an unlawful act as described in paragraph E of 17-106.1 shall be guilty of a third degree misdemeanor.

SECTION V.

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 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.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2019.

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

A RESOLUTION

BY: _____

NO. _____

TO CONTINUE PARTICIPATION IN A MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN IN CONJUNCTION WITH THE MONTGOMERY COUNTY OFFICE OF EMERGENCY MANAGEMENT.

WHEREAS, there currently exists between the city of Oakwood, Ohio and the Board of Commissioners of Montgomery County, Ohio, an agreement that the County, through its Office of Emergency Management, shall provide emergency management for the City in conjunction with a countywide coordinated program; and

WHEREAS, through this countywide coordinated program, the Montgomery County Office of Emergency Management has developed the 2019 Montgomery County Natural Hazard Mitigation Plan that includes all hazards to which Montgomery County and its municipalities are susceptible as per Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, goals, objectives and strategies to mitigate against the hazards that have been identified in the County, including the city of Oakwood, have been developed; and

WHEREAS, mitigation measures for Oakwood and surrounding areas have been analyzed and prioritized; and

WHEREAS, Montgomery County stakeholders have reviewed the 2019 Montgomery County Natural Hazard Mitigation Plan;

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

SECTION I.

The Council of the city of Oakwood hereby adopts the 2019 Montgomery County Natural Hazard Mitigation Plan, as developed by the Montgomery County Office of Emergency Management.

SECTION II.

The Clerk of Council is directed to certify a copy of this resolution upon its passage, and to promptly forward the same to the Montgomery County Office of Emergency Management.

SECTION III.

This resolution shall take effect upon its passage.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2019.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

No publication is required.

City Attorney Robert F. Jacques

A RESOLUTION

BY: _____

NO. _____

A RESOLUTION TO AUTHORIZE AND DIRECT THE DIRECTOR OF FINANCE TO CERTIFY CERTAIN DELINQUENT CHARGES FOR CUTTING NOXIOUS WEEDS TO THE COUNTY AUDITOR FOR COLLECTION.

WHEREAS, after notice, as required by law, the owners of the property hereinafter described failed to cut the noxious weeds growing upon such property, and this Council heretofore caused such noxious weeds to be cut and destroyed; and

WHEREAS, such owners have heretofore been notified of the costs incurred in connection therewith with a request for payment and have refused to pay such costs; and

WHEREAS, Section 731.54 of the Ohio Revised Code and Section 551.05 of the Codified Ordinances of the city of Oakwood authorize the City to make written return to the County Auditor of a statement of charges for its services in cutting such noxious weeds and provides further that such amount shall be collected as other taxes and returned to the municipal corporation with the general fund; and

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

SECTION I:

That the charges for cutting noxious weeds as specified in Exhibit A are hereby found and determined to have not been paid and are hereby returned to the County Auditor in accordance with Section 731.54 of the Revised Code and Section 551.05 of the Codified Ordinances of the city of Oakwood.

SECTION II:

That the Director of Finance is hereby authorized and directed to certify such delinquent charges, together with a certified copy of this resolution, to the Auditor of Montgomery County who shall enter the same on the tax duplicate to be collected as other taxes are collected.

SECTION III:

That 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 Section 121.22 of the Ohio Revised Code.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD this _____ day of _____, 2019.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:
Publication is not required.

City Attorney Robert F. Jacques

EXHIBIT A
CITY OF OAKWOOD
2019 NOXIOUS WEEDS CERTIFICATION

Parcel ID	Invoice #	Service Address	Outstanding Balance	COUNTY FEE		TOTAL DUE
				5%		
Q71 00213 0004	019-001	175 LOOKOUT DR	\$ 176.05	\$ 8.80	\$	184.85
Q71 00213 0004	019-007	175 LOOKOUT DR	\$ 201.21	\$ 10.06	\$	211.27
Q71 01310 0044	019-003	2205 SHROYER RD	\$ 222.38	\$ 11.12	\$	233.50
Q71 00605 0012	019-011	224 W THRUSTON BLVD	\$ 147.52	\$ 7.38	\$	154.90
Q71 01603 0013	019-014	333 Dixon Ave E	\$ 155.94	\$ 7.80	\$	163.73
Q71 01306 0049	019-006	41 HADLEY AVE	\$ 222.91	\$ 11.15	\$	234.05
Q71 00603 0004	0018-007	410 RUBICON RD	\$ 306.49	\$ 15.32	\$	321.81
Q71 00603 0004	0018-008	410 RUBICON RD	\$ 265.64	\$ 13.28	\$	278.92
Q71 00603 0004	0018-010	410 RUBICON RD	\$ 203.78	\$ 10.19	\$	213.97
Q71 00603 0004	0018-013	410 RUBICON RD	\$ 344.95	\$ 17.25	\$	362.20
Q71 00603 0004	0018-014	410 RUBICON RD	\$ 182.64	\$ 9.13	\$	191.77
Q71 00603 0004	019-009	410 RUBICON RD	\$ 300.58	\$ 15.03	\$	315.61
Q71 01503 0009	0018-0003	413 DELLWOOD AVE	\$ 137.88	\$ 6.89	\$	144.77
Q71 01503 0009	019-017	413 DELLWOOD AVE	\$ 178.84	\$ 8.94	\$	187.78
Q71 01201 0007	019-013	426 PEACH ORCHARD AVE	\$ 159.03	\$ 7.95	\$	166.98
Q71 01310 0050	019-018	437 PEACH ORCHARD AVE	\$ 192.12	\$ 9.61	\$	201.72
Q71 00208 0023	019-002	674 GARDEN RD	\$ 233.18	\$ 11.66	\$	244.84
Q71 00706 0002	0018-009	999 HARMAN AVE	\$ 203.78	\$ 10.19	\$	213.97
			\$ 3,834.91	\$ 191.75	\$	4,026.66

A RESOLUTION

BY: _____

NO. _____

TO AUTHORIZE THE REALLOCATION OF THE CITY'S INSIDE MILLAGE
PROPERTY TAX REVENUES.

WHEREAS, the Ohio Police & Fire Pension Fund ("OPFP") was created by the Ohio General Assembly in 1965 to replace hundreds of individual local police and fire relief funds; and

WHEREAS, many of those individual funds had liabilities exceeding the assets needed to pay future pension benefits to retirees, resulting in a net pension liability owed from public employers to OPFP; and

WHEREAS, so as not to stress the financial capacity of public employers, the General Assembly enacted a payment schedule with a 65 year payoff term, with the first payments due in 1970 and the final payments due in 2035; and

WHEREAS, Oakwood's current remaining pension liability is approximately \$404,166, which continues to incur interest at an average rate of 4.25 percent; and

WHEREAS, Council wishes to satisfy the remaining pension liability early, thereby saving substantial interest charges that would otherwise continue until 2035; and

WHEREAS, the city currently receives 3.58 mills of inside millage property tax revenues, of which 0.3 mills are allocated to debt service on the city's remaining pension liability; and

WHEREAS, Council intends to pay off the remaining pension liability early in two installments, one in 2019 and one in 2020, and wishes to reallocate the 0.3 mills of property tax revenue from the Police Pension Fund to the city's General Fund; and

WHEREAS, in order to reallocate these revenues, the change must be approved by the Montgomery County Budget Commission;

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

SECTION I.

The Council of the city of Oakwood hereby declares its intention to satisfy the city's remaining pension liability early, including accrued interest, in two (2) installments. The first installment shall be paid in November 2019, subject the adoption of a supplemental appropriation ordinance, and the second and final installment shall be paid in January 2020.

SECTION II.

The Clerk of Council is directed to certify a copy of this resolution upon its passage, and to furnish the same to the Finance Director. Upon receipt thereof, the Finance Director is hereby authorized to submit the same to the Montgomery County Budget Commission for review and approval, and to take such other steps as may be necessary to reallocate 0.3 mills of inside millage property tax revenues from the Police Pension Fund to the city's General Fund.

SECTION III.

This resolution shall take effect upon its passage.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2019.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

No publication is required.

City Attorney Robert F. Jacques

A RESOLUTION

BY: _____

NO. _____

APPROVING AN ISOLATION AND QUARANTINE POLICY FOR INFECTIOUS DISEASES AND OTHER PUBLIC HEALTH EMERGENCIES, AS ADOPTED BY THE OAKWOOD BOARD OF HEALTH.

WHEREAS, pursuant to Section 3707.04 *et seq.* of the Ohio Revised Code, local boards of health throughout Ohio are authorized to take certain actions in response to public health emergencies requiring isolation and/or quarantine; and

WHEREAS, given that boards of health can only act by the affirmative vote of a quorum of their membership, which may be difficult to schedule and obtain in times of emergency, Section 3707.34 of the Ohio Revised Code further authorizes local boards of health to delegate some or all of that authority to the local Health Commissioner; and

WHEREAS, pursuant to Section 3707.34 of the Revised Code, said delegation is only effective upon the adoption of a Board of Health policy to that effect, which must then be approved by the local legislative authority; and

WHEREAS, on July 23, 2019, the Oakwood Board of Health enacted such a policy by adopting Resolution No. 19-2, which is now before Council for legislative approval; and

WHEREAS, Council has reviewed Oakwood Board of Health Resolution No. 19-2, and finds the same to be in the public interest;

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

SECTION I.

Oakwood Board of Health Resolution No. 19-2, being an “Isolation and Quarantine Policy for Infectious Diseases and Other Public Health Emergencies,” is hereby ratified and approved as required by Section 3707.34(B) of the Ohio Revised Code.

SECTION II.

The Clerk of Council is directed to certify a copy of this resolution upon its passage, and to furnish the same to the Oakwood Board of Health to be attached to the official record of its Resolution No. 19-2.

SECTION III.

This resolution shall take effect upon its passage.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2019.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

No publication is required.

City Attorney Robert F. Jacques

A RESOLUTION

BY: _____

NO. _____

APPROVING THE MONTGOMERY COUNTY-
INTERMUNICIPAL WASTE SERVICES AGREEMENT.

WHEREAS, for many years the city of Oakwood has been a member of the Montgomery County Solid Waste District (the "District"), and along with all other member communities, has contracted with the District to receive, process, and transfer all solid waste collected throughout the District; and

WHEREAS, the contract between all member communities and the District has not been materially updated since 1985; and

WHEREAS, all member communities and the District have negotiated a new 20 year contract, which must be approved by each member community's legislative authority before it can be signed by the Montgomery County Commissioners; and

WHEREAS, Council has had an opportunity to review the new contract, and has determined that the same will benefit the public health, safety, welfare, and interest;

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

SECTION I.

The Council of the City of Oakwood hereby approves the Montgomery County-Intermunicipal Waste Services Agreement attached hereto as Exhibit A, and authorizes the City Manager to sign the same.

SECTION II.

The Clerk of Council is directed to certify a copy of this resolution upon its passage, and to promptly forward the same along with a signed copy of Exhibit A to the Solid Waste Advisory Committee of the Montgomery County Solid Waste Management District.

SECTION III.

This resolution shall take effect upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2019.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

No publication is required. Please certify and forward a copy as directed in Section II.

City Attorney Robert F. Jacques