

CITY OF OAKWOOD  
STATE OF OHIO  
AUGUST 21, 2017

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:30 p.m. in the conference room of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio, 45419. Council then met in a regular session at 7:30 p.m., in the council chambers of the city of Oakwood.

The Mayor, Mr. William Duncan, presided, and the Clerk of Council, Ms. Lori Stacel, recorded. Mayor Duncan opened the meeting by asking all present to participate in the Pledge of Allegiance.

Upon call of the roll, the following members of Council responded to their names:

MR. WILLIAM D. DUNCAN.....PRESENT  
MR. STEVEN BYINGTON.....PRESENT  
MR. ROBERT P. STEPHENS.....PRESENT  
MRS. ANNE S. HILTON.....PRESENT  
MR. CHRISTOPHER B. EPLEY.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager  
Mr. Robert F. Jacques, City Attorney  
Mr. Jay A. Weiskircher, Assistant City Manager  
Ms. Carol Collins, Leisure Services Director  
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Brian Barr, *Oakwood Register*

Mrs. Hilton advised Council she had read the meeting minutes of the July 17, 2017 regular session and work session. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Stephens that the minutes of the sessions of Council aforementioned be approved as written and the reading thereof at this session be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

#### STATUS REPORTS

Water and Sewer Line Maintenance Foreman – Mr. Klopsch introduced Water and Sewer Line Maintenance Foreman Chris Harold. He shared that it is an honor to introduce new employees. Within the Public Works Department there are five key management positions. Refuse Foreman Kenneth Perkins oversees all of the refuse programs. Water Superintendent Gary Dursch is an Ohio EPA licensed water operator who takes care of everything related to Oakwood’s public water system. Engineering Technician and Foreman Tom Long oversees infrastructure projects and is in charge of traffic signals, street signs and tree trimming. Street Foreman Dave Shuey is in charge of city right-of-ways, sidewalks, roadways and the storm sewer system. Chris Harold is in charge of the water distribution system and the sanitary sewer collection system. Mr. Harold comes to Oakwood with 11 years of experience in the industry. He most recently worked for Montgomery County Environmental Services. He holds Ohio EPA licenses in Class II Water Supply, Class II Water Distribution, Class II Wastewater Collection and Backflow Certification. Mr. Harold thanked Mr. Klopsch and Mr. Weiskircher for the opportunity to work in Oakwood. He shared that he has felt very welcomed in Oakwood.

Proclamation – Mayor Duncan read a proclamation designating September as “Prostate Cancer Awareness Month”.

#### VISITORS

Helen Jones-Kelley, Human Services Levy Campaign – Mrs. Jones-Kelley referenced a PowerPoint presentation and updated Council on the November Human Services Levy renewal ballot issue. The levy provides services for people in need across Montgomery County. This combined levy helps people from every community in Montgomery County to receive Human Services, including children, seniors and people looking for work.

Montgomery County voters are asked to renew the Human Services Levy that received a 70% approval rate in 2010. The levy will keep the funding needed for critical, life-changing human services. There will not be any tax increases with this levy renewal.

The Human Services Levy provides assistance to citizens in every community in Montgomery County, supporting Children’s Services, Public Health, Developmental Disabilities, ADAMHS (Alcohol, Drug & Mental Health Services) and Senior Services.



The Human Services Levy offers many different services. Protection is given for children suffering from abuse and neglect, and helps prepare them to thrive in school. Services are provided for children with mental and physical disabilities. Elderly people can obtain health care, meals and assistance in their own homes. People involved in a drug crisis can get diagnosis, treatment and recovery services. Unemployed and under-employed adults obtain the skills that match in-demand jobs. Help for adults with disabilities is provided to find housing and jobs so they can live on their own. Public health services provide nearly 10,000 restaurant and grocery inspections, nearly 5,100 workplace air-quality reviews, and 19,000 immunizations for children every year.

A hard-working citizens panel that includes independent business leaders, financial experts, and citizen volunteers regularly reviews the county's Human Services programs and expenses. These community volunteers and business leaders work with the county to help plan and evaluate the programs and levy proposals as well as ensure that costs are controlled, priorities are decided, and critical needs are met.

Human Services are the most effective way to help people with real needs in Montgomery County get the right services at the right cost. Mrs. Jones-Kelly asked for support of the Montgomery County Human Services Levy renewal.

Mr. Stephens asked if there has been discussion to allocate funds to help with the opioid crisis in Montgomery County.

Mrs. Jones-Kelly shared that this year, and in the past with other epidemics, ADAMHS is allocating approximately \$2.5 million worth of resources to help with the opioid crisis. With this levy, dollars can be leveraged to bring in more federal and state money.

Mayor Duncan thanked Mrs. Jones-Kelly for attending the meeting. He pointed out that historically, Oakwood has had the highest Human Services levy pass rate of any community in Montgomery County. He then asked if there will be literature or signs available.

Mrs. Jones-Kelly said that there will be literature and signs available. More information is available on their website at [www.KeepMontgomeryHumanServices.com](http://www.KeepMontgomeryHumanServices.com).

#### STAFF REPORT

Law Department Presentation: Mr. Rob Jacques, Law Director, referenced a PowerPoint presentation and briefed Council on trees in Oakwood as it relates to city responsibilities, homeowner responsibilities, common tree situations, bushes, shrubs & other vegetation.

Mr. Jacques reported that public trees are on city property, in parks and on city boulevards, but trees in the right-of-way area in front of private property are not owned by the city. Privately-owned trees are on private property and in the tree lawn or right-of-way area in front of properties.

The City is responsible for maintaining public trees. With private trees, the city is involved in code enforcement including property maintenance, enforcing the General Offenses Code and state laws. The city is also obligated to keep roadways clear of tree branches and tree debris and safe for travel.

A homeowner is responsible for maintaining privately-owned trees. Homeowners are required to maintain tree limbs at a clearance of 8' above the sidewalks and 14' above the street. Regulatory signs must also be visible, free from bush or branch cover.

Power lines on private property are usually located in utility easement areas, which gives Dayton Power & Light (DP&L) or their contractors the right to enter and maintain those lines. Utility easements are filed with the Montgomery County Recorder's office, and copies are typically kept by DP&L. Residents may also wish to consult an attorney if there are specific questions about tree trimming and property rights.

Tree trunk location generally determines ownership. A tree whose trunk rests across a property line is, in Ohio, commonly owned by all adjoining landowners. If a tree is owned in common with others, one person cannot remove or trim it in such a way that would result in harm to the tree. And even if a tree rests solely on one neighbor's land, if you and the neighbor have formally agreed, or treated the tree in such a way as to suggest that the tree is commonly owned, then the tree may be considered legally owned by all involved parties. The city will not participate in determining the ownership of a tree unless it appears to be on city property. Tree ownership must be determined privately by a qualified surveyor or by agreement of the affected property owners.



In Ohio, when part of a neighboring landowner's tree straddles the property boundary of a property owner, that owner ordinarily has the right to cut the tree limbs, branches and roots back to the property line — provided the overall health of the tree will not be affected. Residents are reminded that open and civil communication between property owners before any such action is taken usually yields the most beneficial outcome. There are two common approaches to these situations. "Halved maintenance" means each neighbor takes care of the portion of the tree that is on their property. Shared maintenance is an agreement between the neighbors to hire a tree care expert and share in the cost of the tree care.

By state law, the city is generally immune from liability for damages caused by trees or limbs falling onto a public roadway, although the city will promptly clear and remove tree debris that falls into the street. For privately-owned trees, liability for damage caused by fallen trees or limbs is normally determined by traditional legal principles of negligence. Ordinarily, when a tree or limb falls, the responsibility for clearing the debris and fixing property rests with the owner of the property onto which the debris landed.

If a resident believes that a neighbor's tree is putting the property or person(s) on it at risk, they may wish to give the neighbor notice of the situation. This can be accomplished by politely advising them by letter, email, or other writing. The resident may wish to rely on the advice of a trained tree professional hired to view the tree in order to give more weight to the resident's opinion.

Ownership of bushes, shrubs, and other vegetation is determined in the same manner as that of trees, and maintenance responsibilities are generally the same. Property owners are required to keep all vegetation trimmed and clear of streets, alleys, sidewalks, curbs, and other rights-of-way, and are required to maintain the tree lawn at their property frontage. Grass and weeds must be mowed and maintained at a height of 8" or less.

Citizens are encouraged to resolve tree-related questions or disputes without involving the city. This resolution usually can be accomplished, or at least initiated, by simply making a polite inquiry or request of the other party. If the parties are unable to agree on tree ownership or maintenance, the conflict remains a private civil issue and either party may want to consider consulting an attorney and/or utilizing the court system or mediation services.

Additional information, including fact sheets on "Trees in Oakwood" and "Utility Tree Trimming", is available on the city's website at [www.oakwoodohio.gov](http://www.oakwoodohio.gov). Residents are also encouraged to contact Horticulturist Brian Caldwell, Code Enforcement Officer Ethan Kroger, or their own arborist, surveyor, and/or attorney with any questions or concerns.

Mayor Duncan asked if he can fully maintain, including cutting down if needed, the tree located in the tree lawn at his house.

Mr. Jacques said that it is the homeowner's tree, so yes. He did recommend before cutting down a tree to consult with the City Horticulturist.

Mayor Duncan shared that he and his wife have had personal experience with Horticulturist Brian Caldwell and it was a very positive experience.

Mr. Jacques commented that he feels that Mr. Caldwell is one of the hardest working people in the city.

Mrs. Hilton shared that she used to volunteer at the Dayton Mediation Center. She asked if the city offers any mediation services.

Mr. Jacques said that the city does not offer any formal mediation services, however, if someone is interested in getting mediation services, they can contact him and he will refer them to a private mediator. He also said that city staff will help to resolve any issues as well.

Mr. Klopsch commented that Assistant City Manager Jay Weiskircher does a wonderful job in helping neighbors work out differences.

CITY MANAGER'S COMMENTS – Mr. Klopsch provided an update on the following items:

The annual community shred/prescription drug disposal event is scheduled from 8 – 11 a.m. on Saturday, September 30. The city is also working on establishing a 24-7 prescription drug drop off location by the dispatch window at 30 Park Avenue that should be available by the end of August.

Construction work is continuing on Shroyer Road. The travel lanes switched today to the two outside lanes and will be that way for the next 4-6 weeks to allow the contractor to build the center medians. The 25 mph work zone is in place and the Oakwood Public Safety Department is regularly conducting speed enforcement to ensure safety. As previously mentioned, the topsoil that was recovered from Lane Stadium will be repurposed to build the medians.

The concrete repair work on Ridgeway Road will continue for a few more weeks. Miami Valley Lighting will replace the old street lights along Ridgeway. Affected property owners have been notified.

The program for keeping green waste/debris out of the street is going well. Mr. Klopsch is thankful to Oakwood residents for complying with the city rules.

#### COUNCIL COMMENTS

Mrs. Hilton congratulated the Oakwood Historical Society for the successful car show event. She shared that the Oakwood Historical Society has many upcoming events listed on their website. The Sister City Association is planning a celebration of the anniversary of Oakwood's Sister City twinning. There will be more information in September about the upcoming events.

Mr. Stephens congratulated Leisure Services Director Carol Collins and her staff for coordinating another successful Ice Cream Social. A new business called the Oakwood Candy Shoppe opens tomorrow, August 22. He urged people to visit the new store and to support Oakwood businesses.

Mayor Duncan shared that there is a ribbon cutting ceremony for Toasty Barker Boutique at their new location at 2306 Far Hills Avenue at 4 p.m. on Saturday, August 26. Also, Goodwill is making some positive improvements to the old Petco building.

The public meeting concluded at 8:26 p.m.



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MAYOR

ATTEST:



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CLERK OF COUNCIL