

CITY OF OAKWOOD
STATE OF OHIO
NOVEMBER 5, 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 BYINGTONPRESENT
MR. ROBERT P. STEPHENS.....PRESENT
MRS. ANNE S. HILTON.....PRESENT
MR. CHRISTOPHER B. EPLEYPRESENT

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
Mrs. Jennifer Wilder, Personnel and Properties Director
Mr. Ethan Kroger, Code Enforcement Officer
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Kip Bohachek, Property Maintenance Board Chair
Celia and Jeff Shulman
Andy Aidt, Planning Commission Vice Chair
Harrison Gowdy, Planning Commission Member
Healy Jackson, Planning Commission Member
Wesley and Katherine Pippenger, 328 Monteray Avenue
Bob and Laura Peterson, 2626 Delaine Avenue
David Stackhouse, 51 W. Forrer Road
Shasta Beam, 235 Ridgewood Avenue
Kip Bohachek, Property Maintenance Board Chair
James & Ellen Vaughn, 1711 Southwood Lane W.
Judy De Franco, 73 E. Dixon Avenue
Karen Carter, 2406 Shroyer Road
Laura and Ellen Walters
Paul Sampson, St. Paul's Episcopal Church, 33 W. Dixon Avenue
Amy and Tim Duvic, 131 Rubicon Road
The Wittmer Family, 552 Hathaway Road
Becky and Will Ross, 26 Patterson Road
Stefanie Campbell, 271 Schenck Avenue
Brian Barr, *Oakwood Register*

Mrs. Hilton advised Council she had read the meeting minutes of the October 1, 2018 regular session, work session & executive session, and October 22, 2018 executive 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

Retirement of Planning Commission Chair, Jeff Shulman – Mayor Duncan shared that Mr. Shulman is a 42-year resident of Oakwood. Mr. Shulman served the City in several voluntary roles. From 1982 – 1986, Mr. Shulman was a member of the Oakwood Youth Commission and served as its Chairman for two years. In December 1999, he was appointed by City Council to the Oakwood Planning Commission and served as chairman over the past ten years. As a 19-year member of the Planning Commission, Mr. Shulman played a major role in many significant Oakwood zoning and land use issues. As chairman over the past ten years, he presided over the commission meetings and led the commission through several challenging community land use applications. In his capacity as a member of the Planning Commission, Mr. Shulman was also actively involved in development of the 2004 update of the City's Comprehensive Plan and the 2010 Oakwood Athletics and Recreation Master Plan. He was recognized by the Oakwood Rotary Club in 2012 when he received the Civic Leadership Award. Mr. Shulman has been a

tireless volunteer for many years and epitomizes what it means to give back to the community in a meaningful way. Mayor Duncan congratulated Mr. Shulman for his many years of service.

Mr. Shulman shared that he enjoyed his years on the Planning Commission. He found the meetings enjoyable, but at times challenging. He appreciated the support from City Council, City staff and from his fellow Planning Commission members. He has always felt that a citizen has a duty to give back to the community.

Mayor Duncan shared that he appreciates Mr. Shulman's efforts over the past 19 years.

Citizen Committee Appointments – Mayor Duncan shared that Greg Lauterbach is being appointed to the Planning Commission and Nick Endsley to the Board of Zoning Appeals. Mr. Lauterbach has been a Board of Zoning Appeals member since 2009, and will leave that position to take Jeff Shulman's seat on the Planning Commission. Mr. Lauterbach has his own architecture firm, Greg L. Lauterbach, LLC. He graduated from the University of Michigan in 1989 with a BA in economics, he received his MBA from Indiana University in 1993, and then received his Master of Architecture from the University of Illinois at Chicago in 2002.

Mr. Endsley will fill the Board of Zoning Appeals position vacated by Mr. Lauterbach. Mr. Endsley is also a member of the citizen Budget Review Committee. Mr. Endsley is an attorney at Sebaly Shillito + Dyer, LPA. He graduated from the University of Wisconsin-Madison in 2006 with a BA in Political Science and History and the University of Cincinnati College of Law in 2010.

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.

Pre-sale Inspection Program – Mayor Duncan commented on the inaccuracies published in the November 4 *Dayton Daily News* article about the housing pre-sale inspection program. He shared that the article reported that “the lead plaintiff Jason Thompson...was threatened with jail time if he transferred property he owned...without first paying for and completing the pre-sale inspection.” He then asked the City Manager the following questions. Did you as City Manager threaten Mr. Thompson with jail time? Mr. Klopsch responded no. Did our law director, Mr. Jacques, threaten Mr. Thompson with jail time? Mr. Jacques responded no. Did our code enforcement officer, Mr. Kroger, threaten Mr. Thompson with jail time? Mr. Klopsch responded no. Did our former code enforcement officer, Mr. Bunting, ever threaten an Oakwood homeowner with jail time? Mr. Klopsch responded no. Has anyone employed by the city of Oakwood ever threatened an Oakwood homeowner with jail time if they did not comply with our Pre-Sale and Inspection Program? Mr. Klopsch responded no. Mayor Duncan shared that if his understanding is correct, Oakwood's Pre-Sale Inspection Program has been in existence since 1968 and the missing language addressed in Judge Rose's ruling was inadvertently omitted when the city of Oakwood hired an outside consultant to recodify our city ordinances in 1992? Mr. Klopsch confirmed that is correct. Mayor Duncan asked again, for the record, did the city of Oakwood ever implement the Oakwood ordinance in an unconstitutional manner? Mr. Klopsch responded no. When the defect in the language of the ordinance was discovered in May 2016, did Oakwood City Council amend the ordinance in July 2016 to correct this defect? Mr. Klopsch responded yes. Did Judge Rose grant Oakwood permission to implement the amended ordinance, noting that it cured the unconstitutional provision? Mr. Klopsch responded yes. The *Dayton Daily News* article notes “residents wonder why the program is still up and running” and quotes property manager Mike Self and attorney Kristin Rosan. Mayor Duncan shared that his research indicates that Ms. Rosan is an attorney in Columbus Ohio. He then asked if Mr. Klopsch knows if Mr. Self or Ms. Rosen reside in Oakwood? Mr. Klopsch responded that he did not. He then asked Mr. Klopsch if he has heard from any Oakwood residents questioning the legality or the necessity of our Pre-Sale Inspection Program? Mr. Klopsch responded that he has not. Finally, Mayor Duncan said that if his understanding is correct, the Oakwood Pre-Sale Inspection Program, along with the outstanding schools and outstanding city services, account for property values increasing at a faster rate than anywhere in Montgomery County? Mr. Klopsch answered yes. Mayor Duncan thanked Mr. Klopsch for clarifying this matter for Oakwood City Council and the citizens of Oakwood. He said that Mr. Baker is a good journalist and has done an outstanding job covering the City of Oakwood. This article, however, was not his best work.

VISITORS

Scarecrow Row Award Winners – Mayor Duncan recognized the 2018 Scarecrow Row Award winners. Awards and certificates were presented to the following: Third Place – “The Lazy Bear-crow” by Lazy Bear Art; Second Place – “Scare Crowbot” by Pamela Penchoff; First Place – “Brainy Yak” by the Wittmer Family; Mayor's Award – “Field of Dreams” by OJH and OHS Softball.

Beautification Award Winners – Mayor Duncan explained that a video will be shown highlighting all the winners and then he will present certificates to those who are at the meeting. He was assisted by Kip Bohachek, Property Maintenance Board Chair. The following properties were shown in the video:

Bret & Marjorie Flinn, 205 Pointe Oakwood Way; James & Kathleen Cook, 339 Ridgewood Avenue; Judith De Franco, 73 E. Dixon Avenue; Alan & Michele Farash, 333 Greenmount Boulevard; Brian & Sara Cox, 101 Forrer Boulevard; Laura Hagan, 249 Aberdeen Avenue; Jeremy & Beth Wilson, 324 E. Peach Orchard Avenue; Robert & Laura Peterson, 2626 Delaine Avenue; Toby & Rebecca Lees, 2225 Coolidge Drive; Timothy & Amy Duvic, 131 Rubicon Road; Jeffrey & Tara Nabholz, 333 E. Thruston Boulevard; Michael & Christina Smith, 816 Acorn Drive; Peggy Juergens, 401 Lonsdale Avenue; Michael & Cassandra Rice, 1502 E. Schantz Avenue; Jeff & Cheryl Spang, 315 Wonderly Avenue; Steven & Katherine Hensley, 2611 Hathaway Road; David Stackhouse, 51 W. Forrer Road; St. Paul's Episcopal Church, 33 W. Dixon Avenue; Todd & Lisa Duwel, 329 Northview Road; Aram & Shasta Beam, 235 Ridgewood Avenue; Charles & Deborah Corpus, 128 E. Dixon Avenue; Roger & Maura Mericle, 820 Acorn Drive; Scott Burley & Aniko Grandjean, 1900 Shroyer Road; David & Gretchen Eckstein, 1512 E. Schantz Avenue; Karen Ann Carter, 2406 Shroyer Road; Wesley & Katherine Pippenger, 328 Monterey Avenue; Nancy Kussman, 2408 Hillview Avenue; Joshua & Katherine Winner, 2622 Ridgeway Road; Robert & Lisa Wagner, 42 Ivanhoe Avenue; Gregory & Patricia Vance, 545 Shafor Boulevard; Robert & Rebecca Ross, 26 Patterson Road; Nicholas & Lindsay White, 1030 Acorn Drive; Richard & Marsh Stevens, 40 Wiltshire Boulevard; Theodore and Julie Coyle, 2716 Shroyer Road; Jim & Kamela Kordik, 24 W. Monterey Road; James & Ellen Vaughn, 1711 Southwood Lane W.

LEGISLATION

AN ORDINANCE
BY VICE MAYOR BYINGTON . NO. 4867
TO AMEND EXISTING SECTION 17-800.3,
SUPPLEMENTATION OF INFORMATION FILED WITH
COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE
SEC. 5323, OF THE OAKWOOD PROPERTY MAINTENANCE
CODE TO EXPAND AND CLARIFY REQUIREMENTS FOR
TENANT INFORMATION FORMS.

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 house-keeping ordinance to clarify what information must be provided to the City on a Tenant Information Form, and the timeframe for submitting the forms. Under Oakwood's Property Maintenance Code, Oakwood landlords are required to provide a Tenant Information Form to the City each time there is a change of tenant at the property. The forms are used for multiple purposes, including: maintaining a list of properties that are non-owner occupied; ensuring that properties are occupied in compliance with the Zoning Code; ensuring that the Tax Department is aware of those residing in Oakwood who may have filing or other income tax obligations; and providing local contact information that can be useful when addressing code enforcement and/or public safety issues. This ordinance was written to clarify the four pieces of information needed to accomplish these purposes, which are as follows: the name of each tenant; the relationship of tenants to each other; the date that occupancy commenced; and an emergency contact telephone number. It also amends the ordinance to require that forms be submitted within 15 days after a change of tenancy.

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

AN ORDINANCE
BY VICE MAYOR BYINGTON NO. 4868
TO AMEND SECTION I, 2018 ORIGINAL APPROPRIATION
ORDINANCE NO. 4850, AND SUPPLEMENTAL
APPROPRIATION ORDINANCE NO. 4861 TO PROVIDE FOR
THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$223,179.00 TO BE EXPENDED FROM THE GENERAL FUND TO PAY COSTS RELATING TO THE RESOLUTION OF LITIGATION; AND
2. AN AMOUNT OF \$72,780.00 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE HEALTH FUND;

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 settlement of litigation involving the City’s Pre-Sale Inspection Program. It provides for the refund of inspection fees to a class of 1,055 members, as well as the payment of attorney fees.

It should be noted that the City’s liability in this case is due to an oversight that occurred in 1992, when the City hired an outside consultant to recodify City ordinances. That recodification resulted in the inadvertent omission of search warrant language from the pre-sale inspection ordinance, which went unnoticed until May of 2016. Council adopted an ordinance to cure the defect in July 2016, and the City’s inspection program continues to be an important tool to ensure that Oakwood remains the premier residential community of the Miami Valley.

This supplemental appropriation will transfer \$72,780.00 from the General Fund to the Health Fund for the refund of inspection fees, and appropriates \$223,179.00 from the General Fund to effect the balance of the settlement.

Mayor Duncan shared that because many residents move from home to home within Oakwood, the Agreement states that the refund checks can not only be cashed, but they can also be used as a donation to Smith Gardens. He then encouraged the people to use their refund money to shop local businesses in the Oakwood Business District.

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

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

- MR. WILLIAM D. DUNCAN.....YEA
- MR. STEVEN BYINGTONYEA
- MR. ROBERT P. STEPHENS.....YEA
- MRS. ANNE HILTONYEA
- 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.

STAFF REPORT

Leisure Services Report: Ms. Carol Collins, Leisure Services Director, referenced a PowerPoint presentation and reviewed the following information:

Gardner Pool finished the 2018 season with 449 family pool memberships purchased, 128 single memberships and 84 senior memberships. Family memberships were down from last year by 46, single memberships were up by 35 and senior memberships were down by one from the 2017 season.

The Oakwood Community Center’s “Summer at the Pool” family nights had 21,494 visits in 2018 compared to 19,526 in 2017. The gate revenue in 2018 was \$7,519 compared to \$7,798 in 2017. Concession sales were almost the same in 2018 and 2017 at approximately \$19,500. Swim lessons had 176 participants. The swim team had 221 participants. Water aerobics/deep water workout had 39 participants.

The 10th annual Dog Splash was a lot of fun. There were 39 participants in the 2018 event.

This year’s Scarecrow Row had 20 groups that participated and photos of the winners were reviewed. Ms. Collins commented that the judges had their work cut out for them when they picked the winners. There were so many fantastic displays.

The Family Fall Festival was held on Sunday, October 14 in Shafor Park. The weather was questionable, but there was still a great crowd. People wandered the boulevard looking at the incredible scarecrows, and then came back to the park for games, food and music. There was a costume contest for the kids and hayrides for families. What a great community event!

The Johnny Appleseed Street Tree Project began in 1976 in an effort to support Oakwood’s commitment to urban forestry and the environment. To date, this program has been responsible for planting over 3,000 trees. The highlights of the program include: the cost of the selected species are discounted 50% to Oakwood residents and trees must be planted in the City right-of-way; species of trees will be 1 3/4” in diameter and are excellent for planting; the most needy areas of Oakwood, as determined by the City, will be given first priority; one tree will be allocated at the 50% discount for each approved property site; tree species selected are well-

suited for planting and most are resistant to disease; and, the trees will be guaranteed for one growing season by the nursery that plants them. Ms. Collins displayed pictures of the different trees offered in 2018.

The Shafor Park Tennis Court Project was completed a few weeks ago. Ms. Collins displayed pictures of the work as it was being done, and then of the completed courts. She shared that the City has received a lot of positive feedback on both the courts and the parking lot.

Ms. Collins reviewed the following upcoming events: the Candy Cane Hunt in Shafor Park on Saturday, December 1 from 1:30-2:45 p.m.; Breakfast with Santa at the OCC on Saturday, December 8 from 9-11:30 a.m. at the OCC; and Lighting Up Oakwood/Holiday of Lights on Sunday, December 9 beginning at 6:30 p.m.

Mayor Duncan congratulated Ms. Collins and the Leisure Services department for their good work.

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

The Shafor Park Tennis Court Project was challenging with a lot of moving parts. There were complications along the way, including weather. The Oakwood community and Oakwood Schools are now able to enjoy a beautiful finished product. Mr. Klopsch thanked Leisure Services Director Carol Collins, Horticulturist Brian Caldwell and Foreman/Inspector Tom Long for their work on this project.

The annual leaf collection is underway. The leaf collection is scheduled to conclude on Friday, December 21.

East Drive will be repaved next summer. Vectren has agreed to cover the expense of this work due to the major gas pipe construction that was completed this summer. All homeowners affected by this project will receive a letter with additional information.

Mr. Klopsch thanked Mr. Shulman for leading all of the Planning Commission meetings over the years. He will be missed.

COUNCIL COMMENTS

Mrs. Hilton congratulated Carol Collins, Brian Caldwell and Tom Long for the success of the Shafor Park Tennis Courts. She said that the courts are great to play on and are a great asset to the community.

Mr. Stephens encouraged Oakwood citizens to support local Oakwood businesses. He wished everyone a Happy Thanksgiving!

Vice Mayor Byington reminded everyone that tomorrow is Election Day and encouraged everyone to vote. He also asked that everyone be respectful to the poll workers.

Mayor Duncan also encouraged everyone to vote. He congratulated Carolyn Flice and Doug Barry for running an issue-oriented campaign. Mayor Duncan encouraged people to vote yes on the Oakwood property tax levy renewal, and to vote no on Issue 1. Mayor Duncan shared that he will be attending the dedication of the Veterans Memorial at Orchardly Park on Saturday, November 10. The dedication will take place at 11:11 a.m. to honor the end of WWI.

The public meeting concluded at 8:32 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL