

CITY OF OAKWOOD
STATE OF OHIO
DECEMBER 14, 2020

The Council of the city of Oakwood, State of Ohio, met in a work session at 7:00 p.m. in the council chambers of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio, 45419. Council then met in a regular session at 7:30 p.m., in the council chambers of the city of Oakwood.

The Mayor, Mr. William Duncan, presided, and the Clerk of Council, Ms. Lori Stacel, recorded. Mayor Duncan opened the meeting by asking all present to participate in the Pledge of Allegiance.

Mayor Duncan reported that City Council is present at City Hall while respecting social distancing guidelines. Four staff members are present and dispersed throughout the room. There are no visitors present. The meeting is being streamed live from the Oakwood city website and telecast live on Cable Access Channel 6.

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
Mrs. Cindy Stafford, Finance Director
Ms. Lori Stacel, Clerk of Council

Mrs. Hilton advised Council she had read the meeting minutes of the November 2 regular session and the November 16 work session. Mrs. Hilton reported she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Epley that the minutes of the sessions of Council aforementioned be approved as written and the reading thereof at this session be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

STATUS REPORTS – NONE

VISITORS – Mayor Duncan shared that given the status of COVID-19 in Montgomery County, visitors were invited to call in to the meeting telephonically to address City Council.

There were no visitors wishing to address City Council.

LEGISLATION

AN ORDINANCE

BY MR. STEPHENS

NO 4924

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES
TO THE OAKWOOD TRAFFIC AND GENERAL OFFENSES CODES.

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 each year, City Council passes an annual house-keeping ordinance to align Oakwood local traffic and general offenses codes with changes that have been made at the state level. This ordinance adopts the 2020 replacement pages for the Traffic Code and the General Offenses Code, and although this is the second reading, it is being presented as an emergency ordinance so the updates can be incorporated into Oakwood codes by the beginning of 2021.

Thereupon, it was moved by Mr. Stephens and seconded by Mr. Epley that the ordinance 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
MRS. ANNE HILTON	YEA
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.

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4925
AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT
EXPENSES AND OTHER EXPENDITURES OF THE CITY OF
OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR
ENDING DECEMBER 31, 2021.

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 Oakwood's annual budget ordinance, which appropriates the City's funding for 2021. This ordinance is required under Section 6.05 of the City Charter and, when adopted, provides formal authorization to the city manager to spend public dollars in providing city services.

Oakwood's total city budget is divided into five primary parts with budgeted spending in each as follows:

General City Services:	\$13,255,893
Refuse Services:	\$1,417,584
Water Services:	\$1,175,820
Sanitary Sewer Services:	\$1,793,704
Stormwater Services:	\$453,008

At this point, City Council typically asks the City Manager and Finance Director to deliver a detailed presentation on the proposed budget, and the chair and/or vice chair of our citizen Budget Review Committee (BBC) is invited to comment on the budget on behalf of the 35 member committee.

Given the status of COVID-19 and Council's desire to keep this meeting as short as possible, Council will forego the staff presentation and BRC comments. Instead, Vice Mayor Byington provided the following budget highlights:

- *There is no increase in 2021 to city income taxes, or property taxes.*
- *There is no increase in 2021 to fees for refuse, water, sanitary sewer or stormwater services.*
- *We begin 2021 with good balances in all of our funds.*
- *The 2021 budget reflects spending for our General City Services to be about \$300,000 less than revenues.*
- *Spending for our refuse services will be about \$65,000 more than revenues. This \$65,000 will be covered by existing cash reserves.*
- *Spending for our water services will match revenues.*
- *Spending for our sanitary sewer services will be about \$75,000 less than revenues.*
- *Spending for our stormwater services will be about \$15,000 less than revenues.*

Oakwood is in good shape financially, even given the impact of the coronavirus. The citizen Budget Review Committee met last Tuesday and received a detailed briefing on the 2021 budget. 23 members attended the meeting and at the conclusion voted unanimously to recommend that City Council approve the budget as proposed.

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

Mayor Duncan congratulated City Manager Norbert Klopsch, Finance Director Cindy Stafford and all city department heads for doing a great job with their diligence in managing finances, particularly during these more than challenging times with the pandemic.

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 S. HILTON.....	YEA
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.

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4926
AN ORDINANCE TO AMEND SECTION I, 2020 ORIGINAL
APPROPRIATION ORDINANCE NO. 4897 AND ALL
SUPPLEMENTS ENACTED THERETO, TO PROVIDE FOR THE
APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$2,821.30 TO BE EXPENDED FROM THE LOCAL CORONAVIRUS RELIEF FUND TO COVER COSTS CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT; AND
2. ANY ADDITIONAL FUNDING THAT MAY BECOME AVAILABLE TO THE CITY OF OAKWOOD 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, OR, FOR FUNDING THAT BECOMES AVAILABLE AFTER THAT DATE, DURING THE FISCAL YEAR IN WHICH SUCH FUNDING BECOMES AVAILABLE.

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 another supplemental appropriation ordinance to address coronavirus reimbursement funding the City is eligible to receive under the federal CARES Act. Council adopted similar ordinances in July, September and November, based on the City's increased eligibility to receive CARES Act funding. Initially Oakwood was eligible to receive a little over \$128,000. That was increased in September and again in November. Oakwood's eligibility has now been increased again by an additional \$2,821.30, for about \$518,000 in CARES Act funding eligibility.

Council is required to adopt a supplemental appropriation ordinance in order to use CARES Act money. In order to avoid the need for future legislation if Oakwood's eligibility is increased again, the City Attorney has included language that will automatically appropriate any additional CARES Act funding that may become available to the City.

Under Section 3.04 of the City Charter, this supplemental 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.

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 S. 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.

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4927
AN ORDINANCE TO AMEND SECTION I, 2020 ORIGINAL
APPROPRIATION ORDINANCE NO. 4897 AND ALL
SUPPLEMENTS ENACTED THERETO, TO PROVIDE FOR THE
APPROPRIATION OF:

1. AN AMOUNT OF \$500,000.00 TO BE TRANSFERRED FROM THE GENERAL FUND TO THE SPECIAL PROJECTS FUND;

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 to help mitigate the financial impact of the COVID-19 pandemic, the Ohio Bureau of Workers Compensation (“BWC”) has issued three premium rebates, or dividends, to Ohio employers. The first two dividends that the city of Oakwood received totaled \$318,641.64. The third, which was authorized on November 2, 2020, resulted in an additional \$566,175 for Oakwood, bringing the total dividends for 2020 to \$884,816.64.

This income was unexpected and unbudgeted. Council believes it is prudent to transfer a large portion of it to the City’s Special Projects Fund, which is a special fund used to set money aside for future financial needs of the city. The supplemental appropriation ordinance being introduced now will authorize the transfer of \$500,000 of the City’s BWC dividend to the Special Projects Fund.

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

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

Vice Mayor Byington explained that the Special Projects Fund provides a way for Oakwood to set money aside to pay for upcoming projects without the City having to go into debt.

Mayor Duncan commented that he is grateful to Ohio Governor Mike DeWine for authorizing the dividends to local government. The dividends were available because more people are working remotely, thus fewer BWC claims, and there have been significant gains on investments.

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 S. HILTON.....	YEA
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.

AN ORDINANCE

BY MR. STEPHENS NO 4928

AN ORDINANCE AMENDING SECTION 311.05, TOY VEHICLES UPON ROADWAY, OF THE OAKWOOD TRAFFIC CODE TO CLARIFY THAT THE SAME DOES NOT APPLY TO THE USE OF CERTAIN SCOOTERS, SKATEBOARDS, AND ROLLER SKATES, AND ENACTING NEW SECTION 371.13, NON-COMMERCIAL SCOOTERS, SKATEBOARDS, AND INLINE ROLLER SKATES, OF THE OAKWOOD TRAFFIC CODE TO REGULATE THE USE OF SUCH VEHICLES UPON PUBLIC STREETS, ALLEYS, AND SIDEWALKS.

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 an ordinance to update Oakwood’s laws for the use of scooters, skateboards, and inline skates on public streets and sidewalks.

Scooters, skateboards, and inline skates are commonly used by children and adults in Oakwood for transportation and recreation. A recent review of Oakwood’s Code revealed that they are technically prohibited for street use and there are no regulations for their use on sidewalks.

The reason they are prohibited for street use is that they are classified as toy vehicles, a legal category that also includes things like sleds and wagons. That may have made sense at one time, but today these vehicles are used as commonly as bicycles. The ordinance being introduced tonight will update Oakwood’s laws to reflect this.

This ordinance accomplishes three things:

1. It gives scooters, skateboards, and inline skates their own definitions, separate from the definition of “toy vehicle.”
2. It allows scooters, skateboards, and inline skates to be used on public streets and alleys, treating them the same as joggers and other pedestrian traffic. That means:

- They must travel along the curb, facing oncoming traffic, and must yield the right of way to all other vehicles;
 - They may not be used on busy streets like Far Hills, Shroyer, or Patterson; and
 - From a half-hour before sunset to a half-hour after sunrise, they must wear lights or reflective clothing, or must vacate the street upon the approach of any motor vehicle.
3. It allows scooters, skateboards, and inline skates to be used on sidewalks, as long as the user yields the right of way to pedestrians and does not operate recklessly.

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

AN ORDINANCE
 BY VICE MAYOR BYINGTON NO 4929
 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER
 INTO AN AMENDED AND RESTATED LEASE AGREEMENT WITH
 THE WRIGHT LIBRARY BOARD OF TRUSTEES.

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 Wright Memorial Library is located on property owned by the City. The City’s land is approximately 2.91 acres bounded by Aberdeen and Telford Avenues to the north and south, by Far Hills Avenue to the west, and the edge of the Smith School property to the east.

The lease history of this land is a bit complicated. In 1938, City Council authorized the Library Board to lease the entire parcel for 99 years, extending until 2037, at an annual rent of \$1.00. It appears to have been done on a handshake, because although the building was constructed and the Library Board began operating it as a public library, no written lease was actually prepared until 1955.

In 1971, the Library apparently decided it did not need the open lawn and wooded area between the library building and the Smith School property, and the City was maintaining that area anyway. The Library agreed to sublease that portion of the land back to the City in exchange for the City’s agreement that it would maintain the area as greenspace or a public park. In effect, the City became sub-lessees of land that we already owned...and the City paid \$1.00 a year for that privilege.

It is now 2020, with about 17 years left on the original lease and subsequent sublease, and the Library Board is working on a project to make a number of improvements to the building. Most of the improvements are on the interior, but they have proposed a small expansion at the rear entrance of the building. In reviewing the Library’s expansion proposal, city staff determined that it will encroach on the City’s subleased portion of the property.

In order to accommodate the expansion proposal, the agreement between the City and Library needs to be amended to adjust the lease line boundary. The City Attorney has worked with the Library Board to come up with an Amended and Restated Lease Agreement that will accomplish that purpose. To keep things as simple and efficient as possible, the updated agreement will replace both prior agreements with a single document.

The ordinance being introduced tonight will approve this updated agreement. It is Council’s understanding that the Library Board is also meeting tonight, and they will be approving the updated agreement as well. This ordinance is being introduced as an emergency measure so the updated agreement can be signed right away and the project can proceed as scheduled.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton that the ordinance 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
MRS. ANNE HILTON.....	YEA
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.

AN ORDINANCE
BY VICE MAYOR BYINGTON NO 4930
AN ORDINANCE TO ESTABLISH AN AMENDMENT TO THE
ORGANIZATION AND STAFFING SCHEDULE FOR THE PURPOSE
OF COMBINING AND RENAMING THE CLASSIFICATIONS OF
WATER PLANT SUPERINTENDENT AND WATER AND SEWER
LINE MAINTENANCE FOREMAN; ELIMINATING THE MOTOR
EQUIPMENT OPERATOR CLASSIFICATION; AMENDING THE
NUMBER OF AUTHORIZED POSITIONS FOR THE TRUCK DRIVER
I, MAINTENANCE WORKER, AND GENERAL SERVICE WORKER
CLASSIFICATIONS; CLARIFYING TITLES FOR OTHER
CLASSIFICATIONS; AND DECLARING 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 first reading of an ordinance to update Oakwood's Organization and Staffing Schedule so it reflects the City's current staffing needs.

The updated schedule includes the following changes:

- Combines the Water Plant Superintendent and Water & Sewer Line Maintenance Foreman positions into a single classification to be known as the Water Plant Superintendent/Water & Sewer Foreman classification;
- Eliminates the Motor Equipment Operator classification;
- Changes the number of authorized positions in the classifications for Truck Driver I, Maintenance Worker, and General Service Worker; and
- Clarifies a few titles for other job classifications.

This amendment to the Organization and Staffing Schedule does not add any additional employees to city staff.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mr. Stephens that the ordinance 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
MRS. ANNE HILTON.....	YEA
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 the following report.

Mr. Klopsch thanked City Council for approving the 2021 budget. He shared that he looks forward to providing continued public services to the community in 2021.

The Oakwood Public Safety Department recently responded to a medic call where the resident needing assistance was COVID positive. Without hesitation, the medic crew responded wearing appropriate protective equipment and provided the needed medical assistance. Mr. Klopsch mentioned this to the community as a reminder that city staff continues to provide emergency and essential services throughout the pandemic.

The Oakwood Public Works Department completed the annual training to prepare for snow operations. City staff is ready to respond to snow events and to keep roads safe in the winter.

The city of Kettering began construction in early December on the Ridgeway Road Bridge Replacement project. The project includes the complete replacement of the bridge. It is expected to be finished in the fall of 2021. The city of Kettering's website has additional information on the lane and roadway closures as well as construction details and progress updates.

COUNCIL COMMENTS

Mr. Stephens thanked Leisure Services Director Carol Collins and her staff for going above and beyond with the Holiday of Lights Drive Through event this past Sunday. He also thanked everyone in the City for taking the time to display holiday lights. He closed his comments by wishing everyone a happy and safe holiday season.

Vice Mayor Byington echoed Mr. Stephens comments. He shared that Thursday, December 17 is the 117th anniversary of the Wright brother's first flight. There will be a virtual celebration online event shown on Wright Brothers National Memorial's Facebook page. He added that a B-1 Bomber will fly over the Dayton area at 10:35 a.m. that day.

Mayor Duncan read excerpts from two different citizen letters. The first letter was sent to the Kettering Police Department from a Kettering resident regarding an event that happened near his home.

"We became aware that something was going on when we saw the flashing red and blue lights of a police car reflecting off of the house next door to us. We watched for a while and then saw a man walk down the alley. Then we saw two men near the driveway. Then another police vehicle arrived, stopped near our house and then left. A few minutes later another car arrived and then, without us noticing, two police cars were almost blocking Orchard Drive at Aerial Avenue. Then we noticed another car parked on Aerial Avenue. We observed that several times one to three officers took advantage of the motion sensor lights to look over some papers using the Rumpke trash dumpster as a table. We figured out that something serious was going on but we had no idea what it was.

Then a large step van pulled up, eventually followed by another. But around that time a strange thing began as private cars and trucks arrived. Civilian looking men got out and began to get dressed out of their trunks. At that time we realized that they must be S.W.A.T. We watched as they matter-of-factly went about the business of putting on their gear just like they were putting on a coat and tie to go to work. There was no evidence of any hesitation about preparing to put themselves into a potentially dangerous situation. Eventually we were able to account for 10 police vehicles and one ambulance but we know that there were probably more, because of what occurred next. After some prep time, there was another meeting in the driveway at the dumpster at which there were several uniformed officers and around a dozen officers in some sort of body armor. This was an extraordinary sight to see in real life. Then, over the next few minutes, the crowd dispersed and we saw six people head down the alley and the others "disappeared". At that time we were sure that we and our house was not in danger and that there was nothing else for us to observe so we went back to bed, feeling safe and secure.

The reason that we are writing this letter is to tell you how impressed we are with all that we saw. First, there is just the number of police that were right outside our house protecting us. Then there was the fact that if we hadn't seen the flashing light we wouldn't have even known that something was going on. The quiet, of the way you went about your business, was somewhat eerie but it is also very reassuring and impressive. We realize that some of you were abruptly awoken from a good night's sleep and that some of you did then have to go to your regular shift without a full night's sleep. This is most likely accepted as just "part of the job" but it still shouldn't go unnoticed or unrecognized.

Our only regret is that on that day we took down our blue stripe "We support police" flags. We know that, if they had been up, none of you would likely have seen them in the dark but we wish that our support was still visibly present while you were going about your work. We want to tell you that we support you and appreciate that you were there protecting us even though we seldom get the opportunity to see this in person.

We hope that we never have to see you in action again and that, having had this experience, we now feel, more vividly, your ever presence in our neighborhood."

Mayor Duncan shared that Oakwood Public Safety Officers Ryan Rump and Jeremy Smith are on the Kettering Regional S.W.A.T. Team and responded to this incident.

The second letter Mayor Duncan read was from an Oakwood citizen that participated in Oakwood's Citizens Police Academy.

"I just wanted to send a quick note of thanks for creating and offering the Oakwood Public Safety Department Citizen Police Academy. I absolutely loved attending – anyone who I have spoken to over the past 9 weeks has heard about how much I enjoyed learning more about what the Public Safety Department does.

The course structure was great. My favorite parts, of course, were the practicals; the practicals were well thought out and really hands-on. They gave us so much more insight into all the aspects of the department and my kids loved seeing me in action when I was able to take pictures and video.

Also, I really appreciated getting to meet all the department's officers. It's nice to have the names with the faces we see every day around town keeping us and, most importantly, our children safe.

It really was a class act and I'm very happy I decided to apply. I am very much looking forward to driving the fire engine and the ride-along – whenever that is permitted again.

If you ever decide to create something similar to this course for children, I'd love to help out! My kids loved hearing all about the course every Thursday morning on our walk to school. They asked if there was something like this for them - I promised them I'd ask. They will be your first 2 applicants!

Thank you again for all you and your officers do every single day to keep us safe!"

Mayor Duncan reported that there was a structure fire on the north side of Volusia last week. Public Safety Officer (PSO) Justin Slone arrived on the scene in 30 seconds. PSO Slone was able to confirm that it was a working structure fire and the sole occupant was safely out of the residence. Unit E26 (including PSOs Pond and Schaffer) responded and arrived on the scene in 4 minutes. Mutual aid was requested and was on scene for about two and a half hours.

Mayor Duncan closed his comments by stating that when you think about how terrible this year has been, Oakwood is blessed to have city staff working hard day in and day out to provide essential services. On behalf of City Council and Oakwood citizens, Mayor Duncan thanked all city employees so they know how deeply appreciated they are.

The public meeting concluded at 8:05 p.m.



MAYOR

ATTEST:



CLERK OF COUNCIL