

CITY OF OAKWOOD

JUNE 1, 2020

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:30 p.m., followed by a regular session at 7:30 p.m., in the council chambers of the city of Oakwood.

The Mayor, Mr. William Duncan, presided, and acting Clerk of Council, Mr. Robert F. Jacques, recorded. Mayor Duncan reported that City Council is present at City Hall while respecting social distancing guidelines. The meeting is open to the public, but is limited for staff and Council to essential attendees only including the five members of City Council, the City Manager, and the City Law Director who is also acting as the Clerk of Council.

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

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

MR. WILLIAM D. DUNCAN.....	PRESENT
MR. STEVEN BYINGTON.....	PRESENT
MR. ROBERT P. STEPHENS.....	PRESENT
MRS. ANNE S. HILTON.....	PRESENT
MR. CHRISTOPHER B. EPLEY.....	PRESENT

Officers of the City present were the following:

Mr. Norbert S. Klopsch, City Manager
Mr. Robert F. Jacques, City Attorney

The following visitors registered:

Mr. Brian Barr, *Oakwood Register*

Mrs. Hilton advised Council she had read the meeting minutes of the May 4 regular session and May 18 work session and executive session. Mrs. Hilton reported that she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Epley 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.

STATUS REPORTS

Mayor Duncan read the following:

"Saturday was an extremely active day in Downtown Dayton and we had several officers spend the better part of the day assisting with the chaos that broke out.

The protests started around noon in Dayton. At approximately 12:30 p.m., Dayton Police initiated a signal 99 (officer needs assistance) broadcast. At that time, two Oakwood Public Safety Officers responded to the downtown area. By the time they arrived, the emergency request had been cancelled and they returned to the city. Shortly thereafter, a second request was made and this time the request asked for responding officers to bring riot gear with them. Two Oakwood Public Safety Officers responded. They remained downtown until approximately 10:45 p.m. before being released. They were really on the front line and in the mix of it. They held various assignments such as crowd control, arrest team personnel, and traffic control while downtown. Both of them were exhausted when they returned to the city. It was a long day with lots of activity.

Additionally at around 2:30 p.m., the Kettering Regional SWAT was requested to respond. The team activated and three of Oakwood's four members responded. Kettering's team was assigned to protect the Dayton Safety Building. Intel was received that a group of vandals were going to attempt to vandalize the building. Again, these team members were on the front line of all the activity occurring in and around the Safety Building. They were released shortly before 11 p.m., and Kettering's team has already been requested for Sunday as they anticipated a second day of protests.

Furthermore during the late afternoon hours, a group of protestors began to march south on Main St. towards Oakwood's north city limits. A group of four Oakwood Public Safety Officers, along with a couple UD police officers, engaged them just prior to entering our city and forced them to turn on to Sawmill heading east. A few minutes later, the same group of Public Safety Officer's confronted the group of protestors again at Oakwood Ave. and Irving forcing them to turn north on Brown heading towards UD. UD ended up with a large peaceful group of protestors in the area of Brown and Caldwell.

Given the close proximity to the city and limited on-duty personnel to manage a crowd this size it was at this time a code red personnel recall was placed. Six Oakwood Public Safety Officers responded. Chief Hill and Captain Jones also responded. We doubled up

the officers in cruisers and actively patrolled the north city limits till approximately 11pm. The vast majority of the rioting/criminal behavior took place during the 9 p.m. hour right after the downtown Dayton curfew took effect. Thankfully the crowd was able to be managed and dispersed and never made its way back to Oakwood.

For all our personnel; no one was injured nor did anyone have to use force.

Protest events were held again in downtown Dayton late Sunday afternoon and lasted until the curfew went into effect at 7 p.m. Our response was very similar to Saturday's. With having some time to prepare for Sunday, the law enforcement response was much different. Much larger presence, well prepared and strategic plans in place to deal with any instigators. Thankfully it was a quiet event and nothing like Saturday night.

Our response included: three Oakwood SWAT Personnel; three Public Safety Officers assigned to Dayton; and eight uniformed Oakwood Public Safety Officers protecting our north city limits.

We believe a protest is planned for tonight in the city of Centerville and at this time we plan to send two uniformed officers to assist the Centerville Police Department."

Mayor Duncan stated that one of City's Council's most important tasks is to ensure that public safety is provided to all Oakwood citizens. Mayor Duncan asked City Manager Norbert Klopsch to relay City Council's confidence and deep gratitude to Chief Hill and the entire Oakwood Public Safety Department.

VISITORS

Mayor Duncan stated that the meeting this evening is open to visitors. He explained that the council chamber is set up to allow for proper social distancing, and face masks and hand sanitizer are provided. Hand sanitizer was donated to the City from the Buckeye Vodka Company and MiracleCorp. The owner of MiracleCorp, Bill Sherk, is an Oakwood resident. Mayor Duncan thanked Mr. Sherk and Buckeye Vodka for the gracious donation to the City.

Mayor Duncan recognized Brian Barr from the *Oakwood Register*. After temporarily closing because of the COVID-19 pandemic, the *Oakwood Register* is back open and a newspaper will be published on Wednesday.

LEGISLATION

A RESOLUTION

BY MAYOR DUNCAN NO 1872

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE EXECUTIVE ORDERS IMPLEMENTING TEMPORARY WAIVERS TO CERTAIN REGULATIONS AND CERTAIN ENFORCEMENT ACTIVITIES IN ORDER TO PROMOTE LOCAL BUSINESS AND THE STATE'S RESPONSIBLE RESTART OHIO.

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 Governor DeWine declared a State of Emergency in Executive Order 2020-01D, which was issued on March 9, 2020 in response to the COVID-19 coronavirus pandemic. A number of subsequent orders have been issued by the Governor and by the Director of the Ohio Department of Health, including a March 15, 2020 order to limit the sale of food and beverages, liquor, beer and wine to carry-out and delivery only and an April 30, 2020 order to begin reopening businesses. The April 30 order includes a number of exceptions, including social distancing provisions that limit the options for indoor service while allowing for outdoor service.

City Council is aware that some Oakwood local businesses were deemed "essential" and were permitted to remain open through the pandemic, while others were deemed "non-essential" and were ordered to close. As a result, some of the local businesses have thrived while others have faced severe economic hardship.

The Oakwood Zoning Code does not allow for outdoor seating except in certain Special Use situations that are not applicable. However, City Council strongly believes that local zoning regulations should serve to benefit the Oakwood community; they should not be a reason to keep existing businesses shut down.

The resolution being introduced would allow businesses to apply for, and the City Manager to issue, temporary waivers of the outdoor seating rules. Waivers would be available as long as a

particular proposal can be done safely, with respect for the residential character of Oakwood neighborhoods and adequate measures to minimize congestion and other traffic issues.

It is important to note that this is a temporary solution, and not a permanent amendment to the Zoning Code. The authority to issue waivers would last for six months from today's date, unless the Governor's State of Emergency declaration expires or is terminated sooner. After that, this resolution will lapse and normal operations would resume under the Zoning Code.

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

Mrs. Hilton asked if the temporary waivers could extend into next year.

Mayor Duncan and Mr. Jacques confirmed that the authority to grant waivers lasts for six months from today's date, unless the Governor's State of Emergency declaration expires or is terminated sooner.

Mayor Duncan shared his hopes of things getting back to normal versus needing to adopt a permanent Zoning Code amendment.

Mr. Jacques explained that a permanent change would require a text amendment change to the Zoning Code which would require both Planning Commission and City Council public hearings.

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.

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 first 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. Despite some level of public demand, they cannot be used legally on sidewalks due to their status as "motor vehicles" under state law, nor can they be used legally on streets due to equipment limitations and the lack of adequate mechanisms for titling, registering, and insuring them. As a result, there are several lawsuits pending around the nation, and the Ohio General Assembly and other state legislatures are considering possible frameworks for the regulation of shared mobility devices.

Until the General Assembly determines a path forward for our state, the problems inherent with shared mobility devices must be addressed by local government. In cities where shared mobility devices are available, they are frequently abandoned by users wherever they happen to stop: in streets, sidewalks, doorways, and other public places. This creates visual clutter and more importantly, safety concerns, especially for the most vulnerable pedestrians.

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.

City Council initiated moratorium legislation last year as an immediate way to address the hazards posed by shared mobility devices placed in and operated on public property. The intent

was to revisit the issue in one year when the legal landscape might have become more firmly settled. Unfortunately, the state has not acted to clarify the law on these scooters, and City Council is now proposing to make the local ban permanent.

This was a first reading of the ordinance, so Mr. Stephens made no motion.

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4913
AN ORDINANCE TO AMEND EXISTING SECTION 17-104.4, RIGHT
OF ENTRY, OF THE OAKWOOD PROPERTY MAINTENANCE
CODE BY ADDING PROCEDURES FOR THE ISSUANCE OF AN
ADMINISTRATIVE SEARCH WARRANT.

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 the Oakwood Code Enforcement Officer routinely conducts a number of inspections to ensure that Oakwood’s aging stock of homes is properly maintained, safe, and holds its value. This is of critical importance in a residential community like Oakwood.

There are rare instances in which a property owner refuses consent for an inspection, and the Oakwood Property Maintenance Code provides inconsistent remedies. For example, if a person refuses consent for an inspection under the Pre-Sale Inspection Program or the Rental Unit Inspection Program, the Property Maintenance Code provides a process by which the Code Enforcement Officer can seek an administrative search warrant from a court. By contrast, if the need for inspection does not fall under one of those two programs but arises via neighbor complaint, the Code merely says the Code Enforcement Officer “is authorized to pursue recourse as provided by law,” without providing guidance as to what that recourse might be.

The ordinance being introduced tonight would add that guidance. It provides clear administrative search warrant procedures for situations not covered by the Pre-Sale Inspection Program or the Rental Unit Inspection Program, utilizing criteria that have been authorized by federal courts. The ordinance is being introduced as an emergency measure because city staff is aware of an existing property maintenance situation that potentially endangers other properties and must be addressed immediately.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton that the ordinance be passed as an emergency measure, with no second reading required.

Mayor Duncan noted that a four out of five yes vote is 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 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.

CITY MANAGER’S COMMENTS

Mr. Klopsch provided an update on the following:

The City Building/Public Safety Building, Oakwood Community Center, Public Works Center and Oakwood Dog Park reopened today after having been closed to the public over the past eleven weeks. As previously reported, Oakwood city staff continued to provide essential local government public services during the closure. Mr. Klopsch recognized the efforts of all city staff. He then commended the Department Heads for seamlessly managing their staff so quality services could continue to be provided to Oakwood residents. A press release was distributed last Friday announcing the reopening of Oakwood facilities. The press release requests that city business continue to be conducted via email and telephone, whenever possible, to limit the number of visitors at city offices. City facilities are equipped with plexiglass barriers, hand sanitizers, sanitizing wipes and face masks to protect the health, welfare and safety of the Oakwood community, the general public, and Oakwood employees. Face to face meetings in public buildings are either cancelled or severely limited. When meetings are required, individuals are spread out across the room to allow for proper social distancing. As mentioned at the May 4 City Council meeting, the City has had one employee test positive for COVID-19, Public Safety Officer (PSO) Steve Norris. PSO Norris is tentatively scheduled to be recognized

at the July 20 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.

Gardner Pool will open on Saturday, June 6. The pool will operate from 11 a.m. to 8 p.m. in accordance with guidelines and protocols developed based on directives from the Ohio Department of Health. As of last Friday, 30-40 pool memberships have been sold. Gardner Pool will require advance reservations for pool use to ensure that occupancy is limited to 125 and to allow for proper cleaning and disinfection of the facility. Mr. Klopsch recognized Leisure Services Director Carol Collins and Program Supervisor Karen Earley for coordinating the pool opening efforts.

The reconstruction of concrete pavement on Oak Forest Drive is taking place over the next two weeks. This is the first time the concrete pavement has been repaired on Oak Forest Drive in approximately 40 years.

The concrete curb work on Far Hills Avenue from Patterson Road to the north corporation line is completed.

The Sidewalk, Curb and Drive Apron work in the northeast part of the City is set to begin around the middle of June. The project will take approximately 6-8 weeks to complete and should be finished before the beginning of school in August.

The Asphalt Mill and Overlay project should be completed around mid-July.

Vectren is working in three different areas of Oakwood. The work will likely extend into August or September.

Mayor Duncan inquired about the Oakwood Municipal Court operations.

Mr. Klopsch shared that the Oakwood Municipal Court has made some operational adjustments. Court hearings were postponed for a few weeks during the beginning of the pandemic. The hearings resumed approximately four weeks ago.

COUNCIL COMMENTS

Mayor Duncan provided an update on the comments he made at the May 4 council meeting. He congratulated Mr. Epley and reported that he will be on the November election ballot as the Republican candidate for judge in the Second District Court of Appeals.

Mrs. Hilton commended Oakwood city staff for their continued services. She thanked Leisure Services Director Carol Collins and the OCC staff for their work on opening Gardner Pool.

Mr. Stephens thanked the Oakwood School District for celebrating and recognizing the graduating Oakwood High School Seniors.

Vice Mayor Byington encouraged everyone to attend the Oakwood Farmers' Market which opens this Saturday. Visit <https://oakwoodfarmersmarket.org/> for additional information.

Mayor Duncan shared that the Oakwood Business District is now open. He encouraged people to support local businesses because they endured tough times because of the coronavirus pandemic. Mayor Duncan closed his comments by sharing that the Oakwood Public Safety Department recently responded to a 9-1-1 medic call for severe chest pains. While en route to the hospital, the patient went unresponsive and was without a pulse. The Oakwood Public Safety Officers initiated CPR and delivered electric shocks via chest paddles. The patient was revived and was able to have a normal conversation before arriving at the hospital. This is another reason why Oakwood is a great place to live.

The public meeting concluded at 8:00 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL