

CITY OF OAKWOOD
STATE OF OHIO
JUNE 4, 2018

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
Ms. Carol Collins, Leisure Services Director
Mrs. Cindy Stafford, Finance Director
Chief Alan Hill, Public Safety Director
Mrs. Jennifer Wilder, Personnel and Properties Director
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Martha Haley, 400 Irving Avenue, Oakwood, OH 45409
Stefanie Campbell, 271 Schenck Avenue, Oakwood, OH 45409
Brian Barr, *Oakwood Register*

Mrs. Hilton advised Council she had read the meeting minutes of the May 7, 2018 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

PSO Swear-In – Mayor Duncan recognized new Public Safety Officers Justin Slone and Jesse Schaffer, and their families. He then administered the Oath of Office. Chief Hill welcomed and introduced PSO Slone and PSO Schaffer. He shared that both officers are excellent additions to the department.

Citizen Committee Appointments – Mayor Duncan announced new committee appointments of Ted Kircher and Heidi Susta to the Environmental Committee.

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

Montgomery County Treasurer, Carolyn Rice – Treasurer Carolyn Rice addressed City Council and provided the following update. Treasurer Rice urged all property owners that owe property taxes to contact the Treasurer's office at 937-225-4010. Throughout Oakwood, only 35 properties are delinquent with \$214,177.80 being owed in property taxes. There are 11 Oakwood properties on a payment plan. The County is legally required to publish in the newspaper the two yearly tax lien sales. These sales allow county treasurers to sell past due taxes to a third party. The property owner will then owe the tax lien buyer (or third party) which may have larger penalties. Treasurer Rice shared that she founded and chairs the Montgomery County Land Bank. The program has brought in more than \$25 million to demolish approximately 2,000 run-down homes. The program also offers other services such as planning grants and remodeling projects. The Montgomery County Land Bank receives five cents for every dollar that is paid in delinquent taxes. There will be a pilot program focusing efforts on the single neighborhood of Pineview, across from the Dayton VA Medical Center. Moving forward, the plan is to acquire and demolish properties as needed, and to focus on two neighborhoods a year.

Mr. Stephens asked how many delinquencies Oakwood had about 5 – 10 years ago.

Treasurer Rice responded that she was not sure. She explained that when a property has been delinquent for more than three years, the property owner often ends up owing more than what the property is worth.

Mrs. Hilton asked what role the Montgomery County Land Bank plays with the Dayton Arcade.

Treasurer Rice shared that the Montgomery County Land Bank will acquire the Dayton Arcade to help move the project forward.

City Council thanked Treasurer Rice for her presentation.

LEGISLATION

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4861
TO AMEND SECTION 1, 2018 ORIGINAL APPROPRIATION
ORDINANCE NO. 4850 TO PROVIDE FOR THE APPROPRIATION
OF:

1. AN ADDITIONAL AMOUNT OF \$20,000 TO BE EXPENDED
FROM THE LAW ENFORCEMENT FUND FOR THE PURPOSE
OF PURCHASING A VEHICLE FOR USE BY THE CITY
DETECTIVE;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE
FISCAL YEAR ENDING DECEMBER 31, 2018.

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 a supplemental appropriation ordinance to authorize the expenditure of forfeited funds, and it was introduced with a first reading at the May Council meeting.

Between 2015 and 2016, Oakwood Detective Steve Norris led a multi-jurisdictional investigation into possible drug crimes in the area. That investigation resulted in the arrest of two individuals and the seizure of over 160 pounds of marijuana, numerous vehicles and firearms, and over \$300,000 in US currency.

Federal law provides for the forfeiture of money related to illegal drug activity, and upon forfeiture the money is distributed among the law enforcement agencies involved in the case. In this case, the forfeited money was distributed among nine agencies and Oakwood's share is \$27,480.66.

The Director of Public Safety has recommended that a portion of this money should be used to replace the City's detective vehicle, which is nearing the end of its useful service life and is frequently in need of repair. The entire cost of the replacement vehicle will be paid from forfeiture funds. However, a supplemental appropriation is necessary because that vehicle was not originally budgeted for replacement in 2018.

The Safety Department and especially Detective Norris were instrumental in this investigation, and Council believes this is an appropriate use for the money. This supplemental appropriation will provide an additional \$20,000 from the Law Enforcement Fund.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Stephens 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 4862
TO AMEND EXISTING SECTION 301, TERMS DEFINED, OF THE
OAKWOOD ZONING ORDINANCE TO CLARIFY CERTAIN
DEFINITIONS PERTAINING TO RESIDENTIAL USES, AND TO
ADOPT NEW SECTION 409, RESIDENTIAL GROUP RENTALS, OF
THE OAKWOOD ZONING ORDINANCE.

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 an ordinance to update the Oakwood Zoning Code. The Planning Commission already reviewed it, held a public hearing on May 2, 2018, and unanimously recommended that Council approve it.

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 Mayor Duncan to open the public hearing. Mayor Duncan did so, and asked Law Director Rob Jacques to make a staff report.

Mr. Jacques explained that the proposed Zoning Code text amendments clarify definitions and guidelines that are potentially vague or open to subjective interpretation. The proposed amendment also builds in a new section providing an objective process providing different ways to analyze situations relating to single family rentals.

Mr. Jacques explained that the idea is to continue to limit the use of single family homes to preserve Oakwood as a family-oriented community. In other cities, there has been litigation questioning the rules of what constitutes a family. Outside counsel reviewed the Oakwood Zoning Code and provided an opinion based on past experience with this topic. The attorney came back with a few suggested changes. The recommended changes help eliminate the possibility of the City falling into a discriminatory trap.

Mr. Jacques shared that the determination of whether a group constitutes a "Family" is very fact-specific, and the proposed ordinance builds in criteria to help define this. Under the proposed definition, groups of people residing together would either be classified as a traditional blood or marriage based family, or as a household that is the functional equivalent of a family.

Mr. Jacques said that under the current code, it is difficult to prove who lives in a home, or who is just visiting. The proposed code builds in a new Section providing an objective process to analyze situations. He then reviewed the list of factors that can help determine family status. The City Building Commissioner is authorized to make a written determination based on the numerous objective criteria being taken into consideration.

Mr. Jacques explained that the goal is to make the ordinance as defensible as possible while providing clear objective criteria that will still work well for the Oakwood community.

Mayor Duncan clarified and added that the purpose of the ordinance is to clean up the definitions and add objective criteria to determine family status.

Martha Haley, 400 Irving Avenue, shared that she does not see how this will make enforcement any easier.

Mr. Jacques explained that as the Code exists now, it is hard to prove who is violating the family status. City staff is taking observations and information, but is having a hard time turning this information into proof. With the new ordinance, there will be specific criteria to help determine if the group is a functional equivalent of a family.

Mayor Duncan said that this is an issue all throughout Oakwood. City staff continues to have ongoing dialogue with the University of Dayton regarding student housing, but the problem is not limited to students.

No other visitors wished to address Council on this issue, so Mayor Duncan closed the public hearing.

This was a first reading of the ordinance, so Vice Mayor Byington made no motion.

AN ORDINANCE
 BY VICE MAYOR BYINGTON NO 4863
 TO ESTABLISH PROCEDURES AND STANDARDS FOR THE
 OPERATION OF MOBILE FOOD VEHICLES.

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 two ordinances are being introduced tonight to update the Oakwood Business Regulation Code. The first is an ordinance that will allow "mobile food vehicles," or food trucks, to operate on public rights-of-way in the City.

Most people are probably familiar with food trucks, which have been gaining popularity in recent years. City staff has been wary about permitting them in Oakwood due to possible negative impacts on residential neighborhoods, but it is clear that food trucks are a phenomenon that is here for the foreseeable future.

This ordinance will allow food truck operation in the City, but includes a number of provisions designed to protect the residential character of the community. Some of the highlights include the following: All operators must be licensed by the City; All operators and facilities must be in full compliance with all state and county requirements for mobile food service, and must have all necessary licenses, permits, certificates, and inspections; All operators and facilities must be in full compliance with all local ordinances, including noise ordinances; All operators will be required to display a decal on the vehicle indicating current licensure; Food trucks will be prohibited in alleys, and will be prohibited on the following streets: Far Hills Avenue; Shroyer Road; Patterson Road; E/W Schantz Avenue between Oakwood Avenue and the Oakwood/Kettering corporate line; Oakwood Avenue between Far Hills and Irving Avenues; and Park Avenue between Far Hills and Harman Avenues; Hours of operation are between 11:00 a.m. and 9:00 p.m., and a food truck may only sell food in one location for one hour. However, the City Manager will have authority to approve extended time or hours in connection with a specific event; and Food trucks must be parked by the curb, must dispense food curb-side, and cannot impede the orderly flow of traffic.

This was a first reading of the ordinance, so Vice Mayor Byington made no motion.

AN ORDINANCE
 BY VICE MAYOR BYINGTON NO 4864
 TO AMEND EXISTING SECTION 725.01, STREET SALES
 PROHIBITED EXCEPT IN BUSINESS DISTRICTS, OF THE
 OAKWOOD BUSINESS REGULATION CODE TO CREATE AN
 EXEMPTION FOR THE OPERATION OF LICENSED MOBILE FOOD
 VEHICLES.

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 second ordinance to update the Oakwood Business Regulation Code as it pertains to food trucks. There is an existing ordinance in the code, Section 725.01, that prohibits anyone from offering any thing or product for sale within any street right-of-way. The ordinance being introduced now would amend Section 725.01 to create an exemption for food trucks.

Mayor Duncan asked if this exemption applies to ice cream trucks.

Mr. Jacques said yes, as long as ice cream trucks meet the criteria listed in the ordinance for "mobile food vehicles".

This was a first reading of the ordinance, so Vice Mayor Byington made no motion.

A RESOLUTION
 BY VICE MAYOR BYINGTON NO 1846
 BY THE COUNCIL OF THE CITY OF OAKWOOD, OHIO,
 DECLARING THE NECESSITY OF A RENEWAL LEVY IN EXCESS
 OF THE TEN-MILL LIMITATION AND REQUESTING THE
 COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX
 VALUATION OF THE CITY OF OAKWOOD AND THE DOLLAR
 AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A
 SPECIFIC NUMBER OF MILLS.

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 when the State of Ohio eliminated the estate tax and made other cuts to local government funding, the city of Oakwood lost almost \$3 million in annual revenue. Council and staff embarked on an intensive campaign of neighborhood and town hall meetings to discuss options with residents, and decided on a combination of approaches to address the significant shortfall. One of these was a 3.75 mill property tax levy that was approved by Oakwood voters in 2013 and is due to expire at the end of 2018.

This resolution is the first legislative step towards placing a renewal of this 3.75 mill levy on the ballot in November. The second piece of legislation will be on the agenda for Council's July meeting. It is important to note that since this is a renewal instead of a new levy, it will maintain the current level of property taxation and will NOT increase property taxes.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton that the resolution 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 resolution was declared duly passed and it was so ordered.

STAFF REPORT

Leisure Services Report: Ms. Carol Collins, Leisure Services Director, delivered the following report:

Gardner Pool opened over Memorial Day weekend and there are 419 family pool memberships purchased, 117 single memberships and 89 senior memberships. The Oakwood Community Center has three "Summer Fun at the Pool" family nights planned in 2018. The dates are Sunday, June 24; Sunday, July 22; and, Sunday August 12. The pool staff will organize relay races and fun games throughout the night. The pool will close at 9 p.m. on all three nights, one hour later than normal.

The Oakwood Dolphins have dominated their league with over 210 swimmers. They have taken first place every year for the past 15+ years. The registration deadline for the upcoming season was Sunday, June 3 and practice begins today.

The Gardner Pool staff offers swim lessons beginning for toddlers with parents all the way to advanced Level V and VI. The lessons are certified by the American Red Cross and in 2017, there were over 240 participants.

The 2018 Family Movie Night at Old River premieres the movie 'Beauty and the Beast: Sing-A-Long Live Version' on Friday, June 22.

The Oakwood Community Center will be offering the following summer camps: Fencing Camps, Irish Dance Camp, Camp Shafor, Kiddie Camp, Skyhawks Sports Camps, Boys and Girls Lacrosse Camp, Camp Hodge Podge, Dance Camps, and Kidz Home Alone & Better Babysitters.

The city of Oakwood took possession of the Hollinger Memorial Tennis Club in late 2016. The Oakwood Community Center is responsible for collecting all monetary donations and membership revenue for the club. To date, there have been 57 memberships sold, including two new members and five mid-season memberships.

For the 37th consecutive year, Ohio was recognized nationally as a Tree City USA community, one of just 243 cities, villages and townships nationwide. In 2017, Ohioans planted more than 29,000 trees, pruned more than 85,000 trees, volunteered more than 50,000 hours in urban forestry programs, and invested a combined total of \$40.8 million toward urban forestry efforts. Oakwood received a 36 year award as a Tree City USA city at the Tree City USA ceremony.

The old asphalt driveway at Smith Gardens was recently replaced by brick pavers. It was a nice improvement for Smith Gardens as well as the community.

The Smith Gardens Blanket Concerts are scheduled for Sunday, June 10 at 7 p.m. – Madcap Puppets – “Rumpelstiltskin: A Puppet Musical; Sunday, July 15 at 7 p.m. – The Fries Band; and, Sunday, August 5 at 7 p.m. – The Band “5”. Hundreds of people enjoy these concerts every summer by bringing their families, blankets and chairs to relax in the beauty of Smith Gardens. In case of rain, the concerts will be held at the OCC.

Ms. Collins recognized the Oakwood Environmental Committee for all of their efforts in planting a flower bed at Far Hills Avenue and Telford Avenue. This group of five individuals on the Environmental Committee did a beautiful job planting over 1,600 plants.

The MOMs Group donated and planted \$250 of perennials at Cook Park. Cook Park is a beautiful addition to the Oakwood community.

Through the excellent work of Horticulturist Brian Caldwell, the wooden entrance pillars at Volusia and Oakwood Avenues was totally replaced.

Mayor Duncan congratulated Ms. Collins and the Leisure Services department.

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

Mr. Klopsch thanked Leisure Services Director Carol Collins for her 44 years of service. Carol and her staff continue to do a fabulous job creating a beautiful ambience throughout the City. Horticulturist Brian Caldwell is a jack of many trades with multiple skills and talents. He does a lot of jobs around the community. Gardner Pool continues to be a wonderful community resource. Program Supervisor Karen Earley does an outstanding job in the spring preparing the pool, overseeing the operation throughout the season, and then ensuring proper closure in the fall. Program Supervisor Thomas Hayes does a great job overseeing the Old River Sports Complex. Several hundred Oakwood United Soccer players utilize these fields.

Major construction is underway on the Shafor Park Tennis Courts. The City hopes to have the project completed by the end of July, or early August, in time for the Oakwood High School Tennis team 2018 season. The project includes a 5-court facility that will also be open to the general public. It will be a wonderful new addition to the community.

The Vectren gas line work for 2018 has begun on Peach Orchard Avenue and East Drive. The work on East Drive will be about a three month project and will involve a large trench being dug and a new 16” pipe installed. All residents that are affected by the work have been notified.

The asphalt paving project is scheduled to start on July 9 and will last approximately 1 – 2 weeks, depending on the weather. J.R. Jurgensen is the contractor. Residents that are affected by the asphalt work have already received notification.

The annual Sidewalk, Curb and Driveway Apron Project will start mid-June. Most of the work will take place in the southeastern quadrant of Oakwood.

City Manager David Hicks recently retired from the city of Moraine. Mr. Hicks started in Moraine as a Public Safety Officer and served the community for over 40 years. His replacement, Bryan Chodkowski, started today. Mr. Klopsch wished Mr. Hicks all the best in his retirement.

COUNCIL COMMENTS

Mrs. Hilton congratulated Leisure Services Director Carol Collins. She shared that she walks with a group of women around Smith Gardens a few times a week and it is a great community asset.

Mr. Stephens welcomed the two new public safety officers. He hopes they have a wonderful and long career with the City.

Vice Mayor Byington shared that the Oakwood Farmers' Market opened this past Saturday. He encouraged people to come out and visit. He then read the following story from Dateline Today:

"An Oakwood team competed in the Destination Imagination Globals in Knoxville, Tenn. over the weekend and had a chance to meet a buddy team from Pakistan. What transpired was a lesson in sportsmanship and goodwill.

The DI program is based on students working in teams to solve challenges. Team members choose a central team challenge to solve, designed to be a long-term effort.

These team challenges often fall into the same interest categories (science, technical, engineering, service learning, fine arts, improvisation, etc.) each year, but the actual details of the challenge change.

Frequently, students are encouraged to incorporate technical, engineering, and artistic methods to enhance their solution.

At the competition, the team of young boys from Pakistan had a glitch in their technology and they spent almost all of their allotted 8 minutes for their presentation trying to actually fix it.

They were then stopped at their time limit and essentially unable to present their solution. Needless to say, they were crushed. The Oakwood managers and team, who were there to support their buddy team, came to the rescue by taking all of their props and setting them up in a nearby hallway space and gathering an audience to watch them try again.

The Pakistan team performed their whole skit for a large, supportive crowd.

Lots of tears were turned to smiles when they were able to share their hard work with people after traveling so far.

Members of the Oakwood DI team, The Spotlight 6, had a top 10 finish at the competition.

The fifth-grade team from Harman School placed sixth overall in the international competition in the Elementary Level Fine Arts category. They also achieved the highest score in the central challenge, although this category is not recognized on its own.

Members of the team are: Henry Almoney, Claire Cezeaux, Deirdre Lynch, Charlotte Powell, William Usechak and Ben Wittmer. The team's managers are Mackenzie Wittmer and Jennifer Almoney.

After the competition, the Pakistani students that Oakwood assisted at the competition and their families came to Oakwood for a visit, touring Harman School, playing on the playground and visiting Hawthorne Hill before heading to Niagara Falls."

Vice Mayor Byington added that it was nice story where the students worked together to support one another, and it made him proud to be in Oakwood.

Mayor Duncan gave kudos to the Oakwood Public Safety Department for capturing, within 24 hours, the perpetrator who robbed LNCB Bank. The Oakwood Detective put in a lot of hours in order to track the whereabouts of the robber, who is now in jail. He also gave kudos to the Oakwood Public Safety Department and Oakwood City School District for partnering together and handling a student who induced panic. The situation was handled with grace and professionalism. Mayor Duncan reported that he will be attending a Change of Command Ceremony at the National Museum of the United States Air Force where Colonel Bradley McDonald will relinquish command of the 88th Air Base Wing.

The public meeting concluded at 8:52 p.m.

ATTEST:

Jean Stace

CLERK OF COUNCIL

William D. Duncan

MAYOR

