

CITY OF OAKWOOD

JULY 20, 2020

The Council of the city of Oakwood, State of Ohio, 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 reported that City Council is present at City Hall while respecting social distancing guidelines. The meeting is limited to essential attendees only including four members of City Council, the City Manager, the City Law Director, and the Clerk of Council. The meeting is being streamed live from the Oakwood city website and telecast live on Cable Access Channel 6.

Mayor Duncan opened the meeting by asking all present to participate in the Pledge of Allegiance.

Upon call of the roll, the following members of Council responded to their names:

- MR. WILLIAM D. DUNCAN.....PRESENT
- MR. STEVEN BYINGTON .....PRESENT
- MR. ROBERT P. STEPHENS.....PRESENT
- MRS. ANNE S. HILTON.....ABSENT
- 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. Lori Stacel, Clerk of Council

The following visitors pre-registered to address City Council during the telephonic Visitors portion of the meeting:

- Joey Caley
- Rebecca Gentry
- Coco Zhang

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

Mr. Epley advised Council he had read the meeting minutes of the June 1 regular session and work session and the July 6 work session. Mr. Epley reported that he found the minutes correct and complete. Therefore, it was moved by Mr. Epley and seconded by Mr. Stephens that the minutes of the session 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.

Mayor Duncan shared that the meeting was initially scheduled to be held at the Oakwood Community Center to accommodate in-person visitors, but that was before Montgomery County was placed in a Red Alert Level 3 status. Given the status of COVID-19 in Montgomery County, City Council moved the meeting back to council chambers and visitors were invited to call in to the meeting telephonically to address City Council.

Mayor Duncan noted that City Council and city staff are socially distanced in compliance with provisions of the Ohio Department of Health (ODH) orders. He noted that he has been criticized for not wearing a mask, but he has a medical condition and a note from his doctor. As long as social distancing can be maintained, he is not required to wear a mask. Mayor Duncan encouraged people to have more confidence in other people’s actions.

STATUS REPORTS

Mayor Duncan explained that he has two letters to share that he intended to read at the April council meeting. Given the meeting changes due to the pandemic, he was unable to read the letters at that time.

Mayor Duncan read the following letter to Public Safety Director Chief Hill from the Kettering Police Department recognizing Public Safety Officers Ryan Wells and Jesse Schaffer:

*“On March 7, 2020 around 3am several Kettering Police Officers were dispatched to 101 Sheringham Ct. on a found two year old child. It was discovered the child was found wandering around wearing pajamas, during near freezing temperatures, in a parking lot within the apartment complex. The child was unable to communicate or tell us where she lived. KPD officers attempted to knock on doors within the complex in an attempt to find*



*the parents. This is a large apartment complex and it was obvious we were going to need additional officers.*

*Our dispatch center called several other departments and two of your officers were sent to assist us. The Oakwood officers arrived and helped us make contact at numerous apartments within the complex. I personally spoke with your officers and they asked if there was anything else we needed help with besides attempting to contact as many apartments as possible. I found their assistance invaluable, and we all appreciated their help.*

*The mother of the child was eventually located thanks to the teamwork involved by all officers on scene. I wanted to express my thanks to both you and your department for helping us that night."*

Mayor Duncan then read the following letter from Chief Matthew Brown at the Centerville Police Department recognizing Detective Kasey Ballinger:

*"Lieutenant Joseph Lavigne recommended that you receive a Letter of Recognition. This recommendation was based on an investigation of a child pornography case in which you were instrumental toward resolving.*

*On April 2, 2020, you advised Centerville Detective Gerspacher of an active child pornography case involving two suspects who reside in Centerville, and a possible juvenile victim. After compiling information, you and Det. Gerspacher obtained a search warrant for the suspects' home located in Centerville and vehicles. You assisted officers and detectives from Kettering and Centerville police departments in executing the search warrant. Charges are pending upon further analysis of the numerous pieces of computer and digital evidence that were successfully obtained.*

*The teamwork demonstrated by you and all the law enforcement personnel associated with this case was exemplary. The investigation was both thorough and expeditious, from compiling the information and obtaining the search warrant, to locating the suspects and implementing the warrant in a very timely manner.*

*Your actions have brought credit to you and the Oakwood Police Department. I congratulate you on your professionalism, devotion to duty, and a job well done."*

Mayor Duncan asked Chief Hill to extend City Council's thanks to PSO Wells, PSO Schaffer and Detective Ballinger.

VISITORS – Mayor Duncan explained that there will be time dedicated for all visitors wishing to call in and address City Council. Comments by Visitors will be broadcast into the Council Chamber so the comments are available for all to hear. Those individuals that pre-registered will be contacted first and then other visitors are welcome to call in to the meeting.

Ms. Stacel contacted the following three visitors that registered in advance of the meeting.

Joey Caley shared that he has lived in Oakwood for as long as he can remember. He went to school in Oakwood and was involved in football, theater, marching band and other activities. There are very few black students, teachers or community members. He does not feel that Oakwood has been consciously racist for a long time, but the murder of George Floyd has opened a lot of eyes to the racism that exists throughout the nation. He feels that the idea of why Oakwood remains predominantly white needs to be looked into, and he hopes that the City took a long hard look at the information presented in the ABLE report. Mr. Caley stated that he loves Oakwood, but that he, along with other Oakwood alumni that he has spoken to, have reservations about living in a community that does not offer different experiences and races. It is difficult for students to become "the ethical decisions makers" in a city that does not reflect the diversity of the model world. He closed his comments by encouraging City Council to take racism seriously and to set up a task force to help address this issue.

Rebecca Gentry shared that she has similar concerns as Mr. Caley. She graduated from Oakwood in 2019, and has lived in Oakwood most of her life. She attends college in the Twin Cities, which is where George Floyd was murdered. She recalls marveling at how diverse her new school was, almost like she was in another world. Student government campaigns at Macalester College are encouraging ways to improve diversity because only 3% of the students were black. The college that she found to be so diverse is not diverse at all. Oakwood has completely skewed her perceptions of what inclusivity really looks like. She stated that Oakwood was built with racist housing deeds and the community is feeling the effects of that today. She is interested in understanding why it is so difficult for people of color to become a



homeowner or rent in Oakwood. She suggested more rental options, changing zoning rules to allow for apartment-style housing, or to expand Oakwood Schools to people living outside the city to help welcome a more diverse population in Oakwood. She closed her comments by stating that she does not want to move her family to Oakwood if they are just going to be surrounded by other white people because that is not the world we live in.

Coco Zhang shared that she has lived in Oakwood since she was 12 years old and she graduated from Oakwood High School last year. Ms. Zhang shared that she follows the diversity issues that have recently emerged and she has wanted to address these issues for a long time. Ms. Zhang stated that she can count the number of people of color in her graduating class on two hands, and black people on one finger. There are zero teachers of color. As one of the few students of color that graduated from Oakwood Schools, she has personally experienced the overwhelming "whiteness" rendered onto the student body. She stated that the numbers are out there but it seems that numbers have fallen on deaf ears. Her mother came to this Council in vain trying to get City Council to acknowledge the report that concluded that black people are discriminated against by Oakwood police, so she is trying a different route in her comments today. As someone who grew up in Oakwood and has experienced firsthand what a wonderful community Oakwood can be, but also what an ugly thing it can be. She recalled times in school where she directly experienced (and her sister has experienced) instances of blatant insensitivity and racial discrimination. She stated that something must change. Coming back to Oakwood, after attending college in Los Angeles, Oakwood's failures are starker than ever before against the backdrop of a country with growing civil unrest over these issues. She said that she has been taught a very sanitized and one-sided version of history and the lack of diversity in Oakwood Schools promotes a homogenous culture that is not comfortable and is not equipped to learn about different cultures and backgrounds. Oakwood Schools Administration and Oakwood Board of Education members are entirely white and Oakwood teachers are 99% white. She invited Oakwood City Schools to take a closer look at their hiring practice, and to carefully and genuinely examine the culture they foster beyond some vain diversity project that no one cares about. She agrees with the previous visitor comments that housing is the foremost problem. Without new families coming to Oakwood, the schools themselves have no real hope of change. She dislikes regulations against apartment buildings in Oakwood, which Oakwood residents fear would bring in the "wrong sort of people." She closed her comments by noting if everyone is so proud of the Oakwood Schools, but then refuse others the ability to take part in it out of the fear that it would lead to lower quality, then the true efficacy of the school system should be questioned.

Mayor Duncan shared that City Council is painfully aware of the controversy regarding apartments that extends back several years. He added that approximately 28% of the housing units in Oakwood are rentals, many either two-family or four-family apartments. There are not as many large complex apartments like the newer ones at Old River, but this is more due to the small footprint of Oakwood being only 2.2 square miles.

Mayor Duncan thanked the visitors for their comments. With no other callers wishing to address City Council, Mayor Duncan closed the Visitor portion of the meeting.

## LEGISLATION

### AN ORDINANCE

BY MR. STEPHENS

NO 4914

AN ORDINANCE AMENDING SECTION 375.10, SHARED MOBILITY DEVICES, OF THE OAKWOOD TRAFFIC CODE TO MAKE PERMANENT A BAN ON THE USE OF SHARED MOBILITY DEVICES, INCLUDING THE PLACEMENT OR OPERATION THEREOF IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, AND OFFERING THE SAME FOR USE ANYWHERE IN THE CITY.

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

Mr. Stephens explained that this is a second reading of an ordinance to ban the use of "dockless electric scooters and bicycles" in city rights-of-way and on public property.

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

These shared mobility devices are largely unregulated. In cities they are available, they are frequently abandoned by users wherever they happen to stop: in streets, sidewalks, doorways,



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

Council initiated moratorium legislation last year, hoping the General Assembly would regulate these devices in the interim, but that has not happened. Since the state has not acted to clarify the law on these scooters, this ordinance will make the local ban permanent.

Thereupon, it was moved by Mr. Stephens and seconded by Mr. Epley that the ordinance be passed.

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

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN BYINGTON.....	YEA
MR. ROBERT P. STEPHENS.....	YEA
MR. CHRISTOPHER EPLEY.....	YEA

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

AN ORDINANCE  
 BY MR. STEPHENS NO 4915  
 AN ORDINANCE TO ITEMIZE AND LEVY SPECIAL  
 ASSESSMENTS FOR THE CONSTRUCTION OR  
 RECONSTRUCTION OF SIDEWALKS AND APPURTENANCES  
 THERETO IN THE CITY OF OAKWOOD, OHIO.

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

Mr. Stephens explained that this ordinance is the fourth and final legislative step of the 2019 Sidewalk, Curb, and Driveway Apron Project. It itemizes sidewalk repair costs that have not already been paid directly by affected homeowners and authorizes these costs to be assessed by the Montgomery County Auditor.

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

Mayor Duncan noted that four yes votes are required in order to waive the second reading of the ordinance.

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

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN BYINGTON.....	YEA
MR. ROBERT P. STEPHENS.....	YEA
MR. CHRISTOPHER EPLEY.....	YEA

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

A RESOLUTION  
 BY VICE MAYOR BYINGTON NO 1873  
 A RESOLUTION AUTHORIZING THE BUILDING COMMISSIONER  
 TO GRANT REASONABLE EXTENSIONS OF ZONING  
 CERTIFICATES DURING THE COVID-19 PANDEMIC.

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 under the Oakwood Zoning Code, permits for construction and remodeling projects are valid for six months, but lapse if construction has not started in that time. Normally this is not a problem, but in the current pandemic situation, some contractors are experiencing material shortages and/or labor issues that are causing unpreventable delays.

Council does not want residents to be unfairly impacted by circumstances that are beyond their control. The resolution being introduced will allow the Director of Properties, who also serves as the Building Commissioner, to grant extensions of up to six months in these situations. This is a temporary grant of authority that will expire one year from now.



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 BYINGTON .....YEA  
 MR. ROBERT P. STEPHENS.....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.

A RESOLUTION  
 BY VICE MAYOR BYINGTON NO 1874  
 A RESOLUTION PURSUANT TO OHIO S.B. 310, AFFIRMING THAT  
 CORONAVIRUS AID MONEY RECEIVED UNDER THE FEDERAL  
 "CARES ACT" WILL BE USED FOR AUTHORIZED  
 EXPENDITURES ONLY.

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 the first of three pieces of legislation being introduced tonight that relate to relief funding under the federal Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act.

The CARES Act makes certain money available to states for reimbursement of governmental expenses incurred in mitigating and responding to the coronavirus pandemic. It is up to each state to determine how the money will be allocated. The Ohio General Assembly recently adopted S. B. 310, which established a process for distributing these funds to counties, where they can then be further distributed to local governments including the city of Oakwood.

For Oakwood to receive the money for which it is eligible, S.B. 310 requires the passing of a resolution affirming that the funds will only be used to cover costs that are allowable under the CARES Act. This is that resolution.

Thereupon, it was moved by Vice Mayor Byington 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 BYINGTON .....YEA  
 MR. ROBERT P. STEPHENS.....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 4916  
 AN ORDINANCE TO CREATE A FUND WITHIN THE FISCAL  
 RECORDS OF THIS CITY TO BE KNOWN AS THE LOCAL  
 CORONAVIRUS RELIEF FUND; AND TO DECLARE AN  
 EMERGENCY.

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 piece of CARES Act legislation tonight. This ordinance will establish a new fund in the city's financial records known as the "Local Coronavirus Relief Fund." The City is required to create this separate fund to receive federal CARES Act money, so that the Covid-related expenditures can be separately tracked and properly reported as required under the Act.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Stephens that the ordinance be passed as an emergency measure so that it can take effect as soon as possible before this funding is received, with no second reading required.



Mayor Duncan noted that four yes votes are required for the ordinance to be passed as an emergency measure.

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  
 MR. CHRISTOPHER EPLEY.....YEA

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

AN ORDINANCE  
 BY VICE MAYOR BYINGTON NO 4917  
 AN ORDINANCE TO AMEND SECTION I, 2020 ORIGINAL  
 APPROPRIATION ORDINANCE NO. 4897 AND SUPPLEMENTAL  
 APPROPRIATION ORDINANCE NO. 4912 TO PROVIDE FOR THE  
 APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$128,661.73 TO BE EXPENDED FROM THE LOCAL CORONAVIRUS RELIEF FUND TO COVER COSTS CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE  
 FISCAL YEAR ENDING DECEMBER 31, 2020.

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 third and final piece of CARES Act legislation tonight. The city of Oakwood is eligible to receive up to \$128,661.73 in CARES Act funding, and Council is required to adopt a supplemental appropriation ordinance in order to use that money.

Under Section 3.04 of the City Charter, this appropriation ordinance will take effect immediately.

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

Mayor Duncan asked if money needs to be used by a certain time.

Mr. Klopsch stated that the money needs to be used before the end of the year.

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  
 MR. CHRISTOPHER EPLEY.....YEA

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

A RESOLUTION  
 BY MR. STEPHENS NO 1875  
 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 2020 certification includes 14 properties at a total dollar amount of \$3,126.72.



Thereupon, it was moved by Mr. Stephens 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 BYINGTON.....	YEA
MR. ROBERT P. STEPHENS.....	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.

#### STAFF REPORT

Public Safety Department Presentation: Chief Alan Hill, Public Safety Director, began his presentation by reading the following statement:

*“On June 11, I issued a public statement regarding the tragic events that lead to the death of Mr. George Floyd. That statement can be found on the city’s website.*

*What happened to Mr. Floyd on May 25, was shocking and caused heartbreak and anger to millions of Americans across this great country. That officer’s actions, and those who stood by and watched, violated the oath of more than 750,000 men and women who dedicate their lives daily to serve their communities. To say members of the law enforcement profession nationwide are outraged by what occurred in Minneapolis is an understatement. The actions of those officers single handily erode the trust of our profession in communities across this country, including ours. I want to be clear - in no way, shape or form, are the actions demonstrated by those Minneapolis officers on May 25, indicative of character of the men and woman of the Oakwood Public Safety Department, and our commitment to protecting and serving this wonderful community. The actions of those Minneapolis officers should not and cannot diminish the relationships that we, members of the Public Safety, have built within this community. I stand ready and committed to join fellow Law Enforcement Executives in the critically important quest to restore faith in the policing profession across the nation.*

Thank you.”

Chief Hill then referenced a PowerPoint presentation and updated Council on the following topics: Capital Equipment; Personnel Changes; Department Operations Statement; Officer Recruitment; Use of Force; Ohio Collaborative and the Citizen Police Academy.

Earlier this year, the Public Safety Department completely replaced extrication tools and vehicle stabilization equipment. The extrication tools, also known as Jaws of Life, are lifesaving pieces of equipment that are invaluable. The tools being replaced were 20 years old and were no longer capable of cutting through the steel used in cars today. While the \$50,000 cost was significant, the tools are an investment that will be used for a long time.

Lieutenant Jeff Yount, Sr., retired on April 2, 2020 with over 30 years of service. Chief Hill explained that most public safety officers are now hired as a lateral entry with numerous years of service in other communities. Since 1955, the Oakwood Public Safety Department has only had seven directors. At the time of his retirement, Lt. Yount was the longest tenured public safety officer having worked for five different chiefs and he saw two generations of public safety officers retire. Chief Hill thanked Lt. Yount, Sr. for his efforts and dedicated to the Oakwood community. He wished Lt. Yount, Sr. nothing but the best in his retirement. Chief Hill commented that the Yount family is in his thoughts after the recent loss of Lt. Yount’s mother.

The Oakwood Public Safety Department addresses and investigates every public safety incident, regardless of size. A hit and run crash occurred a few weeks ago near Shroyer Road and Greenmount Boulevard where a person ran over three trees in the boulevard and then left the scene. With the quality work and dedication of the public safety officers, as well as several Oakwood residents keeping an eye out for their neighborhood, the suspect was identified and cited for failure to control and leaving the scene of an accident. The tree replacement expense will be recovered from the driver’s insurance company.

Chief Hill then discussed the Oakwood Public Safety Department’s mission statement, core values and principles of operation.

The Department’s mission is to work in a partnership with all citizens and to enhance the quality of life by providing superior police, fire, and emergency medical services. The Oakwood Public



Safety Department is the only safety department in the state of Ohio that has a consolidated police and fire department. Oakwood Public Safety Officers are committed to integrity by upholding community trust; are dedicated through loyalty to the community; and are respectful treating all people with dignity and in an unbiased manner. The Department protects life and property; promotes a safe and secure environment; and provides superior police, fire, and emergency medical services.

The Oakwood Public Safety Department has a recruitment and selection process designed to advance applicants who are the most qualified. Candidates must be a U.S. Citizen; be at least 21 years of age; have a valid driver's license; follow a lateral entry hiring process; be certified in one of the three disciplines; and have successfully completed 12 months of full-time service and be currently employed as a full-time police officer, career firefighter or paramedic. Over the last decade, public safety hires have no less than six years of experience. The selection process includes completion of a 50+ page application packet; two oral interview boards; a comprehensive character background investigation; two truth verification tests; a psychological exam; and a medical exam. The Oakwood Public Safety Department has recruited officers from all over the Miami Valley region. The department is an equal opportunity employer that does not discriminate against any applicant.

The Oakwood Public Safety Department has a comprehensive use of force policy covering all facets of the application of force, documentation of use of force incidents, and the administrative review of use of force incidents. Chief Hill provided the following breakdown of use of force incidents over the past five years: 2016 – 6; 2017- 6; 2018 – 3; 2019 – 3; and 2020 year-to-date – 0. During this same period of time, the Oakwood Public Safety Department made over 1,000 arrests and conducted in excess of 15,000 traffic stops. Following the tragic death of George Floyd, much discussion has occurred locally, statewide, and nationally with regards to use of force policies. Research shows that more restrictive use of force policies can reduce killings by police and save lives. The following use of force policies are recommended for incorporation in safety department policies: ban chokeholds and strangleholds; require de-escalation; require warning before shooting; exhaust all alternatives before shooting; duty to intervene; ban shooting at motor vehicles; require use of force continuum; and require comprehensive report. Chief Hill provided an overview of these eight policies as written in the Oakwood Public Safety Department Manual.

The proper application of the carotid control hold (e.g., Lateral Vascular Neck Restraint) may be effective in restraining a violent or combative individual; however, due to the potential for injury, the Safety Department prohibits officers from using such holds or similar control techniques as a routine defensive control tactic. The use of the carotid control hold by officers is only authorized when it is reasonably necessary to prevent death or serious physical harm. The last time the Oakwood Public Safety Department administered a chokehold was in 2008 during a foot pursuit with a burglary suspect that was caught leaving someone's house. Chokeholds are not used as a routine defensive control tactic and it can only be used when it is necessary to prevent death or serious physical harm.

Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by an on-duty paramedic or other qualified medical personnel. If the sole paramedic on-duty is involved in the application of force, the on-duty supervisor should request a mutual aid medic response to conduct the medical examination. The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result. Any officer attempting or applying the carotid control hold shall promptly notify the Crew Lieutenant and/or on-duty supervisor of the use or attempted use of such hold. The use or attempted use of the carotid restraint hold shall be thoroughly documented by the officer in the form of a written report(s). These report(s) include an ALERTS report and the completion of a Use of Deadly/Physical Force Report.

De-escalation and de-escalation training is nothing new to the Oakwood Public Safety Department. Over the past several years, the Safety Department has provided periodic de-escalation trainings through various in-service trainings. Most recently, Public Safety Officers completed law enforcement de-escalation trainings in June and July of 2020. There will be six additional hours of training before the end of this year. De-escalation tactics are used daily in law enforcement.

The courts have recognized that law enforcement encounters are fast-evolving and rapidly changing dynamic situations and a warning before shooting may not always be feasible. For example, if an officer is being actively shot at, it is not feasible for that officer to give a warning before returning fire.



Any time an officer is deploying their firearm in the line of duty, it is a deadly force situation to defend their life or the life of another person. Deadly force can only be used in two specific areas: to protect themselves or others from death or serious harm; or an officer may use deadly force to stop a fleeing subject when the officer has probable cause that the person either has or intends to commit a felony involving the infliction or threat of infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to another person. In the situation of a fleeing subject, the Oakwood Public Safety Department should give a verbal warning to a fleeing subject before the use of deadly force, where and when feasible.

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report the observations to a supervisor.

The Oakwood Public Safety Department prohibits the discharging of a firearm at or from a moving motor vehicle unless the officer reasonably believes that such an action is in defense of human life. This includes the officer's own life or in defense of any person who is in imminent danger of serious bodily injury.

The Oakwood Public Safety Department follows the Action – Response Use of Force Continuum, and officers use the continuum as a guideline whenever force is used. Chief Hill displayed a diagram of the Action – Response Continuum.

Any use of force by a member of the Oakwood Public Safety Department is documented promptly, completely and accurately. Officers must complete an ALERT report and a Use of Deadly / Physical Force Report. The officer articulates the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the department may require the completion of additional report forms, as specified in department policy, procedure or law. The data is analyzed annually to identify any trends or training needs across the department. Chief Hill stated that the low number of use of force incidents from the Oakwood Public Safety Department is attributed to the professionalism of the officers.

The Ohio Collaborative Community – Police Advisory Board (Ohio Collaborative) was established in December 2014. The Board was created to oversee implementation of recommendations for statewide policing standards in a variety of areas. Although voluntary, the Ohio Collaborative certification process provides for an independent review of a police agency to demonstrate transparency, modern methods and standards, and open critique and feedback from accessors. In 2016, the Oakwood Public Safety Department received its initial certification for the Use of Force/Recruitment and Hiring Group 1 standards, which were the only two standards to demonstrate compliance in at that time. The Ohio Collaborative panel has since published Group 2 Standards and Group 3 Standards, for which the Oakwood Public Safety Department has received certification. Chief Hill noted that the department is currently working on submitting documentation to become certified in Group 4 Standards even though this certification is not required until recertification.

Mayor Duncan asked if the Oakwood Public Safety Department followed the standards before they were required.

Chief Hill responded yes. He explained that these policies were already in place and the Oakwood Public Safety Department did not have to adopt new policies in order to get the standard certifications. Each standard has a compliance checklist that requires documentation to show how the department engages in these practices. The Oakwood Public Safety Department provided documentation to receive certification.

In September 2020, the Oakwood Public Safety Department will host its third Citizen Police Academy (CPA). The CPA will run from September 9 through November 11. 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. Due to COVID-19, class size will be limited to eight participants for social distancing purposes. Applications may be submitted for the CPA beginning on Thursday, July 23.

Mayor Duncan asked if Chief Hill's presentation will be available to view from the City's website.



Mr. Klopsch confirmed that the presentation will be placed on the City's website tomorrow.

Mayor Duncan thanked the Oakwood Public Safety Department for continuing to provide outstanding service to the community, especially during these difficult times. He added that the city of Oakwood is fortunate to have the best public safety staff. Mayor Duncan recommended that the State apply some of the best practices being done by the Oakwood Public Safety Department. He then asked Chief Hill to relay City Council's appreciation to the Oakwood Public Safety Department.

#### CITY MANAGER'S COMMENTS

Mr. Klopsch provided an update on the following:

Oakwood city facilities reopened in June after having been closed to the public due to the coronavirus pandemic. The City Building/Public Safety Building, Oakwood Community Center (OCC), and Public Works Center reopened on June 1. Gardner Pool reopened on June 6 and the OCC Health Center reopened on June 15. City facilities are functioning properly and in compliance with Ohio Department of Health (ODH) guidelines, as well as supplemental guidelines issued by Public Health – Dayton & Montgomery County. Protocols were implemented when the Ohio Department of Health mandated face masks in Montgomery County. Face masks are required for city employees and visitors in all city buildings, with a few exemptions outlined in the ODH Order. Mr. Klopsch recognized the Oakwood Municipal Court staff for doing a wonderful job running the court in a safe manner during the pandemic. He then thanked citizens visiting city facilities for following the mask mandate.

The Oakwood Community Center is running as many programs as possible under the pandemic limitations. Mr. Klopsch commended Leisure Services Director Carol Collins and her staff for creatively finding ways to continue offering programs.

The City has had two employees that tested positive for the coronavirus. As previously mentioned, Public Safety Officer (PSO) Steve Norris tested positive for the virus in March and has fully recovered. PSO Norris is tentatively scheduled to be recognized at the September 21 City Council meeting for being one of the first two people in the Dayton area to donate plasma after testing positive for COVID-19 back in March. The other employee that tested positive is in the Public Works Department. The employee was asymptomatic when he tested positive and never developed symptoms. Mr. Klopsch shared that he attends weekly conference calls with other city managers across the region. A few months ago, there were very few public employee COVID-19 cases reported and as the weeks have gone by, more and more regions have employees testing positive. To date, everyone has recovered and is back to work.

The storm that came through Oakwood yesterday brought down several trees and branches throughout the city. There were also reports of a few minor power outages. Mr. Klopsch complimented the Public Works Department for their clean-up efforts.

The Sidewalk, Curb and Drive Apron work in the northeast part of the City should be completed in about two weeks.

The annual asphalt paving work was completed last week. Mr. Klopsch encouraged people to drive down Delaine Avenue if they would like to observe the project work.

Vectren is continuing to work in three different areas of Oakwood. There is extensive gas line work being done on Oakwood Avenue. The northbound lane of Oakwood Avenue between Five Points and E. Schantz will be closed to traffic for gas line work extending through this week and into early next week.

Mr. Klopsch closed his comments by thanking Ms. Stacel for coordinating the council meeting to accommodate social distancing and for finding a way for visitors to call in to participate in the meeting.

#### COUNCIL COMMENTS

Mr. Stephens thanked Chief Hill for leading the Oakwood Public Safety Department. Mr. Stephens stated that he has always appreciated the work of the public safety department, but he learns something new they do every day. He closed his comments by stating that as a citizen, a councilmember, and a business owner, he appreciates the department going above and beyond to protect families, businesses and properties.

Vice Mayor Byington shared that he read the Public Safety Department Policy Manual cover to cover, from hostage negotiations to bias sensitivity training and de-escalation procedures. He was particularly impressed with the section on code of ethics, which sums up the character of the



Oakwood Public Safety Officers. Vice Mayor Byington thanked the visitors for their comments. Diversity is a topic that is contentious in some regards and people are very passionate about it. He recalled one of his college professors telling him that if you develop a hypothesis or some way of thinking about something, you better be sure that you have the research method to back up the conclusions that you make on that particular hypothesis. He stated that the ABLE report was mentioned a few times during the visitor comments and he hopes that people in college will learn that just making statement does not make a report. The report needs to have the facts behind it.

Mayor Duncan shared that David McCullough is an American historian and author of *The Pioneers*. The book tells a story of the first settlers in Ohio and the Northwest Territory in the late 1700's and early 1800's. This book should be required reading in public schools. When the Declaration of Independence was signed, there were slaves in all 13 colonies. In 1787, the northwest ordinance was passed by the Congress. The Northwest Ordinance in the Northwest Territory now consists of Ohio, Indiana, Michigan, Wisconsin and Illinois. It was the first document that prohibited slavery in any territory in the United States of America. It was also the first document that required free public education in the United States of America. In 2019, David McCullough talked about his book at an event in Columbus, Ohio. Governor Mike DeWine, and former Governors Ted Strickland and Bob Taft were in attendance. David McCullough was a commencement speaker at Ohio University (Ohio University was the first public university west of the Allegheny Mountains) in 2004 and closed his 2019 talk with an excerpt from the speech he gave at Ohio University in 2004. The excerpt is as important now as it was then. Mayor Duncan closed the meeting reading this excerpt:

*"When bad news is riding high and despair in fashion, when loud mouths and corruption seem to own center stage, when some keep crying that the country is going to the dogs, remember it's always been going to the dogs in the eyes of some, and that 90 percent, or more, of the people are good people, generous-hearted, law-abiding, good citizens who get to work on time, do a good job, love their country, pay their taxes, care about their neighbors, care about their children's education, and believe, rightly, as you do, in the ideals upon which our way of life is founded."*

The public meeting concluded at 9:02 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL