

CITY OF OAKWOOD  
STATE OF OHIO  
OCTOBER 7, 2019

The Council of the city of Oakwood, State of Ohio, met in a work session and executive session at 6:00 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.....ABSENT
- 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
- Chief Alan Hill, Public Safety Director
- Ms. Lori Stacel, Clerk of Council

The following visitors registered:

- Judy Cook, 927 Far Hills Avenue #4, Oakwood, OH 45419
- David Hale, 65 Wisteria Drive, Oakwood, OH 45419
- Sam Dorf, 101 Oak Knoll Drive, Oakwood, OH 45419
- Matt Currie, 263 Ridgewood Avenue, Oakwood, OH 45419
- Michael Barnett, 222 Corona Avenue, Oakwood, OH 45419
- Owen Dewing, 644 Garden Road, Oakwood, OH 45419
- Myrna Gabbe, 345 Peach Orchard Avenue, Oakwood, OH 45419
- Rob Wagner, 232 Spirea Drive, Oakwood, OH 45419
- Dr. Derrick Foward, Dayton Unit NAACP President
- Brian Barr, *Oakwood Register*

It was moved by Mrs. Hilton and seconded by Mr. Epley that the absence of Mr. Stephens be excused. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mrs. Hilton advised Council she had read the meeting minutes of the September 16, 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

Mayor Duncan read the following statement into the record:

*“In 2015, Attorney Ellis Jacobs, with Advocates for Basic Legal Equality, Inc. (“ABLE”), contacted the city of Oakwood to request traffic enforcement data. A similar series of requests was made in 2016 and 2017, and Mr. Jacobs was provided data for all years 2015-2017. In September 2019, Mr. Jacobs contacted the city of Oakwood again, requesting a meeting to review a report that he prepared with the assistance of Dr. Martha Hurley, Ph.D., University of Dayton Professor and Director of Criminal Justice Studies.*

*On October 1, 2019, Oakwood City Law Director Rob Jacques and Director of Public Safety Alan Hill met with Mr. Jacobs and Dr. Hurley. The day before the meeting, the city was provided with a five-page summary report stating that the authors recognize that there were limits on the analysis and data, but think the findings point to a problem on how traffic stops are conducted in Oakwood. The report solely focuses on data from calendar year 2016.*

We take all matters related to the delivery of our public safety services very seriously and have already completed an initial review of the report. Through this review, we identified several areas that merit further discussion. They include:

1. There is no underlying data or information provided with the report showing how percentages were calculated for use in the analysis.
2. The report acknowledges that there is no evidence to corroborate the figures used in the pie chart showing the race of people ticketed after a random license plate check. It asserts that the tickets were "likely to have resulted from an officer running the license plate without observing a violation." (ABLE Report, p. 2.) The Oakwood Public Safety Department does not track stops based on whether they were initiated by observed traffic violations or random license plate checks. Stops were differentiated by ABLE based on an assumption that a stand-alone licensing offense "likely resulted from" a license plate check. This assumption may be true in some instances, but not all.
3. The data is incomplete which was acknowledged in the report: "We did not have all of the data we would have needed to fully explore the causes and consequences of the racial divide in police stops in Oakwood." (ABLE Report, p. 4.)
4. As stated in the report, the authors were not able to examine or consider a number of variables, including unrecorded stops, time of day factors, individual officer practices, location of stops, and differential enforcement. (ABLE Report, pp. 4-5.)
5. The use of Kettering as a benchmark for comparison is not explained, other than Far Hills Avenue and Shroyer Road continue into Kettering. During the October 1, 2019 meeting with the authors, they acknowledged that they did not consider:
  - a. Differences in how the two departments conduct traffic enforcement;
  - b. Differences in traffic patterns on each jurisdiction's portion of these streets; and
  - c. Differences in how the two departments track traffic enforcement data.
6. There is no benchmark for what is, or is not, an appropriate percentage of stops based on random license plate checks, nor is there any benchmark for the number of persons of a particular race that may have outstanding warrants, driver's license suspensions, or other licensing issues that are revealed through random license plate checks.
7. There was no effort to count vehicles or otherwise account for the demographics of the driver on Oakwood's main thoroughfares. The authors acknowledged that those demographics may differ from the demographics of Oakwood residents. This is absolutely the case given that Far Hills Avenue (SR-48) and Shroyer Road are primary thoroughfares connecting the city of Dayton to the southern Montgomery County suburbs. The authors also agreed that there is no feasible method to capture this data. (ABLE Report, p. 2.)
8. The report recommends adoption of anti-bias policies, but the authors did not inquire as to existing policies. We have a policy and it is periodically updated to reflect law enforcement best practices.
9. The report also recommends implementation of training for Oakwood Public Safety Department officers, but again the authors did not inquire as to existing policies or training records. Since 2012, the following training has been completed by Oakwood Public Safety Officers and Command Staff, the vast majority taught by instructors who are recognized at the state or national level as experts in the area.
  - a. March 2012: "Cultural Diversity"  
- Implicit Bias  
2 Hours

- b. November 2013: "Cultural Diversity"  
 - Maintaining Cultural Awareness in the Workplace  
 - Identifying Unintended Bias and How it Manifests  
 1 Hour
- c. July 2015: "IMPACT – Improving Modern Policing and Community Trust"  
 - Building a Culture  
 - Implicit Bias  
 - Critical Thinking  
 8 Hours
- d. 2016: "Policing in the 21<sup>st</sup> Century"  
 - Perceptions, Prejudices, and Biases  
 - Associations and Proof of Implicit Bias  
 - Overcoming Implicit Biases Through Training  
 - Countering Implicit Biases on Your Own  
 8 Hours
- e. March 2018: "Awareness of Cultural Diversity"  
 - Understanding the positive personal, professional, and community benefits that results from awareness of cultural diversity  
 1 Hour
- f. March 2019: "Cultural Competency: Racial Profiling / Implicit Bias Part 1"  
 - Community Diversity, Community Perceptions, Citizen/Police Interaction  
 - Diversity, Stereotypes, Bias, Implicit Bias, and Conformational Behavior  
 2 Hours
- g. April 2019: "Cultural Competency: Racial Profiling / Implicit Bias Part 2"  
 - Racial Profiling  
 - Community Policing and Gangs  
 - Reporting, Monitoring, and Response Strategies  
 - Homeless and Mentally Ill  
 2.5 Hours

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*In our Annual Report to the community we stated:*

*"Patrol visibility and traffic enforcement play a key role in reducing crime, vehicle accidents, OVI, and traffic offenses that often directly or indirectly contribute to vehicle accidents. Studies have shown that active visible patrol is an effective deterrent to many of these problems. Our overall goal is simple: keep our community safe for residents, pedestrians, cyclists and motorists, and maintain a reputation that Oakwood is a community where traffic laws are enforced.*

*Traffic enforcement will remain a cornerstone of the Safety Department's policing philosophy. Daily goals and objectives of the Safety Department for uniform patrol and traffic enforcement include:*

- *Actively conduct traffic enforcement on a daily basis.*
- *Strictly enforce Oakwood parking regulations.*
- *Be highly visible to the public.*
- *Reduce the number of traffic crashes caused by moving violations.*
- *Focus on school zone enforcement during months when schools are in session.*
- *Conduct proactive radar enforcement at selected locations.*
- *Monitor intersections where accidents and signal violations frequently occur.*
- *Promptly address citizen complaints and concerns regarding traffic laws and violations."*

*This issue is very personal to me. In 2001, as a private citizen, I read the original articles in the Dayton Daily News as described by Mr. Jacobs and Dr. Hurley in their report.*

*I was very impressed by the way our former City Manager, Michael Kelly, dealt with this issue. He addressed the matter in a very professional manner, with total transparency. Because of his example, Michael Kelly is the reason I decided to commit to public service.*

*A primary outcome of the 2001 event was that Oakwood began collecting and reporting detailed data on policing activity, particularly focused on race. For the past 17 years, as a member of City Council, I have read the monthly reports from the Public Safety Department to the City Manager. The reports list the law enforcement, fire, EMS, training, and officer activity in categories including traffic violations cited, warnings, field investigations and arrests. This data is sorted by race/ethnicity.*

*I see nothing in the reports to suggest any explicit or implicit bias against any race or ethnicity. As City Manager Klopsch reported to the Dayton Daily News, "In my nearly 18 years as city manager, I struggle to recall a single instance when a person, of any race, contacted me to express concern about any matter related to a traffic stop or other traffic enforcement incident."*

*Nor have I.*

*Nonetheless, City Council has an obligation along with city staff to analyze the findings of this report. I commit to be as transparent as we were 18 years ago in addressing this matter. To that end, we seek the cooperation of the authors of the report to review their data and methodologies in order to complete a proper assessment. This will enable us to determine if any changes to our policies and procedures are warranted. As with all public services that we provide, we continuously look for opportunities to improve. While we are already conducting regular training on implicit bias and related topics, we are open to considering additional training as may be warranted. We are also open to discussions about the use of random license plate checks to determine how our policies and procedures compare to law enforcement best practices."*

## VISITORS

Dr. Derrick Foward, Dayton Unit NAACP President, shared that Oakwood is a beautiful city, but racial profiling is real and does occur. He shared that it is disturbing to compare the percentage of African Americans that reside in Oakwood to the percentage of traffic stops that occur in Oakwood. It is concerning to him that public safety officers are using their discretion to run license plates and pull people over when the law is not being broken. Dr. Foward suggested that City Council consider: 1) partnering with the NAACP to enhance implicit bias training for public safety officers; 2) stop the practice of running license plates when a moving violation does not occur; and 3) put a commission in place to gain a deeper understanding of the issue at hand, and implement a tracking system for traffic stops. Dr. Foward concluded his comments by sharing that people base their feelings on past experiences. People with a valid driver's license should not have a fear of being pulled over when driving through Oakwood.

Sam Dorf, 101 Oak Knoll Drive, explained that he was not surprised by the information in the ABLE report. All of the issues relating to traffic stops are important, but he feels that the real issue is the culture and perception of Oakwood. He shared that he has African American friends that are afraid to drive in Oakwood, or visit parks in Oakwood, because the City is unwelcoming. Mr. Dorf urged City Council to put together a citizen group to discuss diversity in Oakwood and to address the current perceptions.

Myrna Gabbe, 345 Peach Orchard Avenue, agreed with Mr. Dorf's comments. She shared that one of her colleagues moved out of Oakwood because of being stopped too often by public safety officers. She explained that she feels safer in a diverse community and children do better in a diverse school. She is dismayed that City Council's response to this report is defensiveness when there is a known perception of how unwelcoming Oakwood is. Ms. Gabbe closed her comments by stating that if no one is bringing these concerns to City Council, to her, this is evidence that there is a problem.

Matt Currie, 263 Ridgewood Avenue, shared that as an Oakwood resident, it is embarrassing to see a report like this. He said that it is important to understand that ABLE was contacted by the Montgomery County Public Defender because those appearing in Court for Oakwood violations were mainly African American. A person being pulled over for no reason is an issue and needs to be addressed. The Oakwood Public Safety Department is great, and he supports all of their efforts to keep the Oakwood community safe, but he finds it troubling to read about discretionary stops. Mr. Currie concluded his comments by stating that traffic stops should not occur unless there is probable cause or a moving violation.

Mayor Duncan explained that City Council and city staff plan to work with Dr. Hurley and Mr. Ellis to address concerns, and to understand the report in detail. He shared that he will provide an updated status report to the community in approximately 60 days.

## LEGISLATION

AN ORDINANCE  
BY VICE MAYOR BYINGTON NO 4894  
TO AMEND SECTION I, 2019 ORIGINAL APPROPRIATION  
ORDINANCE NO. 4870, SUPPLEMENTAL APPROPRIATION NO.  
4887, AND SUPPLEMENTAL APPROPRIATION NO. 4891 TO  
PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$422,137.00 TO BE EXPENDED FROM THE POLICE PENSION FUND TO PAYOFF THE OHIO POLICE & FIRE PENSION LIABILITY; AND
2. AN AMOUNT OF \$422,000.00 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE POLICE PENSION FUND; AND
3. AN ADDITIONAL AMOUNT OF \$32,000.00 TO BE EXPENDED FROM THE EQUIPMENT REPLACEMENT FUND TO PURCHASE A VEHICLE FOR THE PUBLIC WORKS DIRECTOR; AND
4. AN AMOUNT OF \$32,000.00 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE 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 make two expenditures not already included in the 2019 budget. One is the early payoff of a liability owed to the state of Ohio, and the other is the purchase of a vehicle for use by the Director of Engineering and Public Works.

The Ohio Police & Fire Pension Fund ("OPFP") was created by the Ohio General Assembly in 1965 to replace hundreds of individual local police and fire pension plans. At the time, many cities including Oakwood had pension liabilities on paper exceeding the assets needed to pay future retiree benefits. In other words, once the state assumed control of local pension plans, many local governments owed money to the state. These liabilities were placed on a 65 year payment schedule, with payments beginning in 1970 and continuing through 2035.

The current payoff figure for Oakwood's remaining liability is \$422,137, which continues to incur interest at an average rate of 4.25 percent. Due to the difference between that interest rate and the amounts generated by city investments, Council has determined that it costs the city more to carry this debt, and paying off this liability early is the most prudent use of city resources. By paying off the liability now, the city will save approximately \$175,000 in interest expenses that would otherwise accrue between now and 2035.

It should be noted that 0.3 mills of the city's inside-millage property tax revenues, which amounts to approximately \$96,000 annually, have been dedicated to servicing this liability. Once the liability is paid off, the Montgomery County Budget Commission has approved the reallocation of that money to the city's General Fund going forward.

The other expenditure is for a vehicle for the Director of Engineering and Public Works. The city has not employed a full-time Director in that department since the previous Director resigned in the fall of 2014. Those duties have been assumed by the City Manager in the interim, but a full-time Director of Engineering and Public Works will be hired later this year. The city no longer has a vehicle available for use by the person in that position and needs to acquire one.

In total, this supplemental appropriation will authorize the transfer of \$454,000 from the city's General Fund, with \$422,000 going to the Police Pension Fund and \$32,000 going to the Equipment Replacement Fund in order to pay for these expenditures.

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

#### STAFF REPORT

Leisure Services Report: Ms. Carol Collins, Leisure Services Director, referenced a PowerPoint presentation and began by thanking her staff for all of their hard work. She then reviewed the following information:

Gardner Pool finished the 2019 season with 475 family pool memberships purchased, 94 single memberships and 96 senior memberships. Family memberships were up from last year by 26, single memberships were down by 34, and senior memberships were up by 12 from the 2018 season.

The Oakwood Community Center's "Summer at the Pool" family nights had 20,764 visits in 2019 compared to 21,494 in 2018. Gate revenue in 2019 was \$8,360 compared to \$7,519 in 2018. Concession sales were almost the same in 2019 and 2018 at approximately \$19,000. Swim lessons had 198 participants. The swim team had 221 participants. Water aerobics/deep water workout had 39 participants. Revenue for the 2019 pool season was \$146,306 compared to \$141,624 in 2018.

The 11<sup>th</sup> annual Dog Splash was a lot of fun. There were 49 participants and eight vendors that participated in this 2019 event.

This year's Scarecrow Row and the Family Fall Festival is scheduled for Sunday, October 13 in Shafor Park. Come to enjoy an afternoon of fun games, food, and entertainment for the whole family.

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, ranging from \$138.50 to \$152, 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 2019.

Smith Gardens was donated to the city of Oakwood 45 years ago from the Carlton W. Smith family. As part of the 45<sup>th</sup> anniversary events, professional portraits in Smith Gardens were offered in September and October, and Puzzle of Light performed in August at a special blanket concert that included a musical sculpture. The final community event for the Smith Gardens 45th anniversary is the Holiday Festival of Trees Auction. The event will be held on Friday, November 15 from 6 to 8 p.m. at the Oakwood Community Center. This Oakwood community event will help illuminate the holiday season in a very special way for Smith Garden. Participants are asked to create a beautifully decorated and themed lit artificial tree that will be part of a silent auction. Proceeds from the event will go toward the maintenance and care of Smith Gardens. Ms. Collins then displayed images of Smith Gardens.

Ms. Collins reviewed the following upcoming events: pumpkin carving on Saturday, October 19; Mother/Son Dance on Saturday, November 9 from 7:30 to 9 p.m.; the Candy Cane Hunt in Shafor Park on Saturday, December 7 from 1:30 to 2:45 p.m.; Breakfast with Santa on Saturday, December 7 from 9 to 11:30 a.m. at the OCC; and Lighting Up Oakwood/Holiday of Lights on Sunday, December 8 beginning at 6:30 p.m. at Shafor Park.

Vice Mayor Byington asked about the eight vendors that participated in the Dog Splash.

Ms. Collins shared that vendors, such as the Humane Society, participated in the event and donated items.

Mr. Klopsch shared that his 163 pound Great Pyrenees/Lab mix participated in the Dog Splash event and had an absolute blast. The Dog Splash is a great end of season event for the pool.

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

#### CITY MANAGER'S COMMENTS

Mr. Klopsch shared that each year when the Johnny Appleseed Program is being offered, he thinks about the annual Sidewalk, Curb, and Driveway Apron Project. The programs are similar in that they both result in important components of our city infrastructure being replenished annually. He shared that his family is participating in the Johnny Appleseed Program this year to replace a diseased tree that was taken down. The annual fall leaf collection begins next Monday. Information is available on the City's website ([www.oakwoodohio.gov](http://www.oakwoodohio.gov)) and the October/November *Oakwood Scene* newsletter. Property owners should place their leaves into the roadway gutter a few days before their scheduled pick-up day. The leaf collection will occur over a ten week period with leaves being collected in a 2-week cycle.

Asphalt pavement rejuvenation work will be done on the streets that were repaved last year. This helps to extend the life of the new pavement. Affected property owners were sent a postcard informing them of the work being done. This work is the final portion of the City's 2019 street projects.


The citizen Budget Review Committee met last month to review the proposed capital plan for 2020. The next meeting is scheduled for Tuesday, October 15 where they will be presented with a detailed line item budget showing revenues and expenses in all funds of the City. The final 2019 Budget Review Committee meeting takes place on December 3 to review the final budget, which is then presented to City Council at the December 9 City Council meeting.

#### COUNCIL COMMENTS

Mr. Epley recognized that his daughter's 14<sup>th</sup> birthday is tomorrow.

Mayor Duncan encouraged everyone to attend Scarecrow Row and the Family Fall Festival this Sunday, October 13. He then commented on the issues discussed in his status report. Mayor Duncan recognized City Manager Norbert Klopsch, Law Director Robert Jacques, and Public Safety Director Alan Hill for their dedication in reviewing policies, procedures and evaluating the facts that were presented in the ABLE report. During the course of this review, Mayor Duncan received a call from Oakwood Municipal Court Judge Peggy Quinn. Judge Quinn indicated that neither she, nor the Public Defender, has seen instances of explicit bias. She added that the Oakwood Public Safety Officers are the finest group of officers the City has ever had. Mayor Duncan commented that the Oakwood Public Safety leadership staff has recruited high caliber officers that are cross trained in all three disciplines. Mayor Duncan assured the Oakwood community that while City Council and city staff are working to understand the methodology used in the report, and looking at facts, policies and procedures, the City will not reduce its commitment of traffic enforcement. He shared a few specific examples of traffic stops related to speeding that involved drug use. Traffic enforcement should be different based on community needs. Oakwood is a walking community and there are children crossing the streets throughout the City. Mayor Duncan asked Chief Hill to let the Oakwood Public Safety Officers know that City Council supports their efforts in keeping the Oakwood community safe. Mayor Duncan closed his comments by sharing condolences to Mrs. Hilton for the recent passing of her mother.

The public meeting concluded at 8:28 p.m.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL