

CITY OF OAKWOOD
STATE OF OHIO
AUGUST 5, 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 for a moment of silence to honor the victims of the mass shootings in Dayton, Ohio, and El Paso, Texas. He then asked those 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
Chief Alan Hill, Public Safety Director
Mrs. Jennifer Wilder, Personnel and Properties Director
Mr. Ethan Kroger, Code Enforcement Officer
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Jim Obert, Element Oakwood LLC
Gary Leitzell, 114 Volkenand Avenue, Dayton, OH 45410
Deborah Cool-Llorens, 114 Volkenand Avenue, Dayton, OH 45410
Kate Burch & Rodger Gamblin, 8 Springhouse Rd., Oakwood, OH 45409
David Esrati, 113 Bonner St., Dayton, OH 45410
Geoffrey Owens, 20 Mahrt Ave., Oakwood, OH 45409
Stefanie Campbell, 271 Schenck Ave., Oakwood, OH 45409
Cara Kite, 338 Volusia Ave., Oakwood, OH 45409
Sarah & Jeremy Gwinnup, 447 Volusia Ave., Oakwood, OH 45409
Michael Branott, 3931 Roslyn Ave., Kettering, OH 45429
Ashley & Emily Webb, 321 S. Bromfield Rd., Kettering, OH 45429
Evan Kaufman, 3328 Sagamon Ave., Kettering, OH 45429
Sean Miller, 3320 Highgrove Pl., Kettering, OH 45429
Jeff Kempton, 816 Acorn Dr., Oakwood, OH 45419
Toni Donato Shade, 150 Spirea Dr., Oakwood, OH 45419
Amy Duvic, 131 Rubicon Rd., Oakwood, OH 45409
Brian Barr, *Oakwood Register*

Mrs. Hilton advised Council she had read the meeting minutes of the July 15, 2019 regular session, work session and executive 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

Proclamations – Mayor Duncan read two proclamations designating September as “Prostate Cancer Awareness Month” and “National Suicide Prevention Awareness Month”.

Mayor Duncan shared that his father and Jim Obert with Element Oakwood, LLC, who was present in the audience, are prostate cancer survivors.

VISITORS – Mayor Duncan explained that there will be time dedicated for visitors wishing to provide testimony for the Element Oakwood public hearing and/or the short-term rental legislation when these items are addressed later in the meeting. There were no other visitors wishing to address City Council at this time.

LEGISLATION

Public Hearing. Mayor Duncan introduced the public hearing for Application 19-4, which requests an amendment to the Sugar Camp/Pointe Oakwood Master Plan relating to signage at Element Oakwood.

A RESOLUTION

BY MAYOR DUNCAN

NO 1857

A RESOLUTION TO GRANT PARTIAL APPROVAL OF AN AMENDMENT TO THE MASTER PLAN FOR THE SUGAR CAMP AND POINTE OAKWOOD DEVELOPMENT, AFFECTING SIGNAGE FOR THE ELEMENT OAKWOOD CONDOMINIUMS AT 300 AND 310 OLD RIVER TRAIL.

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

Mayor Duncan explained that this resolution would amend the Sugar Camp/Pointe Oakwood Master Plan to allow for the installation of signage at the Element Oakwood condominiums. The developer has proposed a total of four signs, including:

- One (1) wall-mounted sign on 300 Old River Trail;
- One (1) wall-mounted sign on 310 Old River Trail;
- One (1) monument sign in front of 300 Old River Trail, adjacent to the driveway entrance to Element Oakwood; and
- One (1) monument sign in the landscaping island at the intersection of Old River Trail and Ascent Circle.

This development is in the Multi-Use Special Planning (MUSP) zoning district. This is a special zoning district that was created in the waning years of NCR's ownership of the Sugar Camp property, written to maximize local control over the redevelopment of the site. Regulations for the district are sparse but strict, requiring almost all development to be done via public hearings and special use permit.

When City Council approved the original Master Plan in 2007, signage needs for the development were not yet known and the Element Oakwood condominiums did not yet exist. The only Master Plan provision relating to signage authorized city staff to review and approve signs for the three entrances to the development, which occurred over a decade ago.

Construction of the Element Oakwood condominiums is rapidly progressing, and the developer is in attendance to discuss Application 19-4, which seeks approval of signage for the condos.

The Planning Commission conducted a public hearing on Application 19-4 on July 3, 2019. By a vote of 4 – 0, with one member recusing himself, the Planning Commission voted to recommend approval of the first three (3) signs, but declined to recommend approval of the monument sign at the intersection of Old River Trail and Ascent Circle. The matter is now before City Council on that recommendation, and a public hearing on the application will be held this evening.

This resolution is being introduced “to approve in part and deny in part,” based on the recommendation of the Planning Commission. However, City Council is required to hold a public hearing on this proposal and has not prejudged the matter. At the conclusion of the hearing, City Council may vote to adopt the Planning Commission's recommendation, or City Council may approve the application in its entirety, approve it with conditions, or deny it altogether. If City Council decides to approve in part and deny in part, as recommended by the Planning Commission, City Council will adopt this resolution as-is. If City Council decides to adopt the recommendation with additional conditions imposed by City Council, there is space provided on the document to write them in tonight. In the event that City Council denies the application altogether or otherwise depart from the Planning Commission's recommendation, the resolution will be withdrawn as written and the Law Director will be asked to prepare legislation consistent with City Council's decision, to be adopted at Council's next regular meeting in September.

As a formality before opening the public hearing, it was moved by Mayor Duncan and seconded by Mrs. Hilton that the resolution be presented in a public hearing and voted on after the information is presented and testimony is heard.

Mayor Duncan asked Code Enforcement Officer Ethan Kroger to present the staff report.

Mr. Byington recused himself as he resides near the condominium development.

Mr. Kroger referenced a PowerPoint presentation and provided the following information.

An application was filed by Mr. Jim Obert on behalf of Element Oakwood, LLC to install two wall mounted signs on the buildings of 300 and 310 Old River Trail, a monument sign in front of 300 Old River Trail, and a neighborhood monument sign at the intersection of Ascent Circle and Old River Trail.

The Multi-Use Special Planning District is not subject to the sign regulations outlined in the Oakwood Zoning Code like other districts. With Element Oakwood, LLC being located in the Multi-Use Special Planning District, sign proposals are evaluated against the Special Use standards in Section 1004.6.

In 2017, the Planning Commission approved the construction of two condominium buildings with a combined total of 84 units. Signage was not addressed at that time.

The Sugar Camp/Pointe Oakwood Master Plan allowed staff to review and approve signage at the three entrances to the development, a process which took place in 2007. The Master Plan did not provide for signage in the interior of the development, however, because specific uses and tenants were not known at that time. It was understood that future signage needs would be addressed via amendments to the Master Plan as they became necessary.

Application #19-4 is seeking approval for the following:

- A wall sign placed on the east building oriented towards downtown Dayton. The sign will read "Element" and is roughly 22' x 4';
- A wall sign placed above the leasing/sales center entrance which will read "Element" and is roughly 4.7" x 11.5";
- A monument sign located to the right of the entrance/driveway. The sign will read "Element Oakwood" accompanied with a logo, and is roughly 5' x 4-7"; and
- Replacing the existing monument sign positioned in the island located at the intersection of Ascent Circle and Old River Trail. The monument sign is approximately 6' x 8-4".

Mr. Kroger then reviewed proposed lighting, building materials, site plans, and renderings of the proposed sign locations. The Element Oakwood, LLC building will be lit by sconce-type lighting that will be placed on the exterior of the building and will not shine directly on the signage. The monument sign, located to the right of the driveway entrance, will be lit using ground-mounted/landscape lighting, and the same is proposed at the requested monument sign located at the intersection of Ascent Circle and Old River Trail. The applicant is planning to use materials which will complement the building features and architecture of the development.

Mr. Kroger closed his presentation by sharing that preliminary staff findings are set forth in the written Staff Report. As a planned development, approval of the application falls under the Special Use standards set forth in Section 1004.6. The Planning Commission is responsible for making a recommendation to City Council who then has final authority to act on the application.

City staff feels that the proposed signs are reasonable in size and scale for the Element Oakwood condominium development, and would complement the existing architecture. The proposed monument sign located at the intersection of Ascent Circle and Old River Trail is considered an off-premises identification sign and would not be permitted in any other Zoning District. At the July 3, 2019 meeting, the Oakwood Planning Commission voted to recommend approval of the first three (3) signs, but declined to recommend approval of the monument sign at the intersection of Old River Trail and Ascent Circle.

Mayor Duncan asked if the replacement sign is the sign that the Planning Commission did not recommend for approval.

Mr. Kroger confirmed that this is correct.

Mayor Duncan asked who owns the land at the intersection where this existing monument sign is located.

Mr. Kroger shared that he believes that the Oakwood Investment Group owns the land.

Mr. Jacques clarified that the island is considered a common area that is actually owned by the Pointe Oakwood Homeowners Association.

Mayor Duncan asked if city staff recommended approval of the replacement sign at the intersection of Ascent Circle and Old River Trail.

Mr. Kroger shared that city staff did not recommend approval of this sign.

Before inviting Jim Obert with Hills Development Inc., on behalf of Element Oakwood, LLC to address City Council, Mayor Duncan asked Law Director Rob Jacques to administer an oath to those who wish to testify.

Mr. Jacques proceeded to swear in, *en masse*, the visitors that plan to testify.

Mr. Jim Obert addressed City Council on behalf of Element Oakwood, LLC. Before discussing the application, Mr. Obert thanked City Council for the proclamation designating September as “Prostate Cancer Awareness Month”. He shared that he survived prostate cancer after multiple surgeries and radiation treatments. He encouraged participation in the “Zero Prostate Cancer” run/walk at Belterra Park in Cincinnati on Saturday, September 14, 2019. Mr. Obert then provided information about the sign requests. He explained that the proposed signs and locations were developed with the desire to preserve the character of the neighborhood and the condominium development. The proposed identification sign at the entrance of Ascent Circle is much smaller in scale and is an improvement over the existing sign.

Mr. Stephens asked why the monument sign at the intersection is needed.

Mr. Obert shared that with Element Oakwood being located on Old River Trail, there is not as much exposure as there would be if the building was located on Far Hills Avenue. This sign would be used to help people navigate to Element Oakwood.

Mr. Stephens asked for clarification on the Element Oakwood buildings on Old River Trail.

Mr. Obert explained that 300 Old River Trail and 320 Old River Trail are the two condominium building. 300 Old River Trail is close to Far Hills Avenue to the east, and 320 Old River Trail is to the west. 310 Old River Trail is the clubhouse building between the two condominium structures.

City Council did not have any further questions for the Applicant. Mayor Duncan then invited visitors to address City Council.

Cara Kite, 338 Volusia Avenue, shared that in her opinion, the sign at the intersection of Ascent Circle and Old River Trail sticks out and does not fit in with the Oakwood community. People can use GPS and mobile devices to help navigate to the Element Oakwood buildings. If the sign is approved, she recommended a sign design that fits in more with the Oakwood community.

With no other visitors wishing to address City Council, Mayor Duncan closed the public hearing and City Council began their deliberations.

Mr. Stephens shared that he agrees with the Planning Commission’s recommendation. He believes that a sign at the intersection of Ascent Circle and Old River Trail is not necessary when people have the ability to use mobile devices for navigation.

Mayor Duncan explained that mobile navigation devices are not always accurate. These devices have incorrectly guided people to Graeter’s Ice Cream in Centerville instead of his office on Main Street in downtown Dayton.

Mayor Duncan explained that the motion that was introduced is to approve the first three signs, and to deny the last sign located at the intersection of Ascent Circle and Old River Trail. He asked if any councilmembers would like to approve all four signs, or to deny all four signs. Everyone stated no.

There being no further discussion, Mayor Duncan called for a vote on the motion, which was that the preliminary staff findings be adopted, and Application #19-4, for a wall sign placed on the east building; a wall sign placed above the leasing/sales center entrance; and a monument sign located to the right of the entrance/driveway be approved, and that the replacement sign positioned in the island located at the intersection of Ascent Circle and Old River Trail be denied.

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

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

There being four (4) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4889
AN ORDINANCE ADOPTING NEW SECTION 17-801, *SHORT-TERM RENTALS PROHIBITED*, OF THE PROPERTY MAINTENANCE CODE AND MAKING RELATED AMENDMENTS ELSEWHERE IN THE PROPERTY MAINTENANCE CODE TO PROVIDE FOR THE PROHIBITION OF SHORT-TERM RESIDENTIAL RENTALS THROUGHOUT 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.

Vice Mayor Byington explained that this is the second reading of an ordinance to prohibit the use of residential properties for short-term or transient rentals, which are defined as rentals having a term of 25 consecutive calendar days or less.

Short-term rentals are becoming increasingly common with the proliferation of smartphone apps, online portals, and other rental-oriented services in the so-called "gig economy." Until now, City Council has chosen not to regulate them, treating them no different than a traditional rental property, on the belief that existing laws can adequately address noise, littering, criminal violations, property maintenance issues, and any other problems that arise.

The city of Oakwood is beginning to receive complaints about residential properties being used for short-term rentals and the number of Oakwood homes and rooms listed on short-term rental websites continues to increase. City Council is mindful of the private property rights of each homeowner, but are also aware that an entire neighborhood can be disrupted when a home is used to host an ever-changing cast of short-term tenants.

One of City Council's highest priorities is to preserve and maintain Oakwood's character for the residents. This is why City Council has determined that the short-term rental of residential property is inconsistent with the permanence, established character, density, and tranquility of Oakwood's residential neighborhoods and is potentially detrimental to property values. This ordinance will prohibit short-term rentals in the city with the goal of protecting and preserving these qualities of our residential neighborhoods. Key provisions include:

- The ordinance only prohibits rentals having a duration of 25 consecutive calendar days or less. Rentals exceeding 25 days, such as month-to-month or yearly leases, will still be permitted as they always have been.
- Generally, violations would be treated as an unclassified misdemeanor, meaning that they are subject to fines only and not a jail term. There is, however, an enhancement provision for repeat offenders that can convert the offense to a 4th degree misdemeanor, which can result in up to 30 days in jail.
- To avoid causing any hardship by impacting current listings or contracts, the prohibition would not take effect until January 1, 2020.

Mayor Duncan then invited members of the audience who wish to address City Council.

Gary Leitzell, 114 Volkenand Avenue, shared that City Council is elected to represent citizens and to make fair decisions for the community. He asked that City Council postpone their vote on this ordinance to research and fully understand the impacts that these changes will have on the Oakwood community, especially since time is not of the essence. Government is about the health and safety of the citizens, not about eliminating property rights. He suggested that short-term rentals be regulated, versus eliminating these businesses altogether.

Mayor Duncan shared that City Council received feedback after the first reading of this ordinance in July regarding the prohibition effective date. To avoid impacts to current listings or contracts, City Council made the decision to extend the effective prohibition date to January 2020 versus November 2019.

Kate Burch, 8 Springhouse Road, shared that she has lived in Oakwood for 35 years. She has had a wonderful experience with operating an Airbnb above her garage. She believes that Airbnb's have a positive impact on the community because visitors are encouraged to shop at local businesses and restaurants. Airbnb requires reviews (or ratings) from both hosts and guests to track experiences.

Geoffrey Owens, 20 Mahrt Avenue, shared that he has lived in Oakwood for 13 years and considers Oakwood his home. Residing on the north side of Dayton, near the University of Dayton, there have been many challenges. Recently, the house next door has been used as an Airbnb, and people have been coming and going. Unfortunately, some of the transient visitors have been a nuisance. While these short-term rentals may be convenient for the guests that are

staying, the neighbors experience the negative impacts. Mr. Owens closed his comments by stating that if Airbnbs become more common, he may need to find a new home.

David Esrati, 113 Bonner Street, shared that he is an Airbnb Superhost. He has hosted many guests with different occupations. All of the guests have been great neighbors and visitors. The idea behind Airbnb has been around for a while. In the past, many empty nesters would invite visitors to stay in their home so they could interact with people of all kinds. The city of Oakwood does not have any hotels for visitors to stay. Airbnb allows for cultural cross-pollination. Mr. Esrati suggested that City Council table this ordinance to learn about other possible alternatives that do not restrict property rights.

Ashley and Emily Webb, 321 S. Bromfield Road, shared that they offer the short-term rental of furnished apartments. They have stayed at many Airbnbs, including internationally, and have had great experiences. Airbnbs allow for people to get immersed in different cultures and communities. They then shared concerns about the precedent that Oakwood could set for other local communities if short-term rentals are prohibited. They were particularly concerned that Kettering or Dayton might follow Oakwood's lead. Mr. and Mrs. Webb asked City Council to consider other options and not force hosts to shut down their current short-term rental sites, which could potentially cause them to lose "Superhost" status on Airbnb. They then invited City Council to stay at their Airbnb free-of-charge to see what they are like. Mr. and Mrs. Webb closed their comments by stating that Airbnb is not only a business, but a fun way to connect with people.

Michael Branott, 3931 Roslyn Avenue, shared that he owns two Airbnbs. He explained that he got into hosting Airbnbs after staying at an Airbnb in Barcelona. Mr. Branott also invited City Council to stay free-of-charge at his Airbnb. Airbnbs help local businesses and restaurants because they bring people into the community. He then suggested that City Council understand and investigate how short-term rentals work so the appropriate laws can be enabled. Mr. Branott closed his comments by opining that Airbnbs would create a positive experience in the Oakwood community.

Mr. Jacques clarified that Ohio ethics laws do not allow for City Council to stay "free-of-charge." If City Council members should choose to stay at a local Airbnb, they would pay for their visit.

Jeremy Gwinnup, 447 Volusia Avenue, commented that there have been a lot of positive Airbnb stories, but asked what can be done to address negative experiences. He shared that the house next door to him has recently come an Airbnb. There have been a series of guests, and for the most part, the Airbnb has not created a bad experience. However, there have been issues with noise. He explained that he and his wife have five kids and he travels out of town for business. Problems that occur in Airbnbs, such as noise complaints, should not have to be addressed by neighbors. This is a business in a residential community. Mr. Gwinnup closed his comments by sharing that he has enjoyed staying in a few Airbnbs, but he is glad City Council is considering legislation to prohibit short-term rentals in Oakwood.

Deborah Cool-Llorens, 114 Volkenand Avenue, shared that she owns an Airbnb on Wayne Avenue. She explained that Airbnbs are not intended to be a platform for transient people. The idea is to create a "home" for people traveling away from their home. She shared a few comments that guests of her Airbnb have posted online. She is an Airbnb Superhost and is proud to promote local communities, businesses and restaurants. Airbnb hosts and guests are held to and rated at a high standard. She explained that if hosts or guests are not following the standards set for Airbnbs, bad reviews are given. Ms. Cool-Llorens opined that Airbnbs make neighborhoods a better place. Prohibiting short-term rentals is like closing doors on people interested in visiting the Oakwood community. Ms. Cool-Llorens closed her comments by asking City Council to take more time to evaluate short-term rentals and to develop a more equitable and feasible plan.

Evan Kaufman, 3328 Sagamon Avenue, commented that he has heard arguments from both sides and his experiences do not fit on either end of the spectrum. Mr. Kaufman explained that he was in the Air Force stationed in the Dayton area in 2013. He had to find a temporary living situation for 6 – 8 weeks for his family that a hotel could not provide. After his military service, Mr. Kaufman got his real estate license to help families (mainly military families) bridge the gap between short-term and long-term home arrangements. His short-term rentals offer families the amenities that are needed, at half the cost of a hotel. Mr. Kaufman asked City Council to consider what is transient and what is short-term. He then recommended that visitors be vetted and screened prior to being offered short-term rentals in Oakwood. Mr. Kaufman closed his comments by stating that he believes that if Oakwood prohibits short-term rentals that it will set precedence in other areas.

Mr. Stephens asked Mr. Kaufman where his short-term rental properties are located.

Mr. Kaufman shared that he has a short-term rental property in Oakwood off of Corona Avenue, and two short-term rental properties in the city of Huber Heights. The majority of his short-term rentals are for two weeks or longer.

Amy Duvic, 131 Rubicon Road, shared that she has lived next to an Airbnb for approximately two years. Unfortunately, her experience of living next to a short-term rental has been horrible. She has experienced major parking issues, public intoxication, littering and rude behavior. The Airbnb owner is not local, so they do not manage the property or the visitor behavior. She explained that she never would have moved into her home if she would have known that an Airbnb would be next door. Mrs. Duvic stated that she appreciates Airbnbs, but they do not have a place in Oakwood. Oakwood is not a vacation town. Mrs. Duvic closed her comments by telling City Council that having a term of 25 consecutive calendar days or less is a great thing. This gives her family a sense of safety, and a sense of what it is like to have a neighbor versus a short-term visitor.

David Esrati, 113 Bonner Street, added that some short-term rental guests have pets and dietary restrictions. A lot of hotels do not allow pets or areas for meal preparation. Airbnbs can be life-saving for some people.

Gary Leitzell, 114 Volkenand Avenue, suggested that Oakwood create a process to fine the owners of short-term rentals where problems have occurred. This will help eliminate the problems, without prohibiting all short-term rentals.

Cara Kite, 338 Volusia Avenue, explained that her family moved to the city of Oakwood to provide for the comfort, safety and welfare of her children. City Council is elected to protect and look out for Oakwood residents. She then thanked City Council for proposing this legislation. Mrs. Kite commented that it was interesting to hear that a bed and breakfast was being operated in Oakwood. It was her understanding that bed and breakfasts were not allowed. Mrs. Kite closed her comments by sharing that Airbnbs do not give residents the tranquility and the character that the residents moved to Oakwood for.

Amy Duvic, 131 Rubicon Road, shared that in her experience, there are hotel options that are pet-friendly and provide a kitchen for meal preparation.

Cara Kite, 338 Volusia Avenue, added that there are plenty of short-term rental options available in surrounding communities.

Jeff Kempton, 816 Acorn Drive, shared that he is a newer resident to Oakwood. After starting a family, he immediately planned to move to the city of Oakwood for the school system and for the sense of community. The Oakwood community is unlike anything he has experienced. Unfortunately, he has started to see an increase of people that he does not recognize due to short-term rentals near his home. He closed his comments by stating that he likes to know his neighbors, and who is residing in nearby homes.

Deborah Cool-Llorens, 114 Volkenand Avenue, commented that she is shocked to hear about an absentee landlord. She questioned how the Airbnb ratings are done when the host is not local.

Sarah Gwinnup, 447 Volusia Avenue, shared that while her husband was out of town on business, she had to call the police on three different occasions to report noise violations. The visitors were not cited or ticketed, but it was important to have a record of these occurrences. She believes that short-term rentals are businesses and they should not be allowed in residential districts. Mrs. Gwinnup explained that she is not opposed to all rentals, just short-term rentals because there are no regulations in place to stop threatening individuals from using them.

Mayor Duncan shared that he appreciates all of the visitor comments. He explained that City Council extended the prohibition effective date from November 1, 2019 to January 1, 2020 to honor existing contracts. He noted that the effective date could be extended into March 2020 if needed.

Mr. Epley shared that City Council has listened to comments from Kettering, Dayton and Oakwood residents. In his opinion, while short-term rentals have their place providing a different housing or rooming alternative, he does not see how they fit in to the Oakwood community.

Mr. Stephens shared that he has stayed at a few different Airbnbs located in touristy vacation spots with other families. He noted that some of the people, including around eight high school kids, were up very late. He said that he would not want a short-term rental next to his house. There is not an opportunity to get ahead of the problems short-term rentals pose because the tenants are often gone the next day. People come to the city of Oakwood for schools, safety and services. He shared that he appreciates the comments about Airbnbs and short-term rentals, but the potential boost to the Oakwood community is not worth the problems that short-term rentals

could cause Oakwood citizens. Mr. Stephens stated that short-term rentals do not fit in with the residential family atmosphere in Oakwood.

Mr. Byington stated that while Airbnb may have standards, they are not the only short-term rentals available. He commented that short-term rentals are unique because they may be the only business that promotes the use of other businesses. Oakwood local businesses would still benefit from a short-term renter in a neighboring community. Mr. Byington clarified that City Council has done their due diligence and has spent a lot of time evaluating short-term rentals. Any decision that is made by City Council is not being made in haste. Vice Mayor Byington then read the following prepared statement:

"This decision is not being made in haste, nor without extensive research. I have examined how cities across the United States like Anaheim, Denver, New Orleans and Santa Monica, as well as international cities like Amsterdam, Barcelona and Berlin, have addressed the rapid rise of STR's and what specific steps these communities have taken. As with virtually every contentious property use issue, their methodologies were complex and very community-centric. There is no one size fits all set of rules or regulations. As such, I had to look at what remedies were proposed and measure them against Oakwood's unique characteristics. The factors I looked at included neighborhood preservation, housing availability, protecting quality of life, economic development, and safety, as well as a realistic look at enforcement capabilities and the resources that would be needed. I also familiarized myself with many of the STR listings within our community and reviewed the feedback left by users of those properties. I understand the effect this legislation will have on these properties and am sensitive to the repercussions that might be experienced.

On top of my qualitative research, I have also added a quantitative component which involved getting out in the community and asking actual residents and business owners how they felt on the matter. I spent two evenings knocking doors on both the north and south sides of Oakwood, a morning surveying residents at the Oakwood Farmers Market, and an afternoon talking to shop owners in two of our major business districts. The overwhelming response that I received was in favor of the legislation before us this evening.

I am convinced that I, as well as my fellow members of council, have done our due diligence in reviewing this matter. One of the most powerful aspects of local government is that, unlike the State and Federal legislative bodies, we have an established record of responding to issues that affect our communities in a timely manner. We don't kick the can down the road. We don't stall things in hopes that the public will get distracted by other challenges and divert their attention. We listen to our constituents, do our homework, and then decisively act in the best interests of the community as a whole. While our decisions might not always be universally popular, there is no doubt in my mind that they are made with the intention of being beneficial to the widest group of Oakwood residents as possible.

Ultimately, for me, this comes down to a matter of whose interests I care more about: long-term residents of the city, or those that choose to visit it. My vote will be on behalf of my friends and neighbors who call Oakwood their home."

Mayor Duncan commented that this is a contentious issue because there are many people for and against short-term rentals. Mayor Duncan asked Mr. Jacques if there is recourse for Oakwood citizens if Council approves the prohibition.

Mr. Jacques explained that Oakwood citizens have a 30-day window of time to file a referendum before the ordinance takes effect. After 30 days, the ordinance will be effective, although the prohibition does not begin until January 1, 2020.

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 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.

At 9:25 p.m., City Council and members of the audience took a brief water and restroom break from the meeting. After approximately five minutes, City Council reconvened at the dais and continued the meeting.

A RESOLUTION
 BY MAYOR DUNCAN NO 1858
 TO CONTINUE PARTICIPATION IN A MULTI-
 JURISDICTIONAL HAZARD MITIGATION PLAN IN
 CONJUNCTION WITH THE MONTGOMERY COUNTY
 OFFICE OF EMERGENCY MANAGEMENT.

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

Mayor Duncan explained that in 2014, City Council adopted Resolution No. 1789 to authorize the City's participation in the Montgomery County Natural Hazard Mitigation Plan. This is a countywide emergency management and mitigation plan to address regional vulnerability to natural disasters. The 2014 plan has now been updated and this resolution will authorize Oakwood's participation under the 2019 plan in ways that are feasible and appropriate to the City's needs, resources, and responsibilities in the community.

Thereupon, it was moved by Mayor Duncan and seconded by Mr. Epley that the resolution be passed.

Chief Alan Hill, Public Safety Director, shared that mitigation planning is the cornerstone of emergency management. It is the ongoing effort designed to lessen the impact of a disaster. The plan is a comprehensive document illustrating how natural hazards can impact the county while providing a hazard analysis to identify areas of the county that are most at risk for disasters such as flooding, tornados, snow/ice storms, and wind storms. This plan is designed with the following four goals in mind: 1) increase public awareness; 2) protect life and property; 3) create/strengthen partnerships; and 4) create a safer environment. He closed his comments by stating that for these reasons, he recommends Oakwood's continued participation with the multi-jurisdictional Hazard Mitigation Plan in conjunction with the Montgomery County Office of Emergency Management.

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.

A RESOLUTION
 BY MR. STEPHENS NO 1859
 A RESOLUTION TO AUTHORIZE AND DIRECT THE
 DIRECTOR OF FINANCE TO CERTIFY CERTAIN
 DELINQUENT CHARGES FOR CUTTING NOXIOUS WEEDS
 TO THE COUNTY AUDITOR FOR COLLECTION.

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

Mr. Stephens explained that each year, the City incurs costs for mowing overgrown yards when owners do not take care of their property. The City bills property owners for those costs and most of them pay. For those who do not pay, this is the annual resolution to certify the costs to the County Auditor so they can be added to the tax bill for each property. This 2019 certification includes 11 properties at a total dollar amount of \$4,026.66.

Thereupon, it was moved by Mr. Stephens 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.

A RESOLUTION
BY VICE MAYOR BYINGTON NO 1860
TO AUTHORIZE THE REALLOCATION OF THE CITY'S
INSIDE MILLAGE PROPERTY TAX REVENUES.

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 this is a resolution that will change the allocation of the City's inside millage property tax revenues.

Prior to 1965, local governments in Ohio handled their own pension plans for police and fire employees. This was changed in 1965 by the Ohio General Assembly, which enacted legislation to create the state-administered Ohio Police and Fire Pension Fund. In doing so, many municipalities – including Oakwood – had liabilities exceeding the assets needed to pay future pension benefits, and owed a net pension liability to the State of Ohio. In order to minimize the financial impact on cities, the state authorized a 65 year payoff term, with the first payments due in 1970 and the final payments due in 2035.

Oakwood is still more than 15 years away from the maturity of this obligation. The remaining balance is approximately \$404,000, and an average annual interest rate of 4.25% is being paid. City Council believes it is prudent to pay off the liability early because more in interest is being paid than being received in investment income.

This resolution states City Council's intention to pursue an accelerated payoff of the pension liability. The City plans to make two payments of approximately \$200,000 each to eliminate this liability. One payment will be made in late 2019, and the second in early 2020. The resolution also requests that the Montgomery County Budget Commission reallocate 0.3 mills of inside millage property tax revenue from the Police Pension Fund to the General Fund.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Stephens 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 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 resolution was declared duly passed and it was so ordered.

A RESOLUTION
BY MAYOR DUNCAN NO 1861
A RESOLUTION APPROVING AN ISOLATION AND
QUARANTINE POLICY FOR INFECTIOUS DISEASES AND
OTHER PUBLIC HEALTH EMERGENCIES, AS ADOPTED BY
THE OAKWOOD BOARD OF HEALTH.

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

Mayor Duncan explained that the Ohio Revised Code requires local boards of health to adopt a policy concerning isolation and quarantine authority. In doing so, the law also allows local boards of health to delegate isolation and quarantine authority to the Health Commissioner. This is an important public health tool, in that it allows for immediate action to be taken by the Health Commissioner in times of emergency instead of requiring the entire Board of Health to convene a meeting before the situation can be addressed.

The Oakwood Board of Health recently adopted Resolution 19-2, which is an isolation and quarantine policy that delegates authority to the Health Commissioner, in times of emergency, to act on the Board's behalf until such time in the future that the Board can meet. As required by the Ohio Revised Code, City Council must approve this policy in order for it to take effect.

City Council has reviewed the policy, and concur with the Board of Health that it is in the public interest to approve it.

Thereupon, it was moved by Mayor Duncan and seconded by Mr. Epley 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 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 resolution was declared duly passed and it was so ordered.

A RESOLUTION

BY MR. EPLEY NO 1862

A RESOLUTION APPROVING THE MONTGOMERY
 COUNTY-INTERMUNICIPAL WASTE SERVICES
 AGREEMENT.

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

Mr. Epley explained that along with all other cities in Montgomery County, Oakwood is a member community of the Montgomery County Solid Waste District and contracts with the District to receive the refuse collected. Oakwood's current contract with the District dates back to 1985 and is due to be updated.

Over the past year, member communities and the District have worked together to develop a new agreement for processing and disposing of solid waste in Montgomery County, which is now before City Council for approval. We believe that the new agreement serves the best interests of the city, and this resolution will authorize the City Manager to sign it.

Thereupon, it was moved by Mr. Epley 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 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 resolution was declared duly passed and it was so ordered.

STAFF REPORT

Public Safety Department Presentation: Chief Alan Hill, Public Safety Director, referenced a PowerPoint presentation and updated Council on the following topics: Irving Avenue Enforcement; Cases of Note; Joint Terrorism Task Force (JTTF) Recognition; DARE Program; Leash Law Update; PSAP Compliance; Citizen Police Academy; and the Assisting and Contributing to Oakwood Resident Needs (ACORN) Program.

Chief Hill began his presentation by reporting that each school year, the Safety Department continues to emphasize the enforcement of parking violations along Irving Avenue in an effort to control violators of the time restricted parking areas. During the period of January – May, the Safety Department issued 145 parking citations along Irving Avenue. Historically, the last month of each school year is when the most citizen complaints are received. During the month of April, emphasis was placed on consistent daily enforcement along Irving Avenue. There were no major concerns reported and zero citizen complaints received. As the new school year approaches, this area will be again monitored for violations.

In February 2018, the LCNB Bank located at 2705 Far Hills Avenue was robbed. The suspect entered the bank, handed the teller a note and demanded money. In the following days, Detective Jeff Yount received an investigative lead and subsequently, Anthony Vaughn was arrested and charged with Robbery. A criminal trial began in May 2019. Vaughn was found guilty of robbery and sentenced to three years in prison.

During the early morning hours of June 4, 2019, Officer Jeff Payne attempted to stop a stolen vehicle on Far Hills Avenue near Patterson Road. The suspect vehicle fled and crashed at the intersection of Far Hills Avenue and Spirea Drive. As Officer Payne was attempting to approach vehicle, the driver put the vehicle in reverse and backed up almost striking Officer Payne. A short vehicle pursuit ensued and ended in the parking lot of Dayton Reliable Tool with the suspect vehicle ramming Officer Payne's patrol vehicle. The driver, Jackie Newton, was arrested and ultimately charged with Assault on a Peace Officer, Failure to Comply, Felony

Vandalism, and Unauthorized Use of a Motor Vehicle. Court action is currently pending against Ms. Newton.

On July 16, 2019, Lieutenant Balaj and other members of the Dayton/Cincinnati Joint Terrorism Task Force (JTTF) were recognized by the U.S. Attorney's Office for their outstanding work and dedication leading to the arrest and conviction of Laith Alebbini, a Dayton resident. During early 2017, a federal criminal investigation began with Alebbini as the suspect. Alebbini was ultimately arrested on April 26, 2017, at the Cincinnati/Kentucky International Airport as he was attempting to board a flight to Jordan. From there, Alebbini made plans to travel to Syria to join ISIS. Alebbini was committed to traveling overseas for the purpose of joining ISIS and engaging in violence in support of a foreign terrorist organization. Just prior to attempting to board the plane, Alebbini sent a text to a family member stating, "I am a terrorist." Alebbini was found guilty at trial for attempting to conspire and provide material support and resources to ISIS and was sentenced to 15 years in federal prison. The time of the involved officers was immense. Lt. Balaj and other members worked countless hours, often around the clock. This was a dangerous individual whose goal was to commit violence overseas. Our city, county, state and country is a safer place because of Lt. Balaj and task force members.

Mayor Duncan asked if this was the first case in our district to go to trial.

Chief Hill stated that this is the first case of its type to go to trial in the Southern District of Ohio. There have been very few of these cases in the history of the federal court system.

City Council, city staff, and members of the audience applauded Lieutenant Balaj, who was in the audience, and the Dayton/Cincinnati Joint Terrorism Task Force.

On June 14, 2019, the Oakwood Public Safety Department was recognized for 25 years of dedication to the D.A.R.E. Program. The longevity of this program has been possible due the commitment by current and past D.A.R.E. Officers.

Since taking effect in early February, the Safety Department has not received any complaints, given any warnings, or issued any citations for violations of the dog leash law.

In May 2016, the state of Ohio implemented 19 standards for all Public Safety Answering Points (PSAP). All dispatch centers were required to achieve compliance within two years from the date of adoption. Some standards were put into place to challenge individual dispatch centers versus regional dispatch centers. In May 2019, Montgomery County PSAP's were audited for compliance. On June 26, 2019, Oakwood received notification from the Montgomery County 9-1-1 Coordinator that Oakwood was in full compliance with the standards required for operating a PSAP.

In September 2019, the Oakwood Public Safety Department will host its second Citizen Police Academy (CPA). The CPA will run from September 11 through November 13. The academy will last 10 weeks and will meet one night per week for two hours. Topics to be covered during the academy include: Safety Department introduction/orientation; patrol operations; traffic enforcement; use of force; active shooter training; evidence collection and processing; and fire prevention/education. The CPA is free of charge and is open to any Oakwood resident or individual working within the city of Oakwood. Applications for the CPA are currently being processed. The Safety Department is excited to again offer this community outreach program.

On March 1, 2019, the Safety Department implemented the Assisting and Contributing to Oakwood Resident Needs (ACORN) Program. The program is designed to assist residents in times of emergency, and provide peace of mind through proactive community outreach, implementing safety plans, and advocating for the well-being of Oakwood's senior and at-risk population. Since March, the Safety Department has been contacted by over 20 individuals inquiring about the program. The Safety Department has met with 17 individuals and signed up 12 Oakwood citizens. The at risk population is very hard to reach, so the Safety Department is pleased with the outcome so far.

Chief Hill closed his presentation by acknowledging the six Dayton police officers that responded within 28 seconds to remove an active shooter from the Oregon District. Their quick response saved many lives. Chief Hill commended the Dayton police officers for their courage and commitment to the community.

Mayor Duncan asked that Chief Hill relay to the Oakwood Public Safety Department that their efforts are appreciated and they continue to do a great job.

CITY MANAGER'S COMMENTS

Mr. Klopsch shared that he recently visited his father, who turned 87 in June. Both his father and uncle were diagnosed with prostate cancer. His father was diagnosed and treated for early stage prostate cancer. His uncle, however, was diagnosed at a later stage and his treatment was a more difficult process. Mr. Klopsch encouraged prostate screenings to ensure early diagnosis.

Mr. Klopsch shared the sad news that Dr. Dick Garrison passed away a week ago. This past December, Dr. Garrison was publicly recognized for his 35 years of service to the Oakwood community. Dr. Garrison served as the Oakwood Public Safety Department Medical Director for 26 years, and as Oakwood's Health Commissioner for ten years. Dr. Garrison was regionally recognized as an outstanding emergency room physician who was an outstanding man. He proudly served in the Ohio National Guard, and was an aviation expert. Dr. Garrison fought cancer valiantly for a few years before he passed away at the age of 65.

COUNCIL COMMENTS

Mrs. Hilton shared that she and her dad went to a play at Dayton's Old Courthouse. The event was very well attended. She commented that it is great to see so many activities in downtown Dayton. Mrs. Hilton encouraged everyone to attend the Ice Cream Social on Sunday, August 11 from 3:30 – 7 p.m. at Shafor Park. This is always a great event.

Mr. Stephens thanked Chief Hill and the Oakwood Public Safety Department for the wonderful work they do on a daily basis. He reminded everyone that school starts on Tuesday, August 13, and wished luck to the Oakwood School District.

Vice Mayor Byington encouraged everyone to attend the Oakwood Farmers' Market which is every Saturday through October 12. He shared that he attended the market last weekend when the Oakwood Farmers' Market hosted the annual "Kids' Market". The Oakwood Public Safety Department participated in the event and had a fire truck on display for kids to navigate. Vice Mayor Byington closed his comments by reminding everyone to be safe, and to slow down, since school is starting next week.

Mayor Duncan echoed Chief Hill's comments about the Dayton police officers. He added that it was a horrific event and it is mind-boggling to think about how many lives they saved because of their quick actions. Mayor Duncan commended Dayton Mayor Nan Whaley for her transparency with the media. He then thanked all federal, state and local officials that traveled to Dayton to show solidarity for the Dayton region.

The public meeting concluded at 9:56 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL