

CITY OF OAKWOOD  
STATE OF OHIO  
FEBRUARY 6, 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. Lori Stacel, Clerk of Council

The following visitors registered:

- Dr. Masha Kisel, 101 Oak Knoll Drive
- Gary Mitchner, 108 Patterson Road
- Bob Guehl and Karen Bartley, 129 Oak Knoll Drive
- Ellen Walters, 474 Lookout Ridge
- Stefanie Campbell, 271 Schenck Avenue
- Erik Greathouse, 509 Volusia Avenue
- Christine Urquhart, 119 Lookout Drive
- Brian Barr, *Oakwood Register*

Mrs. Hilton advised Council she had read the meeting minutes of the January 9, 2017 regular session and work session, and the January 19, 2017 executive session. Mrs. Hilton reported she and Council 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

2017 State of the City Address. Mayor Duncan gave the following address:

*Members of City Council, honored guests, City staff and citizens of Oakwood:*

*I am proud to proclaim that Oakwood, with a population of 9,202, continues to be "The Premier Residential Community in the Dayton and Miami Valley Region." Why? Consider this.*

*Next month, we will celebrate the grand opening of Lane Stadium, a multi-purpose athletic field and track facility at Old River Sports Complex. Over the last two years, the City of Oakwood, Oakwood City Schools and the Oakwood Athletic Boosters worked in collaboration to create a \$4 million dollar asset to benefit hundreds of Oakwood student athletes and others in our community.*

*Incredibly, under the leadership of Chris Eifert and many other Oakwood residents, about 250 donors contributed over \$3.7 million dollars to fund this project. We salute the generosity of major donors Doug (OHS '63) and Gay Lane and look forward to the dedication of this facility next month.*

*We also thank the City of Dayton for their assistance with zoning issues and the University of Dayton for ingress/egress to our site from the north. Their cooperation was instrumental to the success of this project.*

*We must also recognize that this project would not have occurred without the contribution of Allan Rinzler, formerly of the Oakwood Investment Group. His efforts in 2006 enabled the City to acquire the Old River Complex from the NCR Corporation. Unfortunately, Mr. Rinzler unexpectedly passed away in 2015.*

Neighborhoods: We have outstanding diversity in housing choices. Although most of our housing stock is over 70 years old, our homes and properties are better maintained than any other city around and our home values prove it. In 2016, 81% of Oakwood home sales were higher than the County appraised value.

Schools/Library: Everyone knows Oakwood has great schools, in fact, the finest public schools in the region. Our Oakwood schools are consistently rated in the top 1% in the State of Ohio. The Washington Post named Oakwood High School one of America's Most Challenging High Schools in 2016.

For an unprecedented fifth year in a row, the Oakwood High School Academic Decathlon team are national champions. This scholastic competition is unique because the team is tested in art, economics, language and literature, mathematics, music and science and participates in judged events in speech, interview and essay. They competed with teams from the United States, Canada, China and England. Congratulations to all of the students and advisor Lori Morris.

We also welcomed Kristi Hale as the new director of Wright Memorial Public Library. For 77 years they continue their mission to provide high levels of efficient, friendly and personal service and to foster an atmosphere of intellectual liberty in the American tradition of free ideas.

City Services: The city services offered to Oakwood residents are unsurpassed. We continue to provide weekly backyard trash collection, year-around curb collection of yard waste, fall leaf collection and spring mulch delivery, and sidewalk snow removal. We were honored as a Tree City USA for the 34th consecutive year. Our Johnny Appleseed program has planted about 3,000 trees in Oakwood since the inception of this program. We commend the efforts of our public works department and our horticulture staff in the leisure services department.

Public Safety: Formed in 1927, our public safety department is the second oldest consolidated department in the United States. It is unique because all our officers are cross-trained and state-certified in law enforcement, fire fighting and emergency medical services. Our first officer on scene response time for any emergency is under two minutes, by far the fastest in the region. Our fire engine response time is 4.2 minutes; the national standard is 6 minutes. Our medic response time is 3.3 minutes; the national standard is 13 minutes. Oakwood has the lowest crime rate and fire loss in Montgomery County.

Recreation/Leisure: Where else will you find in a community of 2.2 square miles the parks, gardens and green space found in Oakwood?

We offer three neighborhood parks, Shafor Park, Orchardly Park and Fairridge Park. Our natural areas include Loy Gardens, Elizabeth Gardens, Houk Stream and Centennial Park. Our recreation facilities include the Oakwood Community Center and Gardner Pool, the Dog Park at Creager Field, Irving Field, Old River Sports Complex, Mack Hummon Stadium and now Lane Stadium.

Oakwood also features beautiful public gardens including Smith Gardens and Francine's Garden.

In 2016, we agreed to assume ownership of the Hollinger Memorial Tennis Center with its clubhouse and seven clay tennis courts.

People: Oakwood's strength is its people. Our citizens are leaders in industry, education, medicine and the arts. Please consider some of the events in which our citizens participated in 2016.

- In May, about 380 walkers participated in the 15<sup>th</sup> Annual Breast Cancer 5K CARE Walk. Since its inception, the event has raised over \$200,000 to support a cure for breast cancer;
- That Day in May, sponsored by the City and the Oakwood Rotary Club, continued the tradition of the pancake breakfast, 5K and 10K runs, community parade, games, rides, refreshments and displays;
- The successful Oakwood Farmers Market re-opened on Saturday morning's from June to September and featured home-produced and gourmet food items and works of local artisans. The market was recently recognized by Dayton Magazine as Best Farmers Market in the area.
- In July, the Oakwood Sister City Association welcomed our sister city Outremont, Canada to celebrate the 40<sup>th</sup> anniversary of our twinning.

Financial Concerns: *The past five years have been financially difficult for our city and local governments across Ohio. In 2012, the Ohio General Assembly broke its 75 year covenant with local governments by taking for itself sales tax revenue previously reserved for cities, villages, townships, counties and school districts. The General Assembly also eliminated the business tangible property tax reimbursement and the Ohio estate tax. Together these actions reduced our average annual revenue by about 20%.*

*In December, 2015 the General Assembly passed additional legislation benefiting certain taxpayers by eliminating their local tax obligations. When fully implemented, we expect this legislation will reduce our revenue by \$250,000 annually. It is apparent that the Ohio General Assembly is no longer our partner in providing services to the citizens of Ohio.*

*In addition, 20 surrounding communities have increased their income tax rates over the last several years. Because we give a 100% credit for taxes paid to other jurisdictions, for an Oakwood resident working in Kettering, where the income tax rate is 2.25%, Oakwood only receives 0.25% of the 2.5% total taxes paid.*

*In 2005, the City of Moraine increased their income tax rate from 1.5% to 2% and in 2014 to 2.5%. An Oakwood resident working in Moraine now pays no income tax for Oakwood city services. The Moraine elections reduced Oakwood 2016 revenue by \$124,000. The cumulative effect of all these income tax rate increases by surrounding cities reduces our revenue by about \$450,000 annually.*

*In 2016, the City of Dayton increased their income tax rate to 2.5% and the City of Centerville increased their income tax rate to 2.25%. Their tax increases will result in an additional \$360,000 revenue reduction in 2017. This situation is not sustainable.*

The Value Proposition: *Because of sound judgment from this and previous City Councils, and revenue from the now repealed Ohio estate tax, we have municipal facilities that will support our city for a generation or more; we own the Old River Sports Complex; we made Sugar Camp and Pointe Oakwood infrastructure improvements with no adverse impact to Oakwood City Schools revenue; we reduced city property taxes in 2008; we had no city property tax increase for 22 years until 2013; we have not raised city income taxes in 32 years; and we have no outstanding debt.*

*Our actual annual expenses went down each year between 2009 and 2014. Our citizens pay less for water and sewer than most people in the Miami Valley. Through retirements and productivity improvements, we have reduced our city staff by 12% since 2004 with no reductions in city services.*

*We made our refuse program self-supporting by reducing expenses and increasing the monthly refuse charge. We established a storm-water utility to account for the costs of this program. We increased fees and reduced expenses at the Oakwood Community Center.*

*In spite of our prudent fiscal management, we may need to ask for additional revenue in 2018. If needed, we will openly discuss this issue with our community. I am confident our citizens will support the recommendations or actions of City Council.*

*Because it is a well-established fact that local government is the most accountable and responsive government, we represent you and will see that our city provides the services you believe are important and necessary. And in doing so, we will prudently manage the resources our community provides.*

*City Council thanks our community for approving our property tax renewal levy last fall with a 72% affirmative vote.*

Well Governed, Well Managed and Financially Strong: *When I joined City Council in 2003, it was my belief that Oakwood was well governed, well managed and financially strong. I still hold that belief and will continue this tradition.*

*I would like to thank the citizens of Oakwood for allowing me to represent them as a member of Oakwood City Council for the past 14 years. I would also like to thank Oakwood City Council for allowing me to serve our city as Mayor for the last seven years. I also serve as Vice President of the Greater Dayton Mayors & Managers Association. With Council's approval, I will serve as President of the Association in 2018.*

*I am proud to serve with Vice Mayor Steve Byington who begins his 10<sup>th</sup> year on City Council and represents our City on the First Suburbs Consortium of Dayton and MVRPC. I am also*

*proud to serve with Rob Stephens and Anne Hilton each of whom begin their eighth year on City Council and Chris Epley who begins his fourth year on City Council.*

*This Council, like those that preceded it, operates in a collegial style and everyone believes in doing the right thing for the citizens of Oakwood. We listen to one another, no one has hidden agendas, and we believe in community service.*

*The excellent services provided by our public safety, leisure services and public works departments would not occur if not for the leadership of City Manager Norbert Klopsch. He is recognized throughout the region as an outstanding city manager. He is also blessed with a fine group of department directors including deputy city manager/personnel director/zoning official Jay Weiskircher, who has served our city with class and distinction for 34 years.*

*A special mention also belongs to Carol Collins, our leisure services director, who has served our city for 42 years.*

*With the help of City Council, city staff and the citizens of Oakwood, we will continue to be well governed, well managed and financially strong.*

*Thank you again for the opportunity to serve you."*

Citizen Committee Appointments – Mayor Duncan presented the following committee appointments:

Budget Review Committee – Nick Endsley (Precinct C) and Yusaku Kawai (Precinct D); and Environmental Committee – John Rasmussen.

It was moved by Mayor Duncan and seconded by Vice Mayor Byington that the aforementioned appointments be confirmed. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

#### VISITORS

Dr. Masha Kisel, 101 Oak Knoll Drive, addressed City Council as a follow up to her comments at the January 9 City Council meeting where she shared ideas on how to make Oakwood more sustainable in 2017 with recycling, composting and using green energy. Dr. Kisel thanked Mr. Klopsch for meeting with her in the interim, where he shared some great ideas for community initiatives. Dr. Kisel spoke with Tim Pritchard of Five Rivers MetroParks and he shared that Oakwood will be hosting a class on composting at the Oakwood Community Center. She appreciates the city responding to this citizen request. The "informal coalition" comprised of a group of citizens that she has been working with has been very busy educating themselves on the resources available on projects in the county. The Oakwood High School Ecology Club may soon have some information on recycling and she hopes that the city would consider placing this information on the website. She mentioned that the group is planning some programming with Wright Library in the spring to educate kids about sustainability and recycling. Dr. Kisel said that although Oakwood's recycling rates may be the best in the county according to Dan Graeter at Montgomery County, Oakwood is still only recycling about 40% of materials that could be recycled, so the rates can still be improved. Local policy and local culture drives individual habits, so she asks for the city's leadership in the recommended initiatives. Montgomery County has grants available to municipalities that are interested in waste reduction programs. There is a meeting on Wednesday, February 8 at 9:30 a.m. at the Montgomery County Transfer Station. An Oakwood city representative would need to attend in order to apply for the grant. She asked City Council to commit to sustainability. She proposed that a goal be set for 2017 to increase recycling rates. A longer term goal would be to set a zero waste goal. She feels that an event like the Ice Cream Social or "That Day in May" could be a test run to set a waste reduction goal or a recycling goal with an independent citizen task force or through a branch of the Environmental Committee.

Vice Mayor Byington asked how many people Dr. Kisel has working with her on this initiative.

Dr. Kisel shared that there is a Facebook group called "Green Oakwood" that has about 70 people, but the group of people that have been actively involved includes 4-5 people.

Mayor Duncan added that these 4-5 people have been very active and have accomplished more than some larger groups do in the short amount of time they have been pursuing this.

Mayor Duncan shared that Council is committed to this, but he believes that it needs to be a grassroots effort. He asked Mr. Klopsch to relay this information to Leisure Services Director Carol Collins.

LEGISLATION

## AN ORDINANCE

BY MR. STEPHENS

NO 4836

TO DECLARE SHROYER ROAD, WITHIN THE CITY LIMITS OF OAKWOOD, A WORK ZONE, TO ESTABLISH A TEMPORARY SPEED LIMIT OF TWENTY FIVE (25) MILES PER HOUR, AND TO IMPOSE DOUBLE FINES FOR SPEED VIOLATIONS IN SAID WORK ZONE, DURING CONSTRUCTION OF THE 2017 SHROYER ROAD IMPROVEMENT PROJECT (ODOT PID NO. 97897).

A copy of the ordinance, having been placed on the desks of each member of Council prior to introduction, was read by title.

Mr. Stephens explained that this is a second reading of an ordinance that was introduced at last month's Council meeting. The ordinance will put temporary safety measures in place for the 2017 Shroyer Road Improvement Project. It does three things:

- Declares Shroyer Road as a "work zone" for the duration of the project;
- Reduces the speed limit from 35 mph to 25 mph during the project; and
- Allows our municipal court to impose double fines for speed violations in the work zone.

As mentioned last month, this is not something usually done during the annual paving projects, but this will be a very extensive project and will take several months to complete. These temporary measures will promote safety during the project, which is always the City's primary concern.

Thereupon, it was moved by Mr. Stephens and seconded by Mrs. Hilton that the ordinance be passed.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN BYINGTON .....	YEA
MR. ROBERT P. STEPHENS.....	YEA
MRS. ANNE HILTON .....	YEA
MR. CHRISTOPHER EPLEY.....	YEA

There being five (5) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

## AN ORDINANCE

BY VICE MAYOR BYINGTON

NO 4837

TO ENACT NEW SECTION 408, MEDICAL MARIJUANA, OF THE OAKWOOD ZONING CODE.

A copy of the ordinance, having been placed on the desks of each member of Council prior to introduction, was read by title.

Vice Mayor Byington explained that as seen in the news, Ohio House Bill 523 went into effect on September 8, 2016, and certain forms of medical marijuana are now legal under state law. Part of the job as members of Council is to consider how new types of businesses should be zoned in the city of Oakwood, and Council asked the Planning Commission to review and consider an ordinance to amend the Oakwood Zoning Code to prohibit medical marijuana-related businesses.

The Planning Commission advertised and held a public hearing to review this ordinance on January 4, 2017, consistent with Oakwood procedures for amending the Zoning Code. Following that hearing and their deliberations, they voted 4-0 to recommend approval of the ordinance.

The proposed ordinance is now before Council, and Council will conduct a public hearing tonight. This is a first reading of that ordinance, so Vice Mayor Byington shared that a motion will not be made this evening.

Vice Mayor Byington asked Law Director Rob Jacques to make a staff presentation on the state of the medical marijuana law in Ohio and this proposed ordinance, and then asked Mayor Duncan to open the public hearing.

Mr. Jacques referenced a PowerPoint presentation and explained that the Planning Commission recommended approval of this ordinance and now Council will need to consider the proposed Zoning Code text amendment. It prohibits medical marijuana-related businesses and/or home occupations within all zoning districts in the city of Oakwood. He explained that there was one very minor change to the legislation presented to the Planning Commission. The words “on the premises” were added to the legislation for clarification purposes. He said that he would explain this later in the presentation. Mr. Jacques explained that on June 8, 2016, Ohio signed into law H.B. 523, making Ohio the 25th state to enact medical marijuana legislation. The Department of Justice has not been attempting to prosecute medical marijuana distributors or challenge state laws, but marijuana remains illegal under federal law and, with the new presidential administration, the DOJ may not continue to take a hands-off approach. In October 2015, 90% of Ohioans supported legalized medical marijuana, but only 53% supported legalizing small amounts of marijuana for personal/recreational use. Ohio Marijuana Legalization Initiative (Issue 3) was defeated in 2015 with over 63% voting down the Initiative, which would have legalized all forms and uses of marijuana. In March 2016, the Marijuana Policy Project proposed an amendment to the Ohio Constitution to legalize medical marijuana. The Amendment would have permitted: home-grown medical marijuana; all products and methods of consuming products; additional qualifying conditions; recommendations (versus a prescription) by physician assistants and nurse practitioners, as well as physicians. Supporters needed 305,591 valid signatures by July 6, 2016 to put the Constitutional Amendment on the November 2016 ballot. H.B. 523 was passed on May 25, 2016. Thereafter, the Marijuana Policy Project discontinued its pursuit of the ballot issue.

H.B. 523 went into effect on September 8, 2016 and the general provisions are: permitted uses – vaporization, tinctures, edibles, patches, plant materials, and oils; smoking is not permitted; and an affirmative defense is now available for drug charges (under state law, not federal). The Ohio Department of Commerce and the State of Ohio Board of Pharmacy are required by law to take all actions necessary to ensure that Ohio’s Medical Marijuana Control Program is fully operational no later than September 2018. At that time, there will be an established structure for: state licensure of cultivators, processors, retail dispensaries, and testing laboratories; registration and certification of physicians who may recommend treatment with medical marijuana; and reciprocity agreements between Ohio and other states which have legalized medical marijuana. The Ohio Medical Board has discouraged physicians from recommending marijuana until the physician has obtained a certificate to recommend from the Board, and the certificate is still in the process of being developed. Also, H.B. 597 was introduced in September 2016 which would amend the law to restrict reciprocity agreements to states with restrictions similar to Ohio’s. So it is clear that much of the new law’s operation is still unknown, and there are already legislative efforts to change it further.

According to a study by Marijuana Business Daily, retail sales of medical marijuana in Ohio could reach \$400 million annually. There could be an estimated \$23 million in state sales tax revenue (marijuana is not considered a “drug,” so the sale would not be tax exempt). There are currently no tax regulations in H.B. 523, so this is to be determined. Decades ago, Ohio municipalities imposed and collect their own sales taxes, but this is now replaced by a state/county system and Local Government Fund in Ohio. In California, municipalities can impose a sales tax on medical marijuana, but for Ohio cities, the sale of medical marijuana would not provide a great tax benefit. Revenues to the City would primarily come from payroll taxes, business income taxes, and property taxes, just like any other business.

Ohio Revised Code Section 3796.30 states that facilities must be at least 500 feet from any church, public school, public library, public park, or public playground. Ohio Revised Code Section 3796.29 states, “The legislative authority of a municipal corporation may adopt an ordinance...to prohibit, or limit the number of, cultivators, processors, or retail dispensaries licensed under this chapter within the municipal corporation...” Municipalities can further regulate the location of facilities, can prohibit or limit the number of facilities and may entirely prohibit facilities from being located in the municipality. Currently, there have been three (3) general approaches on medical marijuana in Ohio. Cities can choose to permit medical marijuana uses, which has happened in Johnstown; they can choose to prohibit these uses, as was done in Hamilton; or they can adopt a temporary moratorium, which is probably the most common response right now. Locally, moratoriums have been adopted in cities such as Troy, Piqua, and Beavercreek. Mr. Jacques noted that the proposed ordinance is to prohibit the sale of medical marijuana in Oakwood. The proposed ordinance is from a zoning standpoint and has to do with the business uses and the compatibility of the use fitting in with the Oakwood neighborhoods. It is not the same thing as taking a position on the use of medical marijuana.

Oakwood Zoning Code, Section 1003 states that the City Council’s role is to hold a public hearing (Sec. 1003.5(A)), which is being done this evening. By a simple majority vote, City Council can vote to approve, disapprove or approve with modifications the proposed legislation.

The decision standard is that text amendments shall be reviewed for consistency with the purposes of the Zoning Code, the Comprehensive Plan, and the interests of the City of Oakwood as a whole.

Mrs. Hilton asked if the Oakwood Board of Health has been involved with any discussions related to this.

Mr. Jacques explained that if the issue was related to medical marijuana use, the Oakwood Board of Health would have been involved, but since the issue is strictly related to zoning, it is not.

City Council thanked Mr. Jacques for his presentation and added that it was very well done.

Mr. Jacques explained why the additional words of "on the premises" were added after the Planning Commission recommended this for approval. He shared that the words were added for clarification due to a number of medical offices or financial institutions that may advise patients or customers that are taking or involved with medical marijuana. The point of this ordinance is not to discourage these types of activities, but to affect the ability of dispensing on the premise.

Mayor Duncan asked for the specific reasons that the Planning Commission voted 4-0 to recommend prohibiting this.

Mr. Jacques read the Planning Commission's findings of fact. He shared that the Planning Commission found 1) Medical marijuana facilities are incompatible with the residential character of Oakwood; 2) Medical marijuana facilities are not in the interest of the city due to a lack of state regulations and safeguards; 3) Security concerns and possible negative secondary side effects; and, 4) Medical marijuana remains illegal under federal law.

Mayor Duncan asked if the Planning Commission's security concerns were related to the lack of banking options.

Mr. Jacques confirmed yes. He explained that one of the Planning Commission members also shared concerns of people loitering outside the establishments looking for handouts, or wanting people with legitimate recommendations to buy for them.

Public Hearing. Mayor Duncan opened the public hearing.

Mr. Erik Greathouse, 509 Volusia Avenue, asked Council to use caution on this proposed ordinance. He recommended taking the action of a moratorium like some other local cities. There are still a lot of unknowns with the rules and regulations, and just in the last week there have been some changes. He said that as he understands it, Council does not even need to take action at all. If someone wanted to open a facility in Oakwood, they would need to get a permit from the City. Mr. Greathouse asked if anyone has even shown interest at this point to open a medical marijuana facility in Oakwood.

Mr. Jacques answered that no one has expressed interest that he is aware of. He also clarified that Oakwood does not require a permit to open a business, only an occupancy certificate. The concern is if someone established a retail use shop, and then becomes an approved dispensary once the state guidelines come out, the City would be hard-pressed to prevent this from happening, unless there was already a law in place.

Mr. Greathouse again shared that the application process for both the cultivators and the dispensaries, which are still evolving, require city approval at the beginning of the application process.

Mr. Jacques explained that there would still need to be a process in place in order for Oakwood to deny a request. There is no current legal mechanism for the City to approve or disapprove, under the scenario Mr. Greathouse shared.

Mr. Greathouse again asked Council to take caution with this proposed ordinance and take time to see what the rules will actually be. He added that he would hate for the City to lose potential tax revenue.

Mrs. Christine Urquhart, 119 Lookout Drive, asked Council, before making any decisions, to consider the children of Oakwood and to consider that the Oakwood Schools are a key asset to the community. She supports the prohibition.

Mrs. Ellen Walters, 474 Lookout Ridge, shared that Oakwood is a residential community and medical marijuana dispensaries are not needed in Oakwood.

Mayor Duncan closed the public hearing and advised that the ordinance will be addressed at the next Council meeting on Monday, March 6. He asked Mr. Jacques how a moratorium would work.

Mr. Jacques explained that a moratorium would require that the City revisit this issue in a very specific timeframe. If Council adopts the proposed prohibition, Council still has the option to revisit this matter at any time. If further regulations come out in a way that Council feels this use would be compatible in Oakwood, Council can adopt another zoning code text amendment to allow it. The concern in waiting to act is the establishment of prior non-conforming uses, or being "grandfathered" in. If it is not prohibited at this point, a situation could be created where someone has established this use and then can be "grandfathered" in in the future.

Vice Mayor Byington added that as with any issue, citizens can contact City Council with any comments or questions regarding this, or anything else. City Council's contact information is available on the city's website at [www.oakwoodohio.gov](http://www.oakwoodohio.gov).

A RESOLUTION  
BY VICE MAYOR BYINGTON NO 1830  
AUTHORIZING THE CITY MANAGER TO EXECUTE THREE YEAR  
COLLECTIVE BARGAINING AGREEMENTS WITH THE  
FRATERNAL ORDER OF POLICE, OAKWOOD LODGE NO. 107,  
REPRESENTING PUBLIC SAFETY OFFICERS AND LIEUTENANTS.

A copy of the resolution, having been placed on the desks of each member of Council prior to introduction, was read by title.

Vice Mayor Byington explained that the current collective bargaining agreement covering Oakwood Public Safety Officers expired on October 26, 2016, and the current agreement with the Public Safety Lieutenants expired on November 3, 2016. Late last year, the City entered into negotiations for a new agreement with FOP Lodge No. 107, which is the union representative for the Public Safety Officers. The Lieutenants were not part of those original negotiations because they were in the process of changing their union representation from the Ohio Patrolmen's Benevolent Association to the FOP.

The City and the FOP were unable to come to terms for a new agreement, and pursuant to state law, the matter was submitted to a fact finder on January 25, 2017. After six hours of settlement discussions, the FOP agreed on terms for a new 3-year agreement for the Public Safety Officers. Shortly after the fact finding, the Lieutenants also agreed to the same terms.

Vice Mayor Byington and Mayor Duncan have reviewed the new agreements as members of Council's Finance Committee, and this resolution will authorize the City Manager to sign them. These agreements provide the Oakwood Public Safety Officers and Lieutenants with responsible wage increases over the next three years that are consistent with wage increases provided to all other city employee groups. They will receive increases of 2.75% in 2017; 2.85% in 2018; and 2.95% in 2019. City Council would like to commend Assistant City Manager Jay Weiskircher for his efforts on the city's behalf, and also Oakwood Public Safety employees for their help in coming to these agreements.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton that the resolution be passed.

Mayor Duncan added that in dealing with financial difficulties over the past five years, the four bargaining units, as well as non-union employees, had two years of frozen salaries. Mr. Weiskircher worked with all four union contracts this past fall. Mayor Duncan congratulated Mr. Weiskircher for his unbelievable efforts in getting all union and non-union employees on the same wage scale increases. Mayor Duncan also congratulated the Public Safety Department for working on a fair agreement with the City.

Upon call of the roll on the question of the motion, the following vote was recorded:

- MR. WILLIAM D. DUNCAN.....YEA
- MR. STEVEN BYINGTON.....YEA
- MR. ROBERT P. STEPHENS.....YEA
- MRS. ANNE HILTON.....YEA
- MR. CHRISTOPHER EPLEY.....YEA

There being five (5) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.



STAFF REPORT Assistant City Manager Jay Weiskircher referenced a PowerPoint presentation and updated Council on Labor Negotiations, Old River Athletic Facility, Far Hills Avenue Business District and Hollinger Memorial Tennis Club.

All unionized employees will receive the same percentage wage increases over the next three years. Consistent with union settlements, Council adopted legislation last November providing the same percentage wage increases to all non-union employees for 2017 and 2018. Mr. Weiskircher shared that Oakwood city employees are very thankful to work here and understand that there are financial challenges.

The Old River Athletic Facility has been a joint project between Oakwood City Schools, the City of Oakwood and Oakwood Athletic Boosters. More than 90% of the project costs have been funded through private donations. The groundbreaking ceremony was in August 2016. To date, the synthetic turf playing surface has been fully installed, the base course of asphalt has been installed for the track, the bleachers have been installed, and parking lots have been completed. There are projects in progress including the support building, the fence installation, field lighting and installation of the press box. A dedication ceremony is scheduled for March 11, 2017.

There have been many changes in the Far Hills Business District. Petco, First Financial Bank, Park Avenue Antiques and Blue Turtle Toys will be leaving. Gregory's Salon of Oakwood is moving to the former Rife's Jewelry building. Re/Max will be moving into the former First Financial building. The City is also working hard to keep Graeter's in Oakwood because it is an important asset to the Far Hills Business District. In addition to these changes, the 2600 Building recently sold and there may be some new exterior improvements.

Representatives of the City and Hollinger met for more than a year about the possible transfer of property to the City. In order to address financial issues created by the operation of Hollinger as a private club, the parties agreed to the following: to convey the club property to the City of Oakwood; the conversion from a private club to a membership-based public resource; memberships will be handled by the City's leisure services department; the City will contract with Hollinger Tennis Club for on-going maintenance, repairs and day-to-day operations; and, initial term of the agreement is 10 years with five 1-year renewal options.

Mayor Duncan inquired about what was being done with the excess topsoil that was removed from Lane Stadium.

Mr. Weiskircher explained that some of the topsoil will be used on the Shroyer Road Project. Most of the topsoil will be reused at Lane Stadium. Also, if there is topsoil leftover, UD and others have expressed an interest.

Mayor Duncan shared that this is another creative way to save money for the City. Mayor Duncan also added that he has reached out to Graeter's on multiple occasions to explain that they are a great asset for the community.

#### CITY MANAGER'S COMMENTS

Mr. Klopsch shared that the City will be reusing approximately 1,100 cubic yards of excellent topsoil that was excavated from the Old River Athletic Facility. The topsoil will be used to backfill 16 raised center medians constructed on Shroyer Road. The Vectren gas line work on Shroyer Road is essentially completed. The Public Works Department began adjusting storm and sanitary sewer manholes to put them at the proper grade. This is all in preparation for the Shroyer Road Project which will begin in May. The bid opening for this project will be in a few weeks. This is a joint project with the City of Kettering that goes from Dellwood Avenue in Oakwood to Stroop Road in Kettering.

Mayor Duncan asked if Kettering and Oakwood will decide jointly on the bid.

Mr. Klopsch confirmed that there is one bid package that Kettering and Oakwood will jointly evaluate and award.

The annual Sidewalk, Curb and Driveway Apron Project will take place in the area west of Far Hills Avenue. Public Works Foreman David Shuey is overseeing the project. He has started marking the sidewalks and residents will be notified in April of their responsibilities.

#### COUNCIL COMMENTS

Mr. Stephens shared that he received positive feedback from Theresa Hammons regarding concrete repair done by the Public Works Department in front of Ashley's and Lula Bell. Ms. Hammons said that the public works employees suggested doing the concrete work on a Monday knowing that the businesses were closed. Ms. Hammonds was very appreciative and wanted to publically thank the Public Works Department.

Vice Mayor Byington encouraged people to visit the city's informative Facebook website page, and as previously mentioned by Dr. Kisel, the Green Oakwood Facebook website page. The Oakwood Community Center is hosting a blood drive on Saturday, February 18 from 9 a.m. to noon. The annual new resident breakfast is on Saturday, March 4. City Council looks forward to meeting new neighbors and telling them about the City's great services.

Mayor Duncan shared three letters from residents. One was to thank Public Safety Officer Brian Pond and the Public Safety Department for being a valuable asset to the City. The other two letters were in appreciation to Public Works Inspector/Foreman Tom Long for his assistance in addressing issues on Shroyer Road in relation to the Vectren gas line work. Mayor Duncan also shared that Council is studying Governor Kasich's proposed new state budget.

The public meeting concluded at 9:15 p.m.



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MAYOR

ATTEST:



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CLERK OF COUNCIL