

## CITY OF OAKWOOD

## STATE OF OHIO

JUNE 3, 2019

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:20 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  
 Ms. Carol Collins, Leisure Services Director  
 Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Stefanie Campbell, 271 Schenck Avenue, Oakwood, OH 45409  
 Joe Fulford, 219 Orchard Drive, Oakwood, OH 45419  
 Tim Benford, 132 Greenmount Boulevard, Oakwood, OH 45419  
 Steve Kelch, Chair of Friends of Smith Gardens Organization  
 Brian Barr, *Oakwood Register*

Mrs. Hilton advised Council she had read the meeting minutes of the May 6, 2019 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. Epley 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

Citizen Committee Appointments – Mayor Duncan announced the new committee appointments of Yury Chorny and Peter Davies to the Beautification Committee; and Bill Draper and John Donnelly to the Property Maintenance Board.

It was moved by Mayor Duncan and seconded by Mr. Stephens 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

Joe Fulford and Tim Benford – EV Chargers and Electric Vehicle Trends: Mr. Fulford provided an overview of changes to transportation and their potential benefits to Oakwood. He referenced a chart that was distributed to City Council highlighting electric vehicles trends. Electric vehicles are a viable, more cost-efficient option for individuals and municipalities. Electric vehicles are much less expensive to operate than gas-powered vehicles, especially with the decreasing cost of batteries. The Oakwood Dorothy Lane Market offers free charging options for electric cars, but the need for chargers will grow significantly over the next several years. Due to the cost savings associated with electric vehicles, automakers are investing billions of dollars in electric vehicle programs.

Mr. Benford, President of the Drive Electric Dayton Chapter of the Electric Auto Association, shared that he lives on Greenmount Boulevard and is a plugin electric vehicle owner. Drive Electric's mission is to help accelerate the transition to plugin electric vehicles in the Dayton area by providing monthly events such as "plugin electric vehicle ride and drives" to help residents become accustomed to these vehicles and to be able to ask questions. Drive Electric went from zero members in the middle of 2017 to 385 members, 37 of which live in Oakwood. The members own 179 plugin electric vehicles. Apart from the instant torque and quick acceleration, plugin electric vehicles are cheaper to operate. The US Department of Energy stated that the cost of refueling a plugin electric vehicle in Ohio with electricity is approximately one third of the cost for vehicles fueled by gasoline. Electric vehicle owners typically charge their vehicles at home, but as the need increases, public charging stations will be desirable.



While the need may seem minimal now, the growth of electric vehicles appears to be exponential. The International Energy Agency’s 2019 Annual Report predicts that there will be 250 million plugin electric vehicles on the road worldwide by 2030. Mr. Benford closed his comments by offering his support to ensure that Oakwood is prepared for the sustainable transportation future.

Mayor Duncan thanked Mr. Fulford and Mr. Benford for providing informative and interesting information.

Mr. Kelch asked if the existing city vehicles could be retrofitted into electric vehicles.

Mr. Fulford explained that the vehicles could be transformed to electric vehicles and that there is grant money available for this purpose.

Steve Kelch – History of Smith Gardens: Mr. Steve Kelch thanked City Council and Leisure Services Director Carol Collins for inviting him to speak about the history of Smith Gardens. He shared that he is blessed and proud to be the Chair of the Friends of Smith Gardens organization. A PowerPoint presentation, including historical pictures, was displayed as Mr. Kelch provided the following details about his grandparents, Carlton & Jeannette Smith, and the history of Smith Gardens.

Carlton & Jeannette Smith met while attending Lawrence College. After they were married, Carlton Smith followed in his father-in-law’s footsteps and was elected mayor of Appleton, Wisconsin. They raised a family of four daughters, three of which raised their families in Oakwood. The Smith family moved from Wisconsin to the Dayton area after purchasing a house next to a vacant lot on Walnut Lane in the early 1930’s. At the time, Carlton Smith was founder and president of the American Envelope Company. He and his design team invented the “Carrollton Clasp”, which is the metal clasp on the back of envelopes. From 1936 on, Carlton Smith planned, developed and built his dream garden with the help of renowned architect of natural flowing streams & ponds, Romaine B. Ware. Mr. Kelch recalled that visitors would often mistake his grandfather as a hired gardener because of his battered straw hat, grass-stained trousers, and knee pads made from old tires, with a rake in his hand, and a spade in his back pocket working from sunrise to sunset. Mr. Kelch shared that his grandfather would travel to Yellow Springs to gather rocks from John Bryan State Park to keep the gardens vibrant. The gardens continued to grow, as did the number of visitors. Carlton Smith passed away in 1973 and Jeannette Smith passed soon thereafter in 1975. Mr. Kelch shared a story about how Carlton would place one of his prize peace roses on the table every week for their Friday dinner together. Upon Mr. Carlton’s death, the house was sold for \$105,000, which was used to establish an endowment fund, and the garden was donated to the city of Oakwood in 1974. Around that same time, Leisure Services Director Carol Collins began working for the city of Oakwood and has been maintaining the gardens ever since. This year, Ms. Collins is celebrating her 45<sup>th</sup> year of employment with the city of Oakwood. Mr. Kelch then shared some of Carlton and Jeannette’s accomplishments, awards and endowments. He shared that he nominated Carlton to the Dayton Region’s Walk of Fame, and plans to re-nominate him along with Jeannette. In closing, Mr. Kelch shared that he hopes that Smith Gardens will continue to be a place of beauty and peace for all who visit for many years to come. As the Smith Gardens sign says, “Flower lovers are welcome to browse in the garden.”

Mayor Duncan thanked Mr. Kelch for his presentation and also thanked him for his service as Chair of the Friends of Smith Gardens organization. He then recognized Skip and Martha Ordeman for serving as the Co-Chairs for the Friends of Smith Gardens organization for the 12 years between 2007 and 2018.

LEGISLATION

AN ORDINANCE  
BY VICE MAYOR BYINGTON NO 4885  
AN ORDINANCE TO LEVY A PERMISSIVE MOTOR VEHICLE  
LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION  
4504.173.

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 shared that this ordinance was introduced with a first reading at the May 3 city council meeting. He explained that Governor DeWine signed the 2019 Transportation Budget Bill on April 10, 2019. The bill included a provision allowing municipalities to levy a \$5 permissive tax on the registration of all motor vehicles, with 100% of that money going to the municipality. The money must be used for authorized purposes, which include the maintenance



and repair of public streets. The \$5 fee would be collected as part of the annual licensing fees paid each time a motor vehicle is registered to an Oakwood address. That money, which is projected to be approximately \$45,000 per year, would be used to supplement local tax dollars for maintaining Oakwood streets. The amount of money provided through the vehicle registration fee was last increased in 2006. Over the past 13 years, this revenue source has not changed, other than modest variations resulting from minor changes in the number of motor vehicles licensed by Oakwood residents. This additional money will help with the continued maintenance of Oakwood public roadways in a first-class manner.

Thereupon, it was moved by Vice Mayor Byington 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 MR. STEPHENS NO 4886

ADOPTING SECTION 375.10, SHARED MOBILITY DEVICES, OF THE OAKWOOD TRAFFIC CODE TO ENACT A ONE YEAR MORATORIUM ON THE USE OF SHARED MOBILITY DEVICES, INCLUDING THE PLACEMENT OR OPERATION THEREOF IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, AND OFFERING THE SAME FOR USE ANYWHERE IN THE CITY.

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 the first reading of an ordinance to impose a moratorium on the use of “dockless electric scooters and bicycles” in city rights-of-way.

Dockless electric scooters and bicycles, which are available to be rented on demand from unstaffed locations, have arrived in many cities suddenly and unexpectedly, and have proliferated rapidly. Some of the most visible examples include “Bird” and “Lime” scooters, among others.

These shared mobility devices are largely unregulated. They exist in a kind of legal limbo where, despite some level of public demand, they cannot be used legally on sidewalks due to their status as “motor vehicles” under state law, nor can they be used legally on streets due to equipment limitations and the lack of adequate mechanisms for titling, registering, and insuring them. As a result, there are several lawsuits pending around the nation, and the Ohio General Assembly and a number of other state legislatures are considering possible frameworks for the regulation of shared mobility devices.

Until the General Assembly determines a path forward for our state, the problems inherent with shared mobility devices must be addressed by local government. In cities where shared mobility devices are available, they are frequently abandoned by users wherever they happen to stop: in streets, sidewalks, doorways, and other public places. This creates visual clutter and more importantly, safety concerns, especially for the most vulnerable pedestrians.

In addition, due to the spontaneous nature of these rentals and their appeal to young people, shared mobility devices are nearly always operated by users—often minors—without helmets.

While it is not anticipated that Oakwood will be a major market for these devices, it is important to have legislation in place before the first vendor chooses to locate in Oakwood. Council has initiated this moratorium legislation as an immediate way to address the hazards posed by shared mobility devices placed in and operated on public property. City Council’s intent would be to revisit the issue in one year when the legal landscape may have become more firmly settled.

This was a first reading of the ordinance, so Mr. Stephens made no motion.

Mayor Duncan explained that if you own an electric scooter, this ordinance will not apply.



AN ORDINANCE  
BY VICE MAYOR BYINGTON NO 4887  
AN ORDINANCE TO AMEND SECTION I, 2019 ORIGINAL  
APPROPRIATION ORDINANCE NO. 4870 TO PROVIDE FOR THE  
APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$25,000.00 TO BE EXPENDED FROM THE GENERAL EQUIPMENT REPLACEMENT FUND FOR THE CARDBOARD DROP-OFF STATION IMPROVEMENTS; AND
2. AN AMOUNT OF \$25,000.00 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE GENERAL EQUIPMENT REPLACEMENT FUND;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE  
FISCAL YEAR ENDING DECEMBER 31, 2019.

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 this is the first reading of a supplemental appropriation ordinance that will allow the City to expand its cardboard collection facilities at Creager Field.

The City currently operates a cardboard drop-off station at the Creager Field parking lot. It is open 24/7, allowing residents to drop off recyclable cardboard materials outside their normal home pick-up schedule. The station consists of two large top-loading dumpster containers that have been equipped for public access by the construction of a ramp and wood platform.

Since installing the station a few years ago, it has been a huge success with Oakwood residents. More and more cardboard is being received each year. Cardboard often accumulates beyond capacity before the next scheduled container pick-up, and ends up piled on the loading platform and around the containers.

City staff has explored ways to increase the cardboard recycling capacity, and was recently informed that the City has been approved for a grant from the Montgomery County Solid Waste District. The grant is in the amount of \$16,720, which will pay 100% of the cost to purchase two additional containers. Under the terms and conditions of the grant, the City must pay the entire cost of the containers up front, to be reimbursed by the Solid Waste District upon completion of the project.

In order to use the new containers alongside the existing containers, an expanded platform assembly must be built. That particular line item is not funded by the grant, but can be done in-house by city employees at an estimated cost of \$7,532.

In all, the City's up front cost will be \$24,252, which includes \$16,720 for the two new containers and \$7,532 for the new platform and stair assembly. Of that \$24,252, \$16,720 will be reimbursed after project completion through the Solid Waste District grant.

This project was not included in the 2019 budget adopted by City Council last December because the grant had not been approved at that time. City Council believes this modest investment will benefit the public welfare by further promoting cardboard recycling, and by ensuring adequate capacity and added efficiency for Oakwood residents, and wishes to appropriate the necessary funds in 2019 to take advantage of this grant opportunity.

This supplemental appropriation will authorize the transfer of \$25,000 from the City's General Fund to the General Equipment Replacement Fund, from which these up front expenditures will be made.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Epley that the second reading be waived and that the ordinance be passed tonight.

Mayor Duncan noted that a four out of five yes vote is required in order to waive the second reading of the ordinance.



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.

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

Mr. Klopsch recalled his experiences from the weather last Monday evening, when multiple tornadoes touched down in the area. Thankfully, Oakwood was spared, but the same cannot be said for many neighboring communities that experienced significant damage. Due to the tornado damage in the city of Dayton, Dayton City Manager Shelley Dickstein requested any assistance Oakwood could provide. Beginning last Wednesday, and for the foreseeable future, three Oakwood public works employees are helping with the Dayton area clean-up effort. Many other communities are helping as well. Leisure Services Director Carol Collins and her staff are collecting items for The Foodbank of Dayton. The Oakwood Community Center collected multiple truckloads of supplies, and will continue with the collection efforts. Mr. Klopsch encouraged people to contact the Oakwood Community Center to find out what items are needed. In addition to storm damage, the water system in the city of Dayton was affected by the power outage. Oakwood offered to provide water from the fire hydrants on the south side of Oakwood to assist the city of Kettering if needed. Mr. Klopsch said that it is amazing to see how hundreds of people are helping in different ways. He asked everyone to keep the people affected by the tornados in their thoughts, and to help out as much as possible.

The 2018 financial audit is complete and the final report will be posted on the website soon. The City once again had a clean audit report. Mr. Klopsch commended Finance Director Cindy Stafford and her staff for their fine work.

Vectren gas line work for 2019 has begun on E. Schantz Avenue and Volusia Avenue, east of Oakwood Avenue. This is a multi-year project to replace the original bare steel and cast iron pipeline infrastructure.

The *Oakwood Scene* newsletter is distributed to all Oakwood residents every two months. Each edition contains important community information, as well as ongoing helpful tips, reminders and dates for annual events. The newsletters contains helpful articles about upcoming construction projects such as: the concrete repair work on Ridgeway Road; the Asphalt Resurfacing Project that will take place in late June or early July; and the Sidewalk, Curb and Driveway Apron Project. The *Oakwood Scene* newsletter also contains information about hazardous waste disposal. The Oakwood Rotary Club offers a program every three months where volunteer Rotarians travel the community to collect and dispose of hazardous waste. Information is also available on the City's website.

The Oakwood Farmers' Market opened last Saturday for the 2019 season and will be open through late October.

The contractor who rebuilt the Shafor Park Tennis Courts last fall will be doing warranty repairs, at no additional cost to the city of Oakwood or Oakwood Schools. The initial work involves minor repairs this spring and summer so the courts will be available for the fall tennis season. During late spring and summer of 2020, the surface asphalt on all five tennis courts will be removed and replaced.

The Montgomery County Auditor's Office will be conducting field inspections in Oakwood over the next few weeks for the 2020 property revaluations. Appraisers from Lexur Appraisal Services, hired by the Montgomery County Auditor's Office, will be traveling around Oakwood to do the field work. Mr. Klopsch encouraged residents to contact the Oakwood City Building or the Public Safety Department with any concerns.

Mayor Duncan recognized Dayton Power & Light for all of their hard work repairing power lines that were damaged from the recent tornado event.

Mr. Klopsch agreed, and shared that he observed more wires down than he has ever seen before. It will be an enormous rebuilding project.

COUNCIL COMMENTS

Mr. Stephens reminded people to use, and recommend, local contractors for the tornado clean-up to avoid storm chasers. He said that it has been fabulous witnessing the number of people volunteering to help. He added that he is proud to be a citizen of the Miami Valley region. He urged citizens to continue volunteering to help our neighboring communities.

Vice Mayor Byington explained how important safety is when volunteering. He encouraged people to take the appropriate precautions by wearing eye protection, etc. to ensure safety. He shared that as an Oakwood Rotarian, he is thankful to the community for supporting the “That Day in May” event to help raise money for programs, charities and causes throughout the Miami Valley region.

Mayor Duncan shared that Thursday, June 6 is the 75<sup>th</sup> anniversary of D-Day, the invasion of Normandy. He read General Dwight D. Eisenhower’s message that was delivered to U.S. soldiers.

The public meeting concluded at 8:27 p.m.



MAYOR

ATTEST:

  
CLERK OF COUNCIL